



National Land Code (Act 56 of 1965)



Disclaimer:

The publication of this Act is for the sole purpose of reference only. Although all attempts had been done to ensure accuracy, it is advisable to refer the Authoritative Text for any legal use.

In force from: 1 January 1966

Date of Royal Assent18 September 1965

PREAMBLE

DIVISION I
INTRODUCTORY

PART 1: PRELIMINARY

- 1. Short title.**
- 2. Application.**
- 3. Commencement.**
- 4. Savings.**
- 5. Interpretation.**

PART 1(A): COMPUTERIZED LAND REGISTRATION SYSTEM

- 5A. Coming into force of the Computerized Land Registration System in any land Registry.**
- 5B. Amendment of any form in the Fourteenth Schedule.**

PART 1(B): MODIFICATIONS TO FACILITATE THE IMPLEMENTATION OF THE PENGURUSAN DANAHARTA NASIONAL BERHAD ACT 1998

- 5C. Modifications to facilitate the implementation of Pengurusan Danaharta Nasional Berhad Act 1998.**

PART 1(C): MODIFICATIONS TO FACILITATE THE IMPLEMENTATION OF THE ELECTRONIC LAND ADMINISTRATION SYSTEM

- 5D. Coming into operation of the Electronic Land Administration System in any land Registry.**

PART 2: ADMINISTRATION

CHAPTER 1

POWERS OF THE FEDERATION AND OF FEDERAL OFFICERS

6. Federal Lands Commissioner and other Federal Officers.
7. Delegation of Minister's powers to Director General.
8. General powers of Director General.
9. National Land Council: initiation of action with respect to certain matters.
10. Regulation of procedure, etc., of Survey and Mapping Department.

CHAPTER 2

POWERS OF THE STATES AND OF STATE OFFICERS

11. Administrative areas.
12. State Director and other State Officers.
13. Delegation of powers of State Authority to State Director, etc.
14. Power of State Authority to make rules.
15. General powers of State Director, etc.
16. Actions by and against the State Authority.
17. Power to require removal, etc., of trees.
18. Power to consolidate notices, orders and notifications.

CHAPTER 3

GENERAL PROVISIONS RELATING TO OFFICERS, ETC.

19. Information to be kept secret.
20. Purchase of land by officers, etc.
21. Officers to be public servants.
22. Protection of officers.

CHAPTER 4

PROVISIONS RELATING TO ENQUIRIES

23. Interpretation.
24. Conduct of enquiry.
25. Time and place of enquiry.
26. Enquiry to be open to public.
27. Notice of enquiry.
28. Cancellation and postponement of enquiries, and change of venue.
29. Hearing of enquiry.

30. Veracity of evidence.
31. Substance of evidence and reasons for decision to be recorded.
32. Inspection of record of evidence, etc.
33. No alteration, etc., of decision or order.
34. Re-opening of enquiry.
35. Death etc., of Land Administrator.
36. Former applications.
37. Appeal.
38. Costs of enquiry.
39. Application of Penal Code.

PART 3: RIGHTS AND POWERS OF THE STATE AUTHORITY

CHAPTER 1

PROPERTY IN LAND AND POWERS OF DISPOSAL

40. Property in State land, minerals and rock material.
41. Powers of disposal of State Authority, and rights in reversion, etc.
42. Powers of disposal.
43. Persons and bodies to whom land may be disposed of.
44. Extent of disposal: general.
45. Extent of disposal: minerals, rock material and forest produce.
46. Reversion, etc., to the State Authority.
- 46A. Reversion to State Authority of an undivided share in land.
47. Buildings to vest in State Authority on reversion, etc.
48. No adverse possession against the State.
49. Effect of advance or retreat of sea, etc.
50. Power of State Authority to vary provisions, extend time, etc.

CHAPTER 2

CLASSIFICATION AND USE OF LAND

51. Classification of land.
52. Categories of land use and application thereof to lands alienated under this Act.
53. Conditions affecting use of lands alienated before commencement until category of land use imposed.
54. Application of categories of land use to lands alienated before commencement.
55. Application of section 53 to lands approved before commencement.
56. Application of section 54 to lands approved before commencement.

CHAPTER 3

RIGHTS OF ACCESS TO, AND USE OF, ALIENATED LANDS

- 57. General.
- 58. Nature and extent of rights.
- 59. Notice of intended works.
- 60. Objection to intended works.
- 61. Compensation.
- 61A. Private person carrying out works.

DIVISION II

DISPOSAL OF LAND

PART 4: DISPOSAL OTHERWISE THAN BY ALIENATION

CHAPTER 1

RESERVATION OF LAND

- 62. Power of reservation of State land.
- 63. Power to lease reserved land.
- 64. Revocation of reservation.

CHAPTER 2

TEMPORARY OCCUPATION OF LAND

- 65. Power to licence temporary occupation of State land, mining land and reserved land.
- 66. Issue of temporary occupation licences.
- 67. Duration, conditions, etc., and form of temporary occupation licences.
- 68. Temporary occupation licences not capable of transfer or transmission on death.
- 68A. Deposits in respect of temporary occupation licence.
- 69. Combined temporary occupation licence and permit under Chapter 3.

CHAPTER 3

REMOVAL OF ROCK MATERIAL

- 70. Power to permit extraction and removal of rock material.
- 71. Issue of Permits.
- 72. Duration, conditions, etc., and form of permits.
- 73. Permits not capable of transfer or transmission on death.

- 74. Deposits in respect of permits.
- 75. Effect of permits on conditions affecting land.

CHAPTER 4

PERMIT TO USE AIR SPACE ABOVE STATE LAND AND RESERVED LAND

- 75A. Power to permit use of air space above State land or reserved land.
- 75B. Applications for permit.
- 75C. Issue of permits on approval.
- 75D. Conditions etc. of permits.
- 75E. Permits not capable of assignment except with consent of State Authority.
- 75F. Deposit or security in respect of permits.
- 75G. Power to cancel permits.

PART 5: DISPOSAL BY ALIENATION

CHAPTER 1

INTRODUCTORY

- 76. Meaning of alienation.
- 77. Titles under which land may be alienated.
- 77A. (Repealed).
- 78. How alienation is effected.

CHAPTER 2

APPROVAL OF LAND FOR ALIENATION

- 79. General provisions relating to approvals.
- 80. Supplementary provisions relating to approvals.
- 81. Items of land revenue payable on approval.
- 82. Power to require payment of deposit.

CHAPTER 3

ALIENATION UNDER FINAL TITLE

- 83. Survey for purposes of alienation under final title.
- 84. Re-computation of items of land revenue after survey.
- 85. Register and issue documents of title.
- 86. Form of documents for Registry title.
- 87. Form of documents for Land Office title.
- 88. Registration of register documents of title.

89. Conclusiveness of register documents of title.
90. Issue of issue documents of title.
91. Exemption of documents of title from stamp duty.
92. Indefeasibility of final title, and rights of dealing etc.

PART 5(A): DISPOSAL OF UNDERGROUND LAND

- 92A. Interpretation.
- 92B. Specification of rights in respect of underground land upon alienation.
- 92C. Alienation of underground State land.
- 92D. Application for independent use or alienation of underground land below alienated land.
- 92E. Specification of rights in respect of underground land upon the grant of a lease of reserved land.
- 92F. Lease of underground land below reserved land.
- 92G. Application for independent use of underground land below leased reserved land.
- 92H. Relationship of this Part to other provisions of this Act.
- 92I. Regulations by the Minister.

DIVISION III

ALIENATED LANDS; INCIDENTS AND REGISTRATION OF TITLE

PART 6: RENT

CHAPTER 1

GENERAL

93. Rent to be a debt due to State Authority.
94. When rent due, and when in arrear.
95. Where rent payable.
96. Computation of rents.

CHAPTER 2

COLLECTION OF ARREARS OF RENT

97. Notice of demand.
98. Right of chargees, lessees, etc., to pay sum demanded.
99. Effect of payment of sum demanded.
100. Forfeiture for non-payment of sum demanded.

CHAPTER 3
REVISION OF RENT

- 101. Power of State Authority to revise rents periodically.
- 102. Power in respect of lands alienated before commencement.

PART 7: CONDITIONS AND RESTRICTIONS IN INTEREST

CHAPTER 1
GENERAL

- 103. Interpretation and scope.
- 104. Conditions and restrictions in interest to run with the land.
- 105. Duration of conditions and restrictions in interest.
- 106. Time to be of the essence of fixed-term conditions of a positive character.
- 107. Extension of time for compliance with fixed-term conditions of a positive character.
- 108. Conflict with local by-laws, etc.

CHAPTER 2

SUMMARY OF CONDITIONS AND RESTRICTIONS IN INTEREST AFFECTING ALIENATED LANDS

- 109. Conditions, etc., applicable on alienation.
- 110. Conditions, etc., applicable as from commencement.
- 111. Conditions, etc., applicable after category of land use imposed under section 54.
- 112. Conditions, etc., applicable on alienation, and after imposition of category of land use by virtue of section 56.
- 113. Manner in which changes may be effected.

CHAPTER 3
IMPLIED CONDITIONS

- 114. Implied conditions affecting all alienated land.
- 115. Implied conditions affecting land subject to the category "agriculture".
- 116. Implied conditions affecting land subject to the category "building".
- 116A. (Repealed).
- 117. Implied conditions affecting land subject to the category "industry".
- 118. Implied condition affecting agricultural land alienated under qualified title.
- 119. Implied condition affecting land alienated before commencement for padi cultivation.

CHAPTER 4

EXPRESS CONDITIONS AND RESTRICTIONS IN INTEREST

- 120. Imposition of express conditions and restrictions in interest on alienation under this Act.
- 121. Category: Agriculture.
- 122. Categories: Building and Industry.
- 123. Imposition of express conditions on land becoming subject to a category under section 54.
- 124. Power of State Authority to vary conditions, etc., on application of proprietor.
- 124A. Simultaneous applications for sub-division and under section 124(1) in respect of the proposed sub-divisional portions.

CHAPTER 5

ENFORCEMENT OF CONDITIONS

- 125. When a breach of condition arises.
- 126. Breach of complex condition.
- 127. Liability to forfeiture for breach of condition.
- 128. Summary action to secure remedying of breach of condition.
- 129. Action to enforce forfeiture for breach of condition.

PART 8: FORFEITURE

- 130. Forfeiture to take effect upon notification in the Gazette.
- 131. Effects of forfeiture.
- 132. Land not to be re-alienated, etc., during period for appeal against forfeiture.
- 133. Power of State Authority to annul forfeiture, or re-alienate to previous proprietor on new terms, etc.
- 134. Appeals against forfeiture.

PART 9: SUB-DIVISION, PARTITION AND AMALGAMATION

CHAPTER 1

SUB-DIVISION OF LANDS

- 135. Power of proprietor to sub-divide with approval of State Director or Land Administrator.
- 136. Conditions for approval of sub-division.

- 137. Applications for approval.
- 138. Powers of Land Administrator or State Director in relation to applications.
- 139. Issue of title to sub-divisional portions.

CHAPTER 2
PARTITION OF LANDS

- 140. Powers of co-proprietors to partition with approval of State Director Land Administrator or State Authority.
- 141. Conditions for approval of partition.
- 141A. Application for partition by any co-proprietor.
- 142. Applications for approval.
- 143. Powers of Land Administrator or State Director in relation to applications.
- 143A. Power of State Authority in relation to application for partition of land subject to the category "agriculture".
- 144. Issue of title to individual portions.
- 145. Power of Court to facilitate termination of co-proprietorship.

CHAPTER 3
AMALGAMATION OF LANDS

- 146. Power of proprietor to amalgamate contiguous lots with approval of State Director or Land Administrator.
- 147. Conditions for approval of amalgamation.
- 148. Applications for approval.
- 149. Powers of Land Administrator or State Director in relation to applications.
- 150. Issue of title to combined area.

CHAPTER 4
SUB-DIVISION OF BUILDINGS

151 - 157. (Repealed).

PART 9(A): POWERS OF ATTORNEY

- 157A. Application by donee of a power of attorney.
- 157B. Procedure in respect of filing of copy of power of attorney.

PART 10: PREPARATION AND MAINTENANCE OF REGISTERS ON FINAL TITLE

CHAPTER 1

THE REGISTERS

- 158. Registry title- the register of grants and the register of State leases.
- 159. Land Office title _ the Mukim Registers.
- 160. Saving for existing registers.
- 160A. Definition of "new district".
- 160B. Powers of Land Administrator of new district in respect of registers.
- 160C. Issue of title in continuation.

CHAPTER 2

161-163. (Repealed).

CHAPTER 3

FINAL TITLE IN CONTINUATION OF FINAL TITLE

- 164. When title in continuation may be issued under this Chapter.
- 165. General provisions with respect to documents in continuation.
- 166. Circumstances in which title in continuation may be issued to land as a whole.
- 167. Preliminary procedure in circumstances described in section 166(1)(a) or (e).
- 168. Preliminary procedure in circumstances described in section 166 (1)(c) or (d).
- 169. Costs of issuing title in continuation to land as a whole.
- 170. Form and content of documents in continuation of title to land as a whole.
- 171. Preliminary procedure in cases of sub-division.
- 172. Preliminary procedure in cases of partition and amalgamation.
- 173. Form and content of documents in cases of sub-division, partition and amalgamation.
- 174. Cancellation, etc., of subsisting documents of title.
- 175. Power to issue duplicate issue document only where register document not in need of renewal.

CHAPTER 4

REPLACEMENT OF REGISTER DOCUMENT OF FINAL TITLE

- 175A. Power to replace register document of title where the register is lost, etc.
- 175B. Application for registration as a proprietor of land or of interest in the present register.
- 175C. Preparation of provisional register document of title.
- 175D. Provisional register document of title to be opened for inspection.
- 175E. Objection.
- 175F. Authentication of the provisional register document and the effect of such authentication.

PART 11: FINAL TITLE AND QUALIFIED TITLE

CHAPTER 1

INTRODUCTORY

- 176. Purposes and effect of qualified title.
- 177. Forms of qualified title, and documents of title appropriate thereto.
- 178. Preparation, registration and issue of documents of qualified title.
- 179. Registers of qualified title.

CHAPTER 2

ALIENATION UNDER QUALIFIED TITLE

- 180. Qualified title to be registered and issued upon approval of alienation.
- 181. Procedure prior to registration and issue of qualified title.
- 182. Rent to be paid on basis of approved area.

CHAPTER 3

QUALIFIED TITLE IN CONTINUATION

- 183. Sub-division.
- 183A. Power of Registrar or Land Administrator relating to the issuance of final title upon subdivision.
- 184. Partition.
- 184A. Power of Registrar or Land Administrator relating to the issuance of final title upon partition.
- 185. Amalgamation.
- 185A. Power of Registrar or Land Administrator relating to the issuance of final

- title upon amalgamation.
186. Contents of documents prepared on sub-division, partition of amalgamation.
 187. Power to issue title in continuation where register document full up, etc.
 - 187A. Power to replace register document of qualified title where the register is lost, etc.
 - 187AA. Power to issue title in continuation upon creation of a new district under section 160A.
 - 187B. Power to issue duplicate issue document of qualified title only where register document not in need of renewal.
 188. Cancellation, etc., of subsisting documents of title.

CHAPTER 4

CONVERSION OF QUALIFIED TITLE INTO FINAL TITLE

189. Conversion to take place after survey.
190. Procedure in case of land alienated under qualified title.
191. Procedure in case of land held under qualified title on sub-division etc.
192. Preparation, registration and issue of documents of final title.
193. Contents of documents of title.
194. Cancellation, etc. of subsisting documents of title.

PART 12: SURRENDER OF TITLE

POWER TO SURRENDER

195. Power to surrender whole or part with approval of State Director or Land Administrator.
196. Conditions for approval of surrender.

PROCEDURE FOR SURRENDER OF WHOLE

197. Applications for approval of surrender of whole.
198. Procedure on applications.
199. Re-vesting of land: destruction of issue document: Gazette notification.

PROCEDURE FOR SURRENDER OF PART ONLY

200. Applications for approval of surrender of part.
201. Procedure on applications.
202. Re-vesting of part surrendered, and re-survey of part retained.

SURRENDER AND RE-ALIENATION CONTIGUOUS LOTS HELD UNDER LAND OFFICE TITLE

203. Applications for surrender and re-alienation, and procedure thereon.

204. Procedure for re-alienation.

SURRENDER AND RE-ALIENATION-SPECIAL PROVISIONS

204A. Declaration as to continued operation of section 124 and Chapters 1 and 3 of Part Nine.

204B. Power to approve surrender and re-alienation.

204C. Conditions for approval of surrender and re-alienation.

204D. Applications for approval of surrender and re-alienation.

204E. Procedure on applications.

204F. Reconsideration under section 79(2) and withdrawal of application.

204G. Reversion of land and destruction of issue document.

204GA. Land subject to charge.

204H. Application of Act to re-alienation as to alienation.

DIVISION IV

ALIENATED LANDS: DEALINGS

PART 13: GENERAL

205. Dealings capable of being effected, and persons capable of taking thereunder.

206. Need for proper instrument of dealing duly registered.

207. Form of instruments of dealing.

208. Instruments to contain description, etc., of parties.

209. Instruments to contain proper description of land affected.

210. Execution of instruments of dealing.

211. Attestation of instruments of dealing.

212. Inclusion in one instrument of dealings affecting different lands.

213. Special provisions with respect to tenancies exempt from registration.

PART 14: TRANSFERS

POWERS OF TRANSFER

214. What may be transferred, and restrictions on exercise of powers.

214A. Control of transfer of estate land.

TRANSFERS OF LAND

- 215. Form, and effect generally, of transfer of land.
- 216. Additional provisions with respect to lands transferred subject to leases, charges, etc.

TRANSFERS OF UNDIVIDED SHARES

- 217. Form and effect of transfer of undivided share.

TRANSFERS OF LEASES AND CHARGES

- 218. Form of transfer of lease or charge.
- 219. Effect of transfer of lease or charge.

TRANSFERS OF EXEMPT TENANCIES

- 220. Form and effect of transfer of exempt tenancy.

PART 15: LEASES AND TENANCIES

CHAPTER 1

POWERS OF LEASING, ETC.

- 221. Power of proprietors to lease for terms exceeding 3 years.
- 222. Power of lessees and sub-lessees to sub-let for terms exceeding 3 years.
- 223. Power of proprietors, lessees, etc., to grant tenancies not exceeding 3 years.
- 224. Calculation of terms of leases and tenancies.
- 225. General restrictions on powers conferred by this Chapter.
- 226. Additional restriction where land or lease subject to prior charge.
- 227. Effect of leases and tenancies.
- 228. Options for renewal, or for purchase of reversion.
- 228A. Reference to a part of any building.

CHAPTER 2

EXPRESS AND IMPLIED PROVISIONS

- 229. Incorporation of agreements set out in Schedule 6.
- 230. Agreements implied in all leases and sub-leases.
- 231. Agreements by lessees and sub-lessees implied in absence of contrary

- intention.
232. Agreements by lessors and sub-lessors implied in absence of contrary intention.
233. Construction of implied agreements to keep "in repair".

CHAPTER 3
FORFEITURE

234. Power of forfeiture.
235. Notice before forfeiture.
236. Effect of forfeiture.
237. Relief against forfeiture.
238. Relief to persons and bodies having dependent interests.

CHAPTER 4
DETERMINATION OF LEASES AND TENANCIES

239. Surrender.
240. Determination otherwise than by surrender.

PART 16: CHARGES AND LIENS

CHAPTER 1
CREATION OF CHARGES, AND GENERAL PROVISIONS RELATING THERETO

241. Powers of charging.
242. Form of charges.
243. Effect of charges.
244. Custody of issue document of title or duplicate lease.
245. Restriction on consolidation.
246. Tacking of further advances.
247. Postponement of charges.
248. Application of this Part to existing charges.

CHAPTER 2
IMPLIED PROVISIONS

249. Agreements by chargor implied in all charges.
250. Agreements by chargor implied in absence of contrary intention.
251. Implied agreement by chargee as to consent to leases, etc.
252. Construction of implied agreements to keep "in repair".

CHAPTER 3

REMEDIES OF CHARGEES: SALE

- 253. Purpose and scope of this Chapter.
- 254. Service of default notice, and effect thereof.
- 255. Special provision with respect to sums payable on demand.
- 256. Application to Court for order for sale.
- 257. Matters to be dealt with by order for sale.
- 258. Procedure prior to sale.
- 259. Procedure at sale.
- 260. Application to Land Administrator for order for sale.
- 261. Land Administrator to hold enquiry.
- 262. Provisions as to enquiry.
- 263. Order for sale, and matters to be dealt with thereby.
- 264. Procedure prior to sale.
- 264A. Postponement or cancellation of an order for sale by Land Administrator.
- 265. Procedure at sale.
- 266. Right of chargor to tender payment at any time before sale.
- 266A. Statement of payment due.
- 267. Effects of sale.
- 267A. Application of deposit upon failure to settle purchase price etc..
- 268. Application of purchase money.
- 268A. Application of purchase money by chargee who is a financial institution.
- 269. Protection of purchasers.

CHAPTER 4

REMEDIES OF CHARGEES: POSSESSION

- 270. Limitation of powers to certain lands, and to first chargees only.
- 271. Power of chargee to take possession on any default by chargor.
- 272. Procedure for taking possession.
- 273. Duration of right to possession.
- 274. Position of chargee in possession.
- 275. Power of chargee in possession to grant leases and accept surrenders.
- 276. Provisions as to notices by chargees to receive rents.
- 277. Application of rents and profits by chargees in possession.

CHAPTER 5

DISCHARGE

- 278. Discharge otherwise than by payment.
- 279. Discharge by payment to Registrar in cases of death, absence or disability.
- 280. Memorialisation on discharge by payment.

CHAPTER 6

LIENS

- 281. Creation and effect, of liens.

PART 17: EASEMENTS

CHAPTER 1

CREATION

- 282. Meaning of "easement".
- 283. Rights able to be granted as easements.
- 284. Necessity for express grant.
- 285. Restrictions on power to grant.
- 286. Form, and effect, of grants.
- 287. Enjoyment of easements by lessees, tenants and chargees in possession.
- 288. Special provisions as to easements of way.

CHAPTER 2

RELEASE, EXTINGUISHMENT AND CANCELLATION

- 289. Release of easement by dominant proprietor.
- 290. Extinguishment of easements by unity of title and possession.
- 291. Cancellation of easements by Registrar.

PART 18: REGISTRATION OF DEALINGS

CHAPTER 1

PRESENTATION OF INSTRUMENTS FOR REGISTRATION

- 292. Instruments capable of being registered, and method of presentation therefor.
- 293. Fees to accompany instruments so presented.
- 294. Documents to accompany instruments so presented.

- 295. Entry of instruments in Presentation Book.
- 296. Withdrawal of instruments.

CHAPTER 2

PROCEDURE GENERALLY

- 297. Registrar to determine fitness for registration, and register if fit and accompanied by necessary documents.
- 298. Rejected or suspension for unfitness, or absence of certain documents.
- 299. Procedure in absence of other documents.
- 300. Instruments to be dealt with in order of presentation.

CHAPTER 3

DETERMINATION OF FITNESS FOR REGISTRATION

- 301. When an instrument is fit for registration.
- 301A. Rents to be paid before presentation.
- 302. Enquiries, etc., by Registrar.
- 303. Limitations on Registrar's powers.

CHAPTER 4

MANNER OF REGISTRATION

- 304. How instruments to be registered, and time from which registration effective.
- 305. Other action by Registrar in connection with registration.
- 306. Documents on which copy memorials to be made pursuant to section 305.
- 307. Additional endorsements to be made pursuant to section 305.
- 308. Additional procedure where sale by chargee extinguishes subsequent charges.

CHAPTER 5

POWERS OF ATTORNEY

- 309. Documents to accompany instruments executed under power of attorney.
- 310. Procedure in respect of instruments so executed.
- 311. Enquiries, etc., by Registrar.

CHAPTER 6
CANCELLATION OF REGISTRATION

- 312. Summary of Registrar's powers of cancellation.
- 313. Cancellation of leases and sub-leases on determination otherwise than by surrender.
- 314. Cancellation of charges discharged by payment.
- 315. Cancellation of easements where extinguished by merger, time-expired, obsolete, etc.

CHAPTER 7
ENDORSEMENT OF EXEMPT TENANCIES

- 316. Applications for endorsement.
- 317. Procedure on application.
- 318. Cancellation of endorsement.

PART 19: RESTRAINTS ON DEALING

CHAPTER 1
CAVEATS

- 319. Nature and effect of Registrar's caveats.
- 320. Circumstances in which Registrar's caveats may be entered.
- 321. Procedure with respect to Registrar's caveats and duration thereof.
- 322. Nature and effect of private caveats.
- 323. Applications for entry of private caveats.
- 324. Procedure on applications.
- 325. Withdrawal of private caveats.
- 326. Removal of private caveats by Registrar.
- 327. Removal of private caveats by the Court.
- 328. Lapse of private caveats.
- 329. Compensation for wrongful caveats, and limitation on repeated applications.
- 330. Creation and effect of lien-holders' caveats.
- 331. Determination of lien-holders' caveats.
- 332. Nature and effect of trust caveats.
- 333. Creation of trust caveats and duration thereof.

CHAPTER 2
PROHIBITORY ORDERS

- 334. Meaning of "prohibitory order".
- 335. Prohibitory orders in-effective until entered by Registrar.
- 336. Effect of prohibitory orders.
- 337. Sale of land or interest subject to prohibitory order.
- 338. Lapse of prohibitory order by expiry of time.
- 339. Other methods of determination.

DIVISION V
ALIENATED LANDS - SUPPLEMENTAL

PART 20: INDEFEASIBILITY OF TITLE AND INTEREST

- 340. Registration to confer indefeasible title or interest, except in certain circumstances.
- 341. Adverse possession not to extinguish titles or interests.

PART 21: CO-PROPRIETORSHIP AND TRUSTS

CHAPTER 1
CO-PROPRIETORSHIP

- 342. Meaning of co-proprietorship, and when it arises.
- 343. Incidents of co-proprietorship.

CHAPTER 2
TRUSTS

- 344. Registration as trustee or trustees, and deposit or trust instrument.
- 345. Survivorship.

PART 22: TRANSMISSION ON DEATH AND BANKRUPTCY

DEATH

- 346. Registration of personal representatives.
- 347. Effects of registration.
- 348. Small estates distribution orders.

BANKRUPTCY

- 349. Registration of Official Assignee.
- 350. Effect of disclaimer, discharge, etc.

PART 23: REVERSION IN ABSENCE OF PROPRIETOR

- 351. Reversion to or vesting in State Authority on proprietor's death without successors.
- 352. Reversion to State Authority on abandonment of title by proprietor.

PART 24: RE-SURVEY OF LAND HAVING NATURAL BOUNDARIES

- 353. Re-survey of land alienated before commencement by reference to natural feature boundaries.
- 354. Procedure (including appeal) after re-survey, and provision as to costs.

PART 25: SUB-DIVIDED BUILDINGS

- 355-374. Repealed.

DIVISION VI

GENERAL AND MISCELLANEOUS

PART 26: GENERAL POWERS AND DUTIES OF THE REGISTRAR

- 375. Safe keeping of registers, etc.
- 376. Supply of forms, and issue of guidance notes, etc.
- 377. Marking of instruments, and power to require thumb-prints, etc.
- 378. Changes of name by proprietors, etc.
- 379. Changes of address by proprietors, etc.
- 380. Correction of errors in documents of title, etc.
- 381. Cancellation of obsolete entries, and bringing of documents of title up to date.
- 381A. Power of Land Administrator to standardize express conditions and restrictions in interest.
- 382. Supplementary provisions as to amendments, corrections and cancellations.
- 382A. Memorials, cancellation of subsisting documents after advance, retreat of sea, etc.
- 383. Certified copies of documents of title, etc.

PART 27: SEARCHES

- 384. Private searches.
- 385. Official searches.
- 386. Compensation.

PART 28: LAND ADMINISTRATOR'S RIGHTS OF WAY

- 387. Interpretation.
- 388. Land Administrator's rights of way.
- 389. Characteristics of Land Administrator's rights of way.
- 390. Creation of right.
- 391. Procedure on creation of right.
- 392. Cost of survey, construction, maintenance and repair.
- 393. Compensation.
- 394. Sharing of right by adjacent proprietors.
- 395. Extinction of right.

PART 29: SURVEY

CHAPTER 1

GENERAL

- 396. Manner in which survey is to be carried out.
- 396A. Amendment of Survey plan.
- 397. Control and supervision of officers.
- 398. Powers of Director of Survey and Mapping.
- 398A. Duty to complete survey.
- 399. Duties of Director of Survey and Mapping.
- 400. Notice to secure attendance for purpose of pointing out boundaries, etc.
- 400A. Unauthorized survey.
- 401. Notice to clear boundaries.
- 402. Recovery of cost of boundary marks.
- 403. Penalty for interference with boundary marks and survey reference marks.
- 404. Removal and alteration of boundary marks.
- 404A. Removal and alteration of survey reference marks.
- 405. Replacement of boundary marks which are damaged, etc.
- 405A. Replacement of survey reference marks which are damaged, etc.
- 406. Compensation for damage.
- 407. Errors in survey.
- 408. Director of Survey and Mapping's certificate as to cost of work.

409. Powers of Land Administrator and Settlement Officer.

409A. Survey by Licensed Land Surveyor.

CHAPTER 2

DEPOSITED PLANS

410. Nature of deposited plan.

411. Description of land by reference to deposited plan.

412. Copies of deposited plans.

413. Inspection of plans and inspection and provision of copies.

PART 30: REGISTRATION OF STATUTORY VESTING

414. Interpretation.

415. Application for registration of a statutory vesting of a registered or registerable interest in land.

416. Substitution of transferee for transferor in documents of entitlement.

416A. Recording of reservation of land in favour of transferee.

416B. Provisions in respect of lands falling under Article 166(3) of the Constitution.

416C. Provisions as rights in whole or part of alienated land vested in the transferee.

416D. Transferee to succeed to applications by transferor, and to proceedings to which transferor is a party.

416E. Procedure where transferee unable to produce the issue document of title or document of entitlement.

PART 31: JURISDICTION OF THE COURT

417. General authority of the Court.

418. Appeals to the Court.

419. Power of Registrar and Land Administrator to refer questions to the Court.

420. Registration of vesting orders.

421. Taking of proceedings in name of proprietor, etc.

421A. Interpretation.

PART 31(A): POWER OF INVESTIGATION

421AA. Power of investigation.

421AB. Power to require attendance of witnesses.

421AC. Examination of witnesses.

PART 32: POWERS OF ARREST AND SEIZURE AND PENALTIES

- 422. Penalty for false statements, etc.
- 423. Penalty for fraudulent alteration, destruction, etc., of documents.
- 424. Penalty for failure to produce documents.
- 425. Unlawful occupation, etc., of State land, reserved land or mining land.
- 425A. Unlawful use of air space above State land or reserved land.
- 426. Unlawful extraction or removal of rock material.
- 426A. Power of arrest and seizure.
- 426B. Custody and delivery of things seized.
- 426C. Forfeiture of things seized.
- 426D. No costs or damages arising from seizure to be recoverable.
- 427. Unlawful grazing of animals.
- 428. Obstruction of Land Administrator's rights of way, roads and other public places.
- 428A. Wrongful receipt of information.
- 428AA. Offences committed by body corporate officers deemed to be guilty.
- 429. Miscellaneous penalties.
- 429A. Institution of prosecution.
- 429B. Compounding of offences.

PART 33: SERVICE AND PUBLICATION OF NOTICES

- 430. Interpretation.
- 431. Methods of service.
- 431A. Service where proprietor is dead.
- 432. Substituted service.
- 433. Publication of certain notices and notifications.

PART 33(A): RESTRICTIONS IN RESPECT OF NON-CITIZENS AND FOREIGN COMPANIES

- 433A. Interpretation.
- 433B. Non-citizens and foreign companies may acquire, etc., land only with approval of State Authority.
- 433C. Disposal, dealing, etc., in favour of a non-citizen and foreign company in contravention of section 433B to be null and void.
- 433D. Saving.
- 433E. Other conveyances or disposal to non-citizen or foreign company subject to approval and payment of levy, etc.
- 433F. Execution by non-citizen or foreign company under power of attorney void.

433G. Levy to be paid within thirty days of service of notice of approval.

433H. Non-application of this Part.

PART 34: MISCELLANEOUS

434. Determination, and payment, of compensation under this Act.

435. Rules relating to rice cultivation.

436. Supplementary provision as to forms and procedure.

436A. Particulars of identity card etc., and of citizenship.

437. Form of Presentation Book.

PART 35: REPEALS, TRANSITIONAL PROVISIONS, ETC.

438. Repeal and amendment of existing laws.

438A. Modifications for Federal Territory.

439. Modifications for Penang and Malacca.

440. Modifications for Kelantan.

441. Transitional provision with respect to rules, orders, etc.

442. Transitional provision with respect to administrative areas.

443. Transitional provision with respect to officers.

444. Transitional provision with respect to dealings, etc.

445. Power of State Authority to make additional transitional provisions, etc.

446. Special provision for land subject to conditions in Schedules 2 and 3.

447. Saving for rules of court, and procedure in cases not provided for.

SCHEDULES

- **FIRST SCHEDULE**
- **SECOND SCHEDULE**
- **THIRD SCHEDULE**
- **FOURTH SCHEDULE**
- **FIFTH SCHEDULE**
- **SIXTH SCHEDULE**
- **SEVENTH SCHEDULE**
- **SEVENTH SCHEDULE A**
- **SEVENTH SCHEDULE B**
- **EIGHTH SCHEDULE**
- **NINTH SCHEDULE**
- **TENTH SCHEDULE**
- **ELEVENTH SCHEDULE**
- **TWELFTH SCHEDULE**
- **THIRTEENTH SCHEDULE**
- **FOURTEENTH SCHEDULE**
- **FIFTEENTH SCHEDULE**
- **SIXTEENTH SCHEDULE**

PREAMBLE

An act to amend and consolidate the laws relating to land and land tenure, the registration of title to land and of dealings therewith and the collection of revenue therefrom within the States of Johore, Kedah, Kelantan, Malacca, Negeri Sembilan, Pahang, Penang, Perak, Perlis, Selangor, Terengganu and the Federal Territory of Kuala Lumpur, and for purposes connected therewith.

[Am. Act A1104:s.2]

WHEREAS it is desired to introduce in the form of a National Land Code a uniform land system within the States of Johore, Kedah, Kelantan, Malacca, Negeri Sembilan, Pahang, Penang, Perak, Perlis, Selangor, Terengganu and the Federal Territory of Kuala Lumpur:

[Am. Act A1104:s.3]

AND WHEREAS provision has been made by the National Land Code (Penang and Malacca Titles) Act 1963, for the introduction of a system of registration of title to land in the States of Penang and Malacca, for the issue of replacement titles, for the assimilation of such system to the provisions of the National Land Code, and for matters incidental thereto:

And WHEREAS it is now expedient for the purpose only of ensuring uniformity of law and policy to make a law with respect to land tenure, registration of titles relating to land, transfer of land, leases and charges in respect of land, and easements and other rights and interests in land:

NOW, THEREFORE, pursuant to the provisions of Clause (4) of Article 76 of the Constitution BE IT ENACTED by the Duli Yang MahaMulia Seri PadukaBaginda Yang di-PertuanAgong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

DIVISION 1
INTRODUCTORY
PART ONE
PRELIMINARY

1. Short title.

This Act may be cited as the **National Land Code**.

2. Application.

This Act shall apply only in the States of Malaya.

3. Commencement.

This Act shall come into force in each State upon such date as the Minister may, with the approval of the National Land Council, appoint in relation to that State by a notification in the *Gazette* of the Federation.

4. Savings.

(1) Nothing in this Act shall affect the past operation of, or anything done under, any previous land law or, so far as they relate to land, the provisions of any other law passed before the commencement of this Act:

Provided that any right, liberty, privilege, obligation or liability existing at the commencement of this Act by virtue of any such law shall, except as hereinafter expressly provided, be subject to the provisions of this Act.

(2) Except in so far as it is expressly provided to the contrary, nothing in this Act shall affect the provisions of-

- (a) any law for the time being in force relating to customary tenure;
- (b) any law for the time being in force relating to Malay reservations or Malay holdings;
- (c) any law for the time being in force relating to mining;
- (d) any law for the time being in force relating to sultanate lands;
- (e) any law for the time being in force relating to *wakaf* or *bait-ul-mal*;
- (f) the Trengganu Settlement Enactment, 1356;
- (g) the Padi Cultivators (Control of Rent and Security of Tenure) Ordinance, 1955;
- (h) the Kelantan Land Settlement Ordinance, 1955;
- (i) the Land (Group Settlement Areas) Act, 1960;
- (j) *(ia)* the Perlis Land Settlement Enactment 1966; or
- (k) any law for the time being in force relating to exemptions from the payment of land revenue;

and, in the absence of express provision to the contrary, if any provision of this Act is inconsistent with any provision of any such law, the latter provision shall prevail, and the former provision shall, to the extent of the inconsistency, be void.



5. Interpretation.

In this Act, in all documents of title to alienated land, and in all leases, licences, permits, notices, agreements and other documents relating to land granted, issued or entered into by or on behalf of the State Authority (including documents existing at the commencement of this Act), unless the context otherwise requires-

"agriculture" includes the cultivation of any crop (including trees cultivated for the purpose of their produce), market gardening, the breeding and keeping of honey-bees, livestock and reptiles, and aquaculture;

"alienate" means to dispose of State land in perpetuity or for a term of years, in consideration of the payment of rent, and otherwise in accordance with the provisions of section 76 or, when used in relation to the period before the commencement of this Act, to dispose of State land in perpetuity or for a term of years under a previous land law (not being a law relating to mining);

"alienated land" means any land (including any parcel of a sub-divided building) in respect of which a registered title for the time being subsists, whether final or qualified, whether in perpetuity or for a term of years, and whether granted by the State Authority under this Act or in the exercise of powers conferred by any previous land law, but does not include mining land;

"appropriate authority" when used in relation to any consent or approval, means the authority having power under any written law to grant such consent or approval, as the case may be;

"boundary mark" includes any survey stone, iron pipe or spike, wooden peg or post, concrete post or pillar or other mark used for the purpose of marking boundaries;

"breach" , in relation to any condition, covenant or agreement, includes any default in the observance thereof;

"building" includes any structure erected on land;

"calendar year" means a year beginning on the first day of January;

"caveat" means a registered caveat;

"certificate of sale" means any certificate issued to a purchaser under sub-section (3) of section 259 or sub-section (4) of section 265, including either of those sub-sections as applied by sub-section (3) of section 281;

"charge" means a registered charge;

"Director of Survey and Mapping" means the Director of Survey and Mapping of the State appointed under section 12, and includes a Deputy Director of Survey and Mapping and Mapping appointed thereunder;

"Land Administrator" means a Land Administrator appointed under section 12, and includes an Assistant Land Administrator appointed thereunder; and, in relation to any land, references to the Land Administrator shall be construed as references to the Land Administrator, or any Assistant Land Administrator, having jurisdiction in the district or sub-district in which the land is situated;

"condition" does not include any restriction in interest;

"co-proprietorship" has the meaning assigned thereto by sub-section (1) of section 342, and "co-proprietor" shall be construed accordingly;

"country land" has the meaning assigned thereto by sub-section (2) of section 51;

"Court" means the High Court in Malaya;

"dealing" means any transaction with respect to alienated land effected under the powers conferred by Division IV, and any like transaction effected under the provisions of any previous land law, but does not include any caveat or prohibitory order;

"to deliver" includes to transmit by hand or post;

"digital cadastral database" means any computerized cadastral database based on the cadastral coordinate system adopted and maintained by the Survey and Mapping Department;

[Ins. Act A1333]

"Director General" means the Director General of Lands and Mines referred to in section 6 and includes the Deputy Director General of Lands and Mines and an Assistant Director General of Lands and Mines;

"Director General of Survey and Mapping" means the officer for the time being performing the duties of the head of the Survey and Mapping Department;

"Disaster Recovery Centre" means a centre of backup and recovery system set up by the State Authority for the continuity of business operation of the Electronic Land Administration System;

[Ins. Act A1333]

"disposal" means any disposal of land made by the State Authority in the exercise of any of the powers conferred by section 42 or of any of the corresponding powers conferred by any previous land law;

[Ins. Act A1333]

"district " means any area duly constituted as a district under the provisions of section 11 or, by virtue of section 442, deemed to be a district so constituted;

"document of title" , in relation to any alienated land, means both the register document of title and the issue document of title relating thereto, save that, in the case of land held under qualified title in respect of which no application for an issue document of title has been made by the proprietor, it means the register document of title only;

"easement" has the meaning assigned thereto by sub-section (1) of section 282;

"entry" , in relation to any document of title, includes any endorsement, memorial, note or other entry thereon, and any plan attached thereto;

"estate land" has the meaning assigned to it by sub-sections (11) and (12) of section 214A;

[Ins. Act A1104]

"final document of title" means any document of title relating to land held under final title, or prepared for the purpose of its being so held;

"final title" means Registry title, Land Office title and subsidiary title (that is to say, all forms of title other than qualified title);

"foreshore" means all that land lying between the shore line and the low-water mark of ordinary spring tides;

"forest produce" has the meaning assigned to it by any law for the time being in force in the State relating to forests;

"Form" , followed by a number and letter, means the form in the First Schedule identified by that number and letter;

"Gazette" means the *Gazette* of the State;

"grant" means a register document of title in Form 5B (that is to say, in the form appropriate under this Act to land held under Registry title in perpetuity);

"industrial purposes" has the meaning assigned thereto by paragraph (a) of sub-section (1) of section 117;

"in repair" , in relation to any building or part of a building, means in such state of repair as that in which a prudent owner might reasonably be expected to keep his property;

"issue document of title" means any document prepared for issue to the proprietor of any land (whether under this Act or under the provisions of any previous land law), being a copy of, or an extract from, the register document of title relating thereto;

"land" includes-

- (a) that surface of the earth and all substances forming that surface;
- (b) the earth below the surface and all substances therein;
- (c) all vegetation and other natural products, whether or not requiring the periodical application of labour to their production, and whether on or below the surface;
- (d) all things attached to the earth or permanently fastened to any thing attached to the earth, whether on or below the surface; and
- (e) land covered by water;

"Land Office title" means title evidenced by a Mukim grant or Mukim lease, or by any document of title registered in a Land Office under the provisions of any previous land law;

"land revenue" means every sum now due, or which shall hereafter become due, to the State Authority on account of any premium or rent payable in respect of alienated land, or under any licence or permit relating to land, and fees of any kind (including arrears of fees and, notwithstanding that they constitute items of Federal revenue, any fees, costs or other sums payable in connection with the carrying out of any survey by the Survey and Mapping Department) chargeable under this Act or any previous land law;

"lease" means a registered lease or sub-lease of alienated land;

"licensed land surveyor" means a surveyor licenced to practice under the Licenced Land Surveyors Act, 1958;

"lot" means any surveyed piece of land to which a lot number has been assigned by the Director of Survey and Mapping;

"mining land" means any land in respect of which a mining lease or certificate granted or issued under any written law relating to mining is for the time being in force;

"Minister" means the Minister for the time being charged with the responsibility for lands;

"mukim" means any area duly constituted as a mukim under the provisions of section 11 or, by virtue of section 442, deemed to be a mukim so constituted;

"Mukim grant" means a register document of title in Form 5D (that is to say, in the form appropriate under this Act to land held under Land Office title in perpetuity);

"Mukim lease" means a register document of title in Form 5E (that is to say, in the form appropriate under this Act to land held under Land Office title for a term of years);

"Mukim Register" means any register maintained under the provisions of section 159;

"penghulu" means a Penghulu or Assistant Penghulu duly appointed as such;

"planning authority" means any authority having jurisdiction under any law for the time being in force relating to town planning, country planning or both;

"pre-computation plan" means a plan of the layout of lots prepared by Director of Survey and Mapping or licensed land surveyor showing the intended new boundaries and areas of those lots which are based on computation from existing survey data and other relevant data, where the linear misclosure of the computation is not less than one part in four thousand;

[Am. Act A1333]

"prescribed" means prescribed by rules made by the State Authority under section 14;

"to present" means to deliver for registration;

"previous land law" means any law relating to land in force in the State at any time before the commencement of this Act;

"prohibitory order" has the meaning assigned thereto by section 334;

"proprietor" means any person or body for the time being registered as the proprietor of any alienated land;

"provisional register document of title" means a register document of title prepared in accordance with the provisions of section 175C;

"purchaser" means a person or body who in good faith and for valuable consideration acquires title to, or any interest in, land;

"qualified title" means title issued under Chapter 2 or 3 of Part Eleven, that is to say, in advance of survey;

"register document of title" means any document registered, or prepared for registration, under this Act and evidencing or, as the case may be, intended to evidence title to land, and any document evidencing title to land registered before the commencement of this Act under the provisions of any previous land law;

"registered" means registered in accordance with the provisions of this Act or of any previous land law;

"Registrar" means-

- (a) in relation to land held or to be held under Registry title, or under the form of qualified title corresponding to Registry title, or under subsidiary title dependent on a Registry title, a **Registrar of Titles or Deputy Registrar of Titles** appointed under section 12;

(b) in relation to land held or to be held under Land Office title, or under the form of qualified title corresponding thereto, or under subsidiary title dependent on a Land Office title, the **Land Administrator**;

"Registry title" means title evidenced by a grant or State lease, or by any document of title registered in a Registry under the provisions of any previous land law;

"rent" includes-

(a) any annual sum payable to the State Authority by way of rent;

(b) any other annual payment due to the State Authority which by any written law is to be collected as if it were rent or land revenue; and

(c) any fee due to the State Authority in respect of arrears of rent by virtue of rules under section 14;

(d) *(Deleted)*.

"reserved land" means land for the time being reserved for a public purpose in accordance with the provisions of section 62 or of any previous land law;

"restriction in interest" means any limitation imposed by the State Authority on any of the powers conferred on a proprietor by Part Nine, or on any of his powers of dealing under Division IV, and any like limitation imposed under any previous land law;

"river" means any river, stream, creek or other natural water-course, and any tributary, distributary or artificial deviation thereof;

"rock material" means any rock, stone, gravel, common sand, common earth, common laterite, loam, common clay, soil, mud, turf, peat, coral, shell, and any other rock materials within or upon any land, and includes processed materials therefrom, other than minerals defined under any written law relating to mining which is for the time being in force;

[Subs. Act A1333]

"Settlement Officer" means a Settlement Officer appointed under section 12;

"shore line" means the high-water mark of ordinary spring tides;

"State" means any State to which this Act applies;

"State Authority" means the Ruler or Governor of the State, as the case may be;

"State Director" means the State Director of Lands and Mines for the State appointed under section 12, and includes a Deputy Director of Lands and Mines appointed thereunder;

"State land" means all land in the State (including so much of the bed of any river, and of the foreshore and bed of the sea, as is within the territories of the State or the limits of territorial waters) other than-

(a) alienated land;

(b) reserved land;

(c) mining land;

(d) any land which, under the provisions of any law relating to forests (whether passed before or after the commencement of this Act) is for the time being reserved forest;

"State lease" means a register document of title in Form 5C (that is to say, in the form appropriate under this Act to land held under Registry title for a term of years);

"sub-district" means any area duly constituted as a sub-district under section 11 or, by virtue of section 442, deemed to be a sub-district so constituted;

"sub-lease" means a registered sub-lease of any alienated land;

"subsidiary register" means the register of subsidiary title maintained under the provisions of the repealed section 161 (which nonetheless, by virtue of, and subject to, subsection (2) of section 82 of the Strata Titles Act 1985, continues to apply to the matters mentioned, and to the extent provided, in that subsection), and includes a strata register as defined in section 4 of that Act;

"subsidiary title" means title issued under this Act to any of the individual parcels within a building which has been subdivided pursuant to the provisions of the repealed Chapter 4 of Part Nine (which Chapter nonetheless, by virtue of, and subject to, subsection (2) of section 82 of the Strata Titles Act 1985, continues to apply to the matters mentioned, and to the extent provided, in that sub-section), and includes a strata title as defined in section 4 of that Act;

"Survey and Mapping Department" means the Survey and Mapping Department of the Government of the Federation operative in the States of Malaya;

"Survey Officer" means the Director of Survey and Mapping or any Survey Officer appointed under section 12;

"survey reference mark" means any beacon, standard traverse mark, road box, electronic distance measurement (EDM) base, state boundary pillar, international boundary pillar, bench mark, geodetic station or other mark used in connection with survey for boundary;

"temporary occupation licence" means a licence issued under Chapter 2 of Part Four;

"tenancy exempt from registration" has the meaning assigned thereto by sub-section (1) of section 213;

"territorial waters" has the meaning assigned to it in sub-section (2) of section 4 of the Emergency (Essential Powers) Ordinance, No. 7/1969;

[Ins. Act A1104]

"town land" has the meaning assigned thereto by sub-section (2) of section 51;

"trust" does not include a *wakaf* created in accordance with the principles of Muslim law;

"village land" has the meaning assigned thereto by sub-section (2) of section 51.

DIVISION 1

INTRODUCTORY

PART ONE (A)

COMPUTERIZED LAND REGISTRATION SYSTEM

[Ins. Act A832]

5A. Coming into force of the Computerized Land Registration System in any land Registry.

(1) The Minister may, with the approval of the National Land Council, by notification in the *Gazette* of the Federation, appoint a date for the coming into force of the Computerized Land Registration System in any land Registry.

- (2) For the purposes of subsection (1), the term "land Registry" means-
- (a) in the case of land held or to be held under Registry title, or under the form of qualified title corresponding to Registry title, the office of the Registrar of Titles;
 - (b) in the case of land held or to be held under Land Office title, or under the form of qualified title corresponding to Land Office title, the office of the Land Administrator.
- (3) Upon the coming into force of the Computerized Land Registration System in any land Registry-
- (a) the provisions of the Fourteenth Schedule shall apply; and
 - (b) the provisions of this Act insofar as they relate to the forms of documents of title, the procedure for the preparation and registration of any document of title, any dealing in land and any entry or endorsement of any note, memorial or memorandum or any correction or cancellation thereof on any document of title shall be read with the modifications, amendments, additions, deletions, substitutions or adaptations as provided in the Fourteenth Schedule.
- (4) Except as provided in paragraph (b) of subsection (3), all other provisions of this Act shall remain in force and continue to apply to every document of title, instrument or other document prepared under the Computerized Land Registration System.

5B. Amendment of the Fourteenth Schedule.

The Minister may, with the approval of the National Land Council, by order published in the *Gazette* of the Federation, make any amendment to the Fourteenth Schedule that he may consider necessary, desirable or expedient.

[Am. Act A1333]

**DIVISION 1
INTRODUCTORY
PART ONE (B)**

**MODIFICATIONS TO FACILITATE THE IMPLEMENTATION OF THE PENGURUSAN
DANAHARTA NASIONAL BERHAD ACT 1998**

5C. Modifications to facilitate the implementation of Pengurusan Danaharta Nasional Berhad Act 1998.

- (1) Upon the coming into force of the Pengurusan Danaharta Nasional Berhad Act 1998, the Fifteenth Schedule which provides for the modifications to the National Land Code to facilitate the implementation of the Pengurusan Berhad Act Danaharta Nasional Berhad Act 1998 shall apply and the Act shall be read subject to the provisions of the Schedule.
- (2) The Minister may, with the approval of the National Land Council, by order notified in the *Gazette* of the Federation, make such amendments to the Fifteenth Schedule as he considers necessary, or expedient.
- (3) In this section, "modifications" includes amendments, additions, deletions, substitutions, adaptations, and non-application of any provisions.

[Ins. Act A1034]



PART ONE (C)
MODIFICATIONS TO FACILITATE THE IMPLEMENTATION OF THE ELECTRONIC LAND
ADMINISTRATION SYSTEM

[Ins. Act A1333]

5D. Coming into operation of the Electronic Land Administration System in any land Registry.

(1) The Minister may, with the approval of the National Land Council, by notification in the *Gazette* of the Federation, appoint a date for the coming into operation of the Electronic Land Administration System in any land Registry.

(2) For the purpose of this section, "land Registry" means-

(a) in the case of land held or to be held under Registry title, or under the form of qualified title corresponding to Registry title, the office of the Registrar of Titles;

(b) in the case of land held or to be held under Land Office title, or under the form of qualified title corresponding to Land Office title, the office of the Land Administrator;
and

(c) Disaster Recovery Centre in times of disaster as specified by the State Authority.

(3) Upon the coming into force of the Electronic Land Administration System in any land Registry-

(a) the provisions of the Sixteenth Schedule shall apply;

(b) the provisions of this Code shall be read with modifications, amendments, additions, deletions, substitutions or adaptations as provided in the Sixteenth Schedule-

(i) in so far as they relate to the forms of document of title, the procedure for the preparation and registration of any document of title, any dealing in respect of land and any entry or endorsement of any note, memorial or memorandum or any correction or cancellation thereof on any document of title;

(ii) in so far as they relate to the forms of document of temporary occupation licence or permit, the procedure for the preparation and authentication of any document of temporary occupation licence or permit, and entry of any note thereof on any document of aforesaid licence or permit; and

(iii) in so far as they relate to the procedure for the payments of any item of land revenue, or the procedure for searches, or the procedure for the safe keeping of registers or other records, or the procedure for the maintenance of Presentation Book and Correction Note-Book thereof; and

(c) the provisions of the Fourteenth Schedule shall cease to be operative.

(4) The Minister may, with the approval of the National Land Council, by order published in the *Gazette* of the Federation, make any amendment to the Sixteenth Schedule that he may consider necessary, desirable or expedient.

[Ins. Act A1333]

DIVISION 1
INTRODUCTORY
PART TWO
ADMINISTRATION
CHAPTER 1

POWERS OF THE FEDERATION AND OF FEDERAL OFFICERS

6. Federal Lands Commissioner and other Federal Officers.

The Federal Lands Commissioner appointed under the Federal Lands Commissioner Ordinance, 1957, shall have the functions conferred on him by or under this Act and in carrying out such functions he shall be known as the Director General of Lands and Mines; and the Yang di-Pertuan Agong may appoint a Deputy Director General of Lands and Mines and so many Assistant Directors General of Lands and Mines and such other officers as he may consider necessary for the purposes of this Act.

7. Delegation of Minister's powers to Director General.

The Minister may by notification in the *Gazette* of the Federation delegate to the Director General, subject to such conditions and restrictions as may be prescribed in the notification, the exercise of any powers or the performance of any duties conferred or imposed on him by or under this Act; Provided that-

- (i) this section shall not apply to any power of the Minister under this Act to make orders; and
- (ii) the giving of a notification under this section with respect to any power or duty shall not prevent the Minister from exercising that power or performing that duty in person in any case where it appears to him expedient to do so.

POWERS OF THE FEDERATION AND OF FEDERAL OFFICERS

8. General powers of Director General.

(1) The Director General may-

- (a) consult and correspond with any State Director;
- (b) require any State Director to furnish him with such returns, reports and other information as he may require relating to land administration within the State;
- (c) from time to time convene meetings of the State Directors for the purpose of consultation concerning the administration of this Act;
- (d) with the approval of the State Director, enter within and inspect the records of any Land Registry or Land Office in any State;
- (e) with the concurrence of the State Directors, issue such circulars relating to the administration of this Act as may be considered desirable.

(2) The Director General shall, in the exercise of the functions conferred on him by or under this Act, act in accordance with any directions given to him by the Minister.

9. National Land Council: initiation of action with respect to certain matters.

(1) Where under Article 91 of the Constitution the National Land Council formulates any policy to be followed by the Federal and State Governments, or prepares advice with respect to any matter on which it has been consulted by any of those Governments, it shall be lawful for the Minister, on behalf of the Council, to notify the Governments or Government concerned thereof, and to make such enquiries as may appear necessary for the purpose of keeping the Council informed as to the implementation of the policy or, as the case may be, the adoption of the advice.

(2) If it appears to the National Land Council, in considering in the exercise of any of their functions under the said Article any matter relating to the administration of this Act, that any of the provisions of the First, Fifth, Sixth or Tenth Schedule ought to be amended in any respect, or repealed, it shall be lawful for the Minister, by an order made on the recommendation of the Council and notified in the *Gazette* of the Federation, to make the amendment or repeal in question.

10. Regulation of procedure, etc., of Survey and Mapping Department.

(1) The Minister may, after consultation with the National Land Council, by order notified in the *Gazette* of the Federation, prescribe-

- (a) the procedure to be adopted by the Survey and Mapping Department, and the powers and duties of officers of that Department;
- (b) the fees, costs and other sums to be charged for any survey carried out by that Department;
- (c) the conditions upon which, and the authorities by whom, any such fees, costs or other sums may be varied or remitted, either in whole or in part.

(2) Sums chargeable in connection with surveys carried out by the Survey and Mapping Department, notwithstanding that they constitute items of federal revenue, shall nevertheless be payable in the first instance to the State Authority.

DIVISION 1

INTRODUCTORY

PART TWO

ADMINISTRATION

CHAPTER 2

POWERS OF THE STATES AND OF STATE OFFICERS

11. Administrative areas.

The State Authority may by notification in the *Gazette*-

- (a) divide the territory of the State into districts;
- (b) divide any district into sub-districts;
- (c) divide any district or sub-district into mukims;
- (ca) vary or alter the boundary of any district, sub-district, mukim, town or village;

- (d) after the survey or definition thereof by or on behalf of the Director of Survey and Mapping, declare any area of the State to be a town or village.

12. State Director and other State Officers.

(1) The State Authority may appoint for the State-

- (a) a State Director of Lands and Mines, a Registrar of Titles and a Director of Survey and Mapping;
- (b) so many Deputy Directors of Lands and Mines, Assistant Directors of Lands and Mines, Deputy Registrars of Titles, Deputy Directors of Survey and Mapping, District Land Administrators, Assistant District Land Administrators, Survey Officers, Settlement Officers and other officers as the State Authority may consider necessary for the purpose of this Act.

(2) The State Authority may define the districts, sub-districts and other areas in which any of the officers referred to in paragraph (b) of sub-section (1) may exercise the powers and perform the duties conferred or imposed upon them by or under this Act.

(3) The State Director shall-

- (a) be responsible to the State Authority for the due administration within the State of the provisions of this Act;
- (b) act in accordance with any direction given to him by the State Authority;
- (c) have all the powers conferred upon the Registrar and a Land Administrator by or under this Act;
- (d) subject to the direction of the State Authority, exercise general control and supervision over the Registrar, and over all officers (other than Deputy Directors of Survey and Mapping and other Survey Officers) referred to in paragraph (b) of sub-section (1).

(4) The State Director, the Registrar and every Land Administrator shall each have a seal of office, and every instrument purporting to bear any such seal, and to have been signed by or on behalf of the officer in question shall, unless the contrary be proved, be deemed to have been sealed and signed by him or at his direction.

(5) Subject to the provisions of sub-section (3), in every district in which there may be one or more Assistant Land Administrators in addition to a Land Administrator, every Assistant Land Administrator shall exercise the powers and perform the duties conferred or imposed upon him by or under this Act in conformity with the directions of the Land Administrator.

13. Delegation of powers of State Authority to State Director, etc.

The State Authority may by notification in the *Gazette* delegate to the State Director, or to the Registrar, or to any Land Administrator or other officer appointed under sub-section (1) of section 12, the exercise or performance (subject to such conditions and restrictions as may be prescribed in the notification) of any powers or duties conferred or imposed on the State Authority by or under this Act:

(1) Provided that-

- (i) this section shall not apply to any power of the State Authority under this Act to make rules;
 - (ii) this section shall not apply to any power of the State Authority under this Act to dispose of any land-
 - (a) within fifty metres of the bank of any such river as may be declared by the State Authority by notification in the *Gazette*;
 - (b) within fifty metres from the edge of any such lake or spring as may be declared by the State Authority by notification in the *Gazette*, with the edge of any such lake or spring to be delineated therein; and
 - (c) within fifty metres of any shoreline.
 - (iii) the giving of a notification under this section with respect to any power or duty shall not prevent the State Authority from itself exercising that power or performing that duty in any case where it appears to the State Authority expedient to do so.
- (2) For the purposes of paragraph (ii) of the proviso to subsection (1), "river" includes a reservoir of water resulting from the damming of a river.

14. Power of State Authority to make rules.

- (1) Subject to sub-section (2), the State Authority may make rules generally for carrying out the objects and purposes of this Act within the State, and in particular, but without prejudice to the generality of the foregoing, may by such rules make provision with respect to-
- (a) the mode in which applications for State land are to be made;
 - (aa) the exemption of any disposal of land, or any dealing or other act with regard to alienated land or any interest in land from the requirement in sub-section (1) of section 433B or sub-section (1) of section 433E, as the case may be;
[Ins. Act A1104]
 - (ab) the exemption of any non-citizen or foreign company or class of non-citizen or foreign company from Part Thirty-Three (A) and the circumstances in which the exemption may be given;
[Ins. Act A1104]
 - (b) the issue, under Chapters 2 and 3 respectively of Part Four, of temporary occupation licences and permits to extract and remove rock materials, and the issue for the purposes of section 427 of permits for the grazing of animals;
 - (c) the control and management of reserved land, and the leasing thereof under section 63;
 - (d) the sale by auction of land required by or under this Act to be so sold;
 - (e) the rates (being rates per cubic metre or other lesser unit of volume) at which the rent to be reserved on, and the premium (if any) to be charged in respect of, the alienation under this Act of land of any class or description are, subject to the provisions of this Act, to be calculated;

[Am. P.U.(A) 204/97]

- (f) the payments to be made under, and other incidents of, licences and permits issued under this Act;
- (g) the fees or levy to be paid in connection with any matter arising under this Act;
- (ga) the remission in whole or in part of any levy to be paid under paragraph (g) or the exemption of any non-citizen or foreign company from the payment of such levy or any part thereof;

[Ins. Act A1104]

- (h) the scale of costs to be paid in relation to enquiries under this Act;
- (i) the places at which, and officers or any collecting agent as approved by the State Authority. to whom, any item of land revenue is to be paid;

[Am. Act A1333]

- (j) the collection, remission, rebate, payment by instalments or deferment of payment of any item of land revenue;
- (ja) the offences which may be compounded and the method and procedure for compounding such offences;
- (k) the powers and duties of any officers appointed under sub-section (1) of section 12; and
- (l) in so far as they do not fall within any of the preceding paragraphs, all procedural and other matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

(1A) Notwithstanding paragraphs (aa) , (ab) , (g) and (ga) of sub-section (1) , the State Authority shall not make rules under paragraph (aa) , or (ab) , or under paragraph (g) with respect to any levy to be paid under this Act, or under paragraph (ga) , except in accordance with the directions given by the National Land Council.

[Ins. Act A1104]

(2) Nothing in sub-section (1) shall empower the State Authority to make rules with respect to the practice or procedure of the Survey and Mapping Department, or the powers or duties of Survey Officers, or with respect to any matter concerning payments in connection with surveys carried out by the Survey and Mapping Department other than the collection of such payments.

15. General powers of State Director, etc.

(1) The State Director, the Registrar, and any Land Administrator, may for the purposes of this Act (and without prejudice to the exercise of any powers conferred upon him by any other written law)-

- (a) at all reasonable times have free access to, and enter upon, any land in the State;
- (b) conduct enquiries in accordance with the provisions of Chapter 4;
- (c) administer oaths and affirmations, examine any witness on oath or affirmation, summon any person before him, take and record the evidence of any such person and award costs to any person appearing and giving evidence before him;

(d) with the approval of the State Secretary, inspect and take copies of any documents available in any public office in the State;

(e) by a notice in Form 2B, require any person or body-

(i) to produce for inspection any document of title, or other document relating to land, in his possession or control;

[Am. Act A1104]

(ii) to give him such information as that person or body may possess as to the whereabouts of any such document, and take copies of, or extracts from, any such document; or

[Am. Act A1104]

(iii) to produce the issue document of title for the purpose of standardization of the express conditions and restrictions in interest under section 381A:

[Ins. Act A1104]

Provided that no person or body shall be compelled by virtue of this paragraph to produce any document which he could not be compelled to produce on the trial of a suit;

(f) require any application made to him pursuant to the provisions of this Act to be supported by such affidavit or statutory declaration as he may consider necessary or proper;

(g) exercise all other powers conferred on him by this Act, and all such powers ancillary or incidental thereto as may be reasonably necessary to carry out the purposes of this Act.

(2) The Director of Survey and Mapping, the Deputy Director of Survey and Mapping and Mapping and any other Survey Officer may for the purposes of this Act (and without prejudice to the exercise of any powers conferred upon him by any other written law) exercise any of the powers referred to in paragraphs (a), (e) and (g) of sub-section (1).

(3) Any other officer appointed under sub-section (1) of section 12 and authorised by the State Director either generally or specially in that behalf may for the purposes of this Act exercise such of the powers referred to in paragraphs (a) to (f) of sub-section (1) as are specified in the authorisation.

16. Actions by and against the State Authority.

(1) The State Director may, on behalf of the State Authority, commence, prosecute and carry on in the name of his office any action, suit or other proceeding relating to-

(a) State land;

(b) any contract concerning land to which the State Authority is a party;

(c) any trespass to, or other wrong committed in respect of, land;

(d) the recovery of any item of land revenue, or any instalment thereof; or

(e) the recovery of any fine, or the enforcement of any penalty, under this Act.

(2) Any action, suit or other proceeding relating to land in which it is sought to establish any liability on the part of the State Authority shall be brought against the State Director in the name of his office.

(3) In any action, suit or other proceeding to which this section applies, the State Director may appear personally, or may be represented by any advocate and solicitor, any Federal Counsel, the State's Legal Adviser or any Land Administrator or other officer appointed under sub-section (1) of section 12.

17. Power to require removal, etc., of trees.

The Land Administrator may require the proprietor of any alienated land, or the lessee for the time being of any reserved land leased by the State Authority under section 63 or the provisions of any previous land law upon payment of such compensation as may be agreed or determined in accordance with the provisions of section 434, to trim, fell or remove any tree upon the land:

Provided that no compensation shall be paid in the case of any tree standing within twenty-two meters of the centre line of any road maintained by the Federal Government, the State Government or any public authority unless it is proved that the tree was in existence prior to the construction of the road:

Provided further that where the proprietor or lessee fails to trim, fell or remove any tree as required by the Land Administrator, the Land Administrator may himself cause the tree to be trimmed, felled or removed, and the cost of carrying out such work shall be recoverable from the proprietor or lessee as a debt due to the State Authority.

18. Power to consolidate notices, orders and notifications.

The State Director, the Registrar or any Land Administrator may, in such manner as he may think appropriate, consolidate as one notification in the *Gazette* any two or more notices, orders or notifications made in the exercise of any of the powers conferred on him by or under this Act; and every such consolidated notification shall be deemed to constitute a good and sufficient publication in the *Gazette* of each such notice, order or notification.

DIVISION 1

INTRODUCTORY

PART TWO

ADMINISTRATION

CHAPTER 3

GENERAL PROVISIONS RELATING TO OFFICERS, ETC.

19. Information to be kept secret.

Every officer appointed under this Part, and every person employed in any Survey Office, Land Office or Registry-

- (a) shall maintain, and aid in maintaining, the secrecy of all matters which come to his knowledge in the performance of his duties, and
- (b) except for the purpose of carrying into effect the provisions of this Act, shall not communicate or divulge, or aid in divulging, any such matter to any other person.

20. Purchase of land by officers, etc.



Where any land or interest therein is offered for sale in pursuance of any provision of this Act, none of the following persons shall acquire, or attempt to acquire, it for himself, directly or indirectly-

- (a) the State Director, Registrar and Director of Survey and Mapping of the State in which the land or interest is situated;
- (b) any Land Administrator, District Officer, Settlement Officer or Survey Officer having jurisdiction in the district or sub-district in which the land or interest is situated;
- (c) any person employed under any of the officers referred to in paragraph (a) or (b);
- (d) any person having any duty to perform in connection with the sale.

21. Officers to be public servants.

Every officer appointed under this Part shall be deemed to be a public servant within the meaning of the Penal Code.

22. Protection of officers.

No officer appointed under this Part shall be liable to be sued in any civil court for any act or matter done, or ordered to be done or omitted to be done, by him in good faith and in the intended exercise of any power, or performance of any duty, conferred or imposed on him by or under this Act.

DIVISION 1
INTRODUCTORY
PART TWO
ADMINISTRATION
CHAPTER 4
PROVISIONS RELATING TO ENQUIRIES

23. Interpretation.

In this Chapter-

"Land Administrator" includes the State Director, the Registrar, and any other person required or empowered to hold an enquiry;

"enquiry" means an enquiry held under any provision of this Act.

24. Conduct of enquiry.

Every enquiry shall be conducted as nearly as may be in accordance with the provisions of this Chapter.

25. Time and place of enquiry.

Every enquiry shall be held at such place and time as the Land Administrator may direct.

26. Enquiry to be open to public.

Every enquiry shall be open to the public unless the Land Administrator shall, for special reasons to be recorded by him, order otherwise.



27. Notice of enquiry.

Before holding any enquiry, the Land Administrator shall-

- (a) publish, in such manner as he may consider appropriate in the circumstances of the case, a notice thereof in Form 2A; and
- (b) serve on every person or body who is to his knowledge interested in the subject-matter thereof a copy of that notice, to which shall be appended the additional notice set out in the supplement to that Form.

28. Cancellation and postponement of enquiries, and change of venue.

- (1) The Land Administrator may at any time cancel or postpone the holding of any proposed enquiry, or change the venue thereof.
- (2) Any person or body claiming to be interested in the subject-matter of any proposed enquiry may, by registered letter addressed to the Land Administrator, apply for a postponement or change of venue under this section.
- (3) Every application under sub-section (2) shall state the reasons for which the postponement or change of venue is sought, and shall indicate also the nature of any evidence proposed to be given or adduced by or on behalf of the applicant.
- (4) Notice of any cancellation, postponement or change of venue under this section shall be given by the Land Administrator to every person or body on whom notice of the enquiry has been served pursuant to section 27, and in such other manner as he may consider appropriate in the circumstances of the case.

29. Hearing of enquiry.

- (1) On the day and at the time and place fixed for the hearing of any enquiry the Land Administrator shall proceed to hold the enquiry, and shall give such decision or make such order therein as he may think just:

Provided that the Land Administrator may if he thinks it necessary or expedient to do so from time to time adjourn the hearing of any enquiry.

- (2) The Land Administrator shall give to any person or body claiming to be interested in the subject-matter of any enquiry an opportunity of being heard thereat, either in person or by his advocate and solicitor, and of producing such evidence, oral or documentary, as appears to the Land Administrator to be relevant thereto.

30. Veracity of evidence.

Any person who at any enquiry wilfully gives false evidence shall be guilty of an offence, and liable on conviction to the penalty specified in section 422.

31. Substance of evidence and reasons for decision to be recorded.

In conducting any enquiry it shall not be necessary for the Land Administrator-

- (a) to take down the evidence of any witness verbatim, unless he thinks it desirable to do so, or is so requested by that witness or by any other person appearing in the course of the enquiry:

Provided that the Land Administrator shall record the substance of any evidence which is not taken down verbatim;

- (b) to put in writing any decision given or order made, except in a short and concise form, showing the reasons for arriving thereat.

32. Inspection of record of evidence, etc.

The record of all evidence, whether oral or documentary, taken by the Land Administrator at any enquiry together with his decision or order thereon-

- (a) shall be made up in a separate file or book;
- (b) shall be recorded in the national language;
- (c) shall at all reasonable times, upon a written application in that behalf, be open to the inspection of any person or body interested in the enquiry, or his agent duly authorised in writing, or his advocate and solicitor, any of whom may, upon payment of such fee as may be prescribed, obtain copies thereof or extracts therefrom.

33. No alteration, etc., of decision or order.

Save in the special circumstances specified in section 34, a decision or order of the Land Administrator in any enquiry shall not be altered or added to except for the purpose of correcting verbal errors or remedying some accidental defect or omission not affecting a material part of the enquiry.

34. Re-opening of enquiry.

(1) In any of the circumstances specified in sub-section (2), a Land Administrator may re-open any enquiry held under this Act by himself or any predecessor in office and, where it appears to him just to do so, may vary or set aside any decision or order previously given or made therein:

Provided that no enquiry shall be re-opened under this section-

- (i) at any time after an appeal has been lodged therein as mentioned in section 37, unless the appeal is subsequently withdrawn, or
- (ii) more than three years after the date on which any decision or order therein was first given or made.

(2) The said circumstances are as follows-

- (a) where fresh evidence of a material nature is available, not being evidence which could, by the exercise of reasonable diligence, have been produced at any earlier hearing;
- (b) where any earlier hearing was conducted in the absence of any necessary or proper party whose absence was not due to any default or neglect on his part.

(3) A Land Administrator shall record briefly his reasons for reopening any enquiry under this section.

35. Death etc., of Land Administrator.

If, in the course of any enquiry, or at any time before any decision or order is made therein, the Land Administrator conducting the enquiry dies, or is unable through illness, transfer or any other cause to exercise his functions under this Chapter, any other Land Administrator may continue the enquiry or rehear the whole or part of the evidence already taken or carry out any other function under this Chapter in relation to the enquiry.

36. Former applications.

Except as provided in section 34, no Land Administrator shall hold any enquiry in which the matter directly and substantially in issue has been directly and substantially in issue in a former enquiry relating to the same parties or their predecessors in title, and which has been heard and finally decided either by himself or any other Land Administrator.

37. Appeal.

From any decision or order given in any enquiry, an appeal shall lie to the Court in accordance with the provisions of section 418.

38. Costs of enquiry.

The Land Administrator may make such order as to the whole or any part of the costs of any enquiry as he may consider just, and any such order shall be enforceable as if it were an order for the payment of costs in civil proceedings made by a court of a magistrate under the provisions of any law for the time being in force relating to the courts.

39. Application of Penal Code.

In sections 193 and 228 of the Penal Code the words "judicial proceeding" shall be deemed to include an enquiry.

PART THREE
RIGHTS AND POWERS OF THE STATE AUTHORITY
CHAPTER 1
PROPERTY IN LAND AND POWERS OF DISPOSAL

40. Property in State land, minerals and rock material.

There is and shall be vested solely in the State Authority the entire property in-

- (a) all State land within the territories of the State;
- (b) all minerals and rock material within or upon any land in the State the rights to which have not been specifically disposed of by the State Authority.

41. Powers of disposal of State Authority, and rights in reversion, etc.

Without prejudice to its powers and rights under any other written law for the time being in force, the State Authority shall have-

- (a) all the powers of disposal conferred by section 42 with respect to-



- (i) property vested in it under section 40,
- (ii) reserved land, and
- (iii) mining land,

which powers shall be exercised in such manner and to such extent as is authorised by the provisions of this Act, and not otherwise; and

(b) all the rights in reversion and other similar rights conferred on it by section 46.

42. Powers of disposal.

(1) Subject to sub-section (2), the State Authority shall have power under this Act-

- (a) to alienate State land in accordance with the provisions of section 76;
- (b) to reserve State land, and grant leases of reserved land, in accordance with the provisions of Chapter 1 of Part Four;
- (c) to permit the occupation of State land, reserved land and mining land under temporary occupation licences issued in accordance with the provisions of Chapter 2 of Part Four;
- (d) to permit the extraction and removal of rock material from any land, other than reserved forest, in accordance with the provisions of Chapter 3 of Part Four;
- (e) to permit the use of air space on or above State land or reserved land in accordance with the provisions of Chapter 4 of Part Four provided that such air space shall be within the confines of a structure of any description erected thereon; and

(2) Nothing in this Act shall enable the State Authority-

- (a) to dispose of any land for the purposes of mining (within the meaning of the Mining Enactment);
- (b) to permit the extraction or removal of rock material from any land for the purpose of obtaining metal or mineral therefrom;
- (c) to dispose of any land for the purpose of the removal of forest produce therefrom; or
- (d) to alienate any land so as to have the effect of less than two-fifths of a hectare of land subject to the category "agriculture" or to any condition requiring its use for any agricultural purpose being held by more than one person or body, provided that the State Authority may, under exceptional circumstances, alienate such land to more than one person or body notwithstanding that it is less than two-fifths of a hectare.

43. Persons and bodies to whom land may be disposed of.

Subject to the provisions of Part Thirty-Three (A), the powers of disposal conferred on the State Authority by section 42 may be exercised only in favour of, and applications for their exercise may be accepted only from, the following persons and bodies-

- (a) natural persons other than minors;
- (b) corporations having power under their constitutions to hold land;
- (c) sovereigns, governments, organisations and other persons authorised to hold land under the provisions of the Diplomatic and Consular Privileges Ordinance, 1957;
- (d) bodies expressly empowered to hold land under any other written law:

Provided that it shall not be necessary for a corporation to have power to hold land in order for it to be able to apply for, and be issued with, a permit to extract and remove rock material.

44. Extent of disposal: general.

(1) Subject to the provisions of this Act and of any other written law for the time being in force, any person or body to whom (under this Act or a previous land law) land has been alienated, reserved land has been leased or a temporary occupation licence (including a licence so styled under a previous land law) has been granted in respect of any land, shall be entitled to-

- (a) the exclusive use and enjoyment of so much of the column of airspace above the surface of the land, and so much of the land below that surface, as is reasonably necessary to the lawful use and enjoyment of the land;
- (b) the right to the support of the land in its natural state by any adjacent land, and all other natural rights subsisting in respect thereof; and
- (c) where the land abuts on the foreshore or any river or public place, but subject to any express provision in the document of title, lease or licence, a right of access thereto.

(2) For the purposes of paragraph (c) of sub-section (1), land shall be taken to abut on a river or road notwithstanding that it is separated therefrom by land retained by the State Authority for use in conjunction therewith, or for purposes connected with the maintenance or preservation thereof.

45. Extent of disposal: minerals, rock material and forest produce.

(1) Any person or body to whom land has been disposed of in any of the ways mentioned in section 44 shall, in the absence of any express provision to the contrary in the document of title, lease or licence, as the case may be, be entitled-

- (a) to extract, move or use within the boundaries of the land any rock material in or upon the land, and
- (b) to fell, clear, destroy or use within the boundaries thereof any forest produce thereon.

(2) No person or body to whom land has been disposed of as aforesaid shall be entitled-

- (a) to extract any metal or mineral from any rock material in or upon the land, or
- (b) to remove beyond the boundaries of the land any rock material or forest produce extracted or taken from the land or anything obtained or manufactured therefrom:

Provided that nothing in this sub-section shall prevent any person or body from doing anything which is authorised by or under the provisions of any law for the time being in force relating to mining or forests; and nothing in paragraph (b) thereof shall prevent any person or body from doing anything which is authorised by a permit for the time being in force under Chapter 3 of Part Four.

46. Reversion, etc., to the State Authority.

(1) Without prejudice to the provisions of any other written law for the time being in force, alienated land shall revert to and vest in the State Authority in the following circumstances-

- (a) upon the expiry of the term (if any) specified in the document of title thereto;
- (b) upon the publication in the *Gazette* of a notice under section 130 (that is to say, a notice published on the making of an order of forfeiture by the Land Administrator on the grounds of non-payment of rent or breach of condition);
- (c) in the circumstances mentioned in sections 351 and 352 (which relate respectively to the death of a proprietor without successors, and the abandonment of title by proprietors); and
- (d) upon the surrender thereof in accordance with the provisions of Part Twelve;

and any part of alienated land affected by encroachment by the sea or any river shall revert to and vest in the State Authority in accordance with section 49.

(2) Without prejudice to the provisions of any other written law for the time being in force, reserved land shall cease to be reserved upon the taking effect in respect thereof of any revocation under section 64.

(3) Leases of reserved land, and licences and permits issued under this Act, shall terminate at the expiry of the term for which they were granted or issued, or on the occurrence before that time of any event specified in that behalf in the lease, licence or permit, or in any rule made by the State Authority under section 14; and any licence or permit issued under this Act shall also terminate on the death or dissolution, except as provided in section 416, before that time of the person or body for the time being entitled to the benefit thereof.

46A. Reversion to State Authority of an undivided share in land.

Where an undivided share in land reverts to the State Authority under the provisions of this Act, or of any other written law, or by virtue of any contract or agreement, whether oral or written, formal or informal, express or implied, the undivided share which so reverts to the State Authority shall vest and be registered in the name of any statutory authority as may be nominated by the State Authority to hold the same on behalf, and for the benefit, of the State Authority.

47. Buildings to vest in State Authority on reversion, etc.

(1) On the reversion of any alienated land to the State Authority, or the determination of any lease of reserved land, or of any licence or permit issued by the State Authority with respect to any land under this Act or any previous land law, there shall, subject to sub-section (3), vest in the State Authority all buildings on the land (by whomsoever erected) other than any of temporary construction and capable of removal.

(2) Subject to sub-section (3), no compensation shall be payable by the State Authority in respect of any building vesting in it pursuant to this section.

(3) The provisions of sub-sections (1) and (2) shall have effect subject to any provision to the contrary in the document of title to the land in question or, as the case may be, the lease, licence or permit in question.

48. No adverse possession against the State.

No title to State land shall be acquired by possession, unlawful occupation or occupation under any licence for any period whatsoever.

49. Effect of advance or retreat of sea, etc.

Where the shore-line or the bed of any river advance so as to encroach on any alienated land, the area affected by the encroachment shall thereupon cease to form part of that land, and shall become State land; but the boundaries of alienated land shall not (except in the circumstances mentioned in paragraph (i) of the proviso to sub-section (2) of section 353) be affected by any retreat of the shore-line or of the bed of any river.

50. Power of State Authority to vary provisions, extend time, etc.

(1) The State Authority shall, in addition to the like powers conferred by Part Seven in respect of conditions and restrictions in interest affecting alienated land, have power under this section-

(a) to vary or rescind any provision contained (expressly or by implication) in any lease of reserved land, or in any licence or permit issued under this Act or the provisions of any previous land law, where satisfied that compliance therewith is impossible or that great hardship would otherwise accrue to the person or body for the time being entitled to the benefit of the lease, licence or permit, as the case may be; and

(b) to extend, on such terms as the State Authority may think fit to impose, the time within which any act is required to be done by any such provision.

(2) Any extension granted under paragraph (b) of sub-section (1), and any terms imposed under that paragraph, shall operate for the benefit of or, as the case may be, be binding upon, any person who, or body which, may at any time thereafter become entitled to the benefit of the lease, licence or permit in question.

CHAPTER 2
CLASSIFICATION AND USE OF LAND
CLASSIFICATION

51. Classification of land.

(1) For the purposes of this Act land shall be classified as follows-

- (a) land above the shore-line; and
- (b) foreshore and sea-bed.

(2) Land above the shore-line shall be classified as follows-



- (a) town land, that is to say, land in any area of the State declared in accordance with the provisions of section 11 to be a town or, by virtue of section 442, deemed to be a town duly constituted as such under those provisions;
- (b) village land, that is to say, land in any area of the State declared in accordance with the provisions of section 11 to be a village or, by virtue of section 442, deemed to be a village duly constituted as such under those provisions;
- (c) country land, that is to say, all land above the shoreline other than town land or village land.

USE OF LANDS ALIENATED UNDER THIS ACT

52. Categories of land use and application thereof to lands alienated under this Act.

(1) For the purposes of this Act there shall be three categories of land use, to be known respectively as "agriculture", "building" and "industry" and, subject to sub-section (5), where any land is alienated under this Act-

- (a) there shall be endorsed on the document of title thereto such one of those categories as the State Authority may have-
 - (i) prescribed by a notification having effect in relation thereto under sub-section (2), or
 - (ii) in the absence of any such notification, determined in relation thereto pursuant to subsection (3); and
- (b) the conditions to which the land becomes subject shall include accordingly-
 - (i) such express conditions as may be imposed by the State Authority by virtue of section 121 or, as the case may be, 122, and
 - (ii) such implied conditions as are applicable thereto by virtue of section 115, 116 or 117.

(2) The State Authority may, by notification in the *Gazette*, specify any area of the State, and prescribe a category of land use in relation thereto for the purposes of this section; and that category shall be the one to be endorsed under sub-section (1) on the alienation pursuant to any approval given after the notification is published of any State land in that area which has not at any previous time been alienated.

(3) Except in a case falling within sub-section (2), the category of land use to be endorsed pursuant to sub-section (1) on the document of title to any land shall be determined by the State Authority at the time when the land is approved for alienation.

(4) Copies of any notification under this section shall be published in accordance with section 433.

(5) This section does not apply to any land alienated under this Act in pursuance of an approval given by the State Authority before the commencement thereof; and the State Authority may, on approving the alienation of any land after that commencement, direct that no category of land use be endorsed on the document of title thereto, if satisfied that the use thereof could be more appropriately controlled by the imposition of express conditions under section 120.



USE OF LANDS ALIENATED BEFORE COMMENCEMENT

53. Conditions affecting use of lands alienated before commencement until category of land use imposed.

(1) This section applies to all land alienated before the commencement of this Act other than land which, immediately before that commencement, is subject to an express condition requiring its use for a particular purpose.

(2) All land to which this section applies which is at the commencement of this Act-

- (a) country land, or
- (b) town or village land held under Land Office title,

shall become subject at that commencement to an implied condition that it shall be used for agricultural purposes only:

Provided that this condition-

- (i) shall not prevent-
 - (a) the use of any part of the land for any purpose for which it could (under section 115) be lawfully used if it were subject instead to the category "agriculture", or
 - (b) the continued use of any part thereof for any industrial purpose for which it was lawfully used immediately before the commencement of this Act; and
- (ii) shall not apply to any part of the land which is occupied by or in conjunction with-
 - (a) any building lawfully erected before that commencement, or
 - (b) any building erected after that commencement, the erection of which would (under section 115) be lawful if the land were subject instead to the category "agriculture",

(3) All other land to which this section applies shall become subject at the commencement of this Act to an implied condition that it shall be used neither for agricultural nor for industrial purposes:

Provided that this condition-

- (i) shall not prevent the continued use of any part of the land for any agricultural or industrial purpose for which it was lawfully used immediately before the commencement of this Act; and
- (ii) shall not apply to any part of the land which is occupied by or in conjunction with-
 - (a) any building lawfully erected before that commencement, or
 - (b) any building erected after that commencement, the erection of which would (under section 116) be lawful if the land were subject instead to the category "building".

(4) No order under sub-section (4) or (5) of section 129 declaring land forfeit to the State Authority shall have effect with respect to any land for breach of any condition to which it is subject by virtue of this section except upon payment of such compensation as may be agreed or determined under section 434.

54. Application of categories of land use to lands alienated before commencement.

(1) The State Authority may, by notification in the *Gazette*, specify any area of the State, and prescribe a date (not being less than one year from the date on which the notification is published) on which the provisions of this section are to take effect therein; and, on the date so prescribed-

- (a) all land in that area which was alienated before the commencement of this Act shall become subject to a category of land use determined as provided by sub-section (2) (which category shall, on or before that date, be endorsed on the register document of title thereto); and
- (b) the conditions to which any such land is subject shall become as mentioned in sub-section (3):

Provided that-

- (i) the provisions of this section shall not apply to any land in the area which has previously become subject to any category of land use pursuant to an application by the proprietor under section 124, or to any direction given by the State Authority under sub-section (3) of section 147 on sanctioning its amalgamation with any other land; and
 - (ii) the State Authority may in any such notification exempt any land in the area from the operation of this section.
- (2) The category of land use to which land becomes subject by virtue of this section shall be-
- (a) in the case of land previously subject to the implied condition specified in sub-section (2) of section 53, the category "agriculture";
 - (b) in the case of land previously subject to the implied condition specified in sub-section (3) of that section, the category "building";
 - (c) in the case of land previously subject to any express condition requiring its use for a particular purpose, such category as is appropriate to that purpose.
- (3) Where any land becomes subject to a category of land use by virtue of this section-
- (a) it shall become subject also to such express conditions as the State Authority may have directed under section 123, and to such implied conditions as are applicable thereto by virtue of section 115, 116 or 117; and
 - (b) all conditions to which the land was previously subject shall cease to have effect, except those implied under section 114.
- (4) No order under sub-section (4) or (5) of section 129 declaring land forfeit to the State Authority shall have effect with respect to any land for breach of any condition to which it is subject by virtue of this section except upon payment of such compensation as may be agreed or determined under section 434:
- Provided that this sub-section does not apply to any express condition which has been subsequently varied on the application of the proprietor under section 124.
- (5) Copies of any notification under this section shall be published in accordance with section 433.

USE OF LANDS APPROVED FOR ALIENATION BEFORE COMMENCEMENT

55. Application of section 53 to lands approved before commencement.

(1) This section applies to all land approved for alienation before the commencement of this Act, but not in fact so alienated, other than land which is required by the terms of the approval to be alienated subject to an express condition requiring its use for a particular purpose.

(2) Land to which this section applies shall become subject on alienation, or at the commencement of this Act if it is then lawfully occupied in expectation of title-

(a) in the case of land which is at that commencement country land, to the implied condition specified in sub-section (2) of section 53;

(b) in any other case, to the implied condition specified in sub-section (3) of that section.

(3) No order under sub-section (4) or (5) of section 129 declaring land forfeit to the State Authority shall have effect with respect to any land for breach of any condition to which it is subject by virtue of this section except upon payment of such compensation as may be agreed or determined under section 434.

56. Application of section 54 to lands approved before commencement.

(1) As from the date prescribed in any notification published with respect to any area under section 54, the provisions of that section shall have effect in the area not only with respect to lands alienated before the commencement of this Act but also with respect to lands alienated under this Act pursuant to approvals given before that commencement.

(2) In its application to any land by virtue of this section, paragraph (b) of sub-section (3) of section 54 shall have effect as if for the words "section 114" there were substituted the words "section 114 and, where applicable, 118".

(3) Where any land approved for alienation before the commencement of this Act has not been alienated by the time that the notification referred to in sub-section (1) is published, the Land Administrator or Registrar, as the case may be, shall, unless the approval has previously lapsed, take action under Chapter 2 of Part Eleven to prepare, register and issue a document of qualified title to the intended proprietor and subject to sub-section (4), the land shall be so alienated before the date prescribed in the notification.

Provided that any fee in respect of the document of qualified title which the intended proprietor (other than the intended proprietor in lawful occupation of land in expectation of title) would be required to pay, shall become payable on alienation and unless sooner paid, shall be added to, and deemed for all the purposes of this Act to form part of, the rent next due in respect of the land.

(4) Before the registration and issue of documents of qualified title under Chapter 2 of Part Eleven, the Land Administrator shall ascertain whether the items of land revenue specified in paragraphs (a) to (d) of sub-section (1) of section 81 have been paid in respect of the land and, if under that section the approval of the State Authority to the alienation of the land lapses for non-payment of any such sum, the requirement of sub-section (3) shall cease to apply thereto.



CHAPTER 3
RIGHTS OF ACCESS TO, AND USE OF, ALIENATED LANDS

57. General.

(1) Subject to sub-section (2), the State Authority shall have in respect of all alienated land such rights of access and use as are conferred by the following provisions of this Chapter.

(2) The said rights shall be exercisable in relation to any land to the extent only that their exercise in any particular respect is not inconsistent with any express provision in the document of title thereto.

(3) The rights conferred by this Chapter shall be in addition to, and not in derogation of, any right of entry onto, or use of, land exercisable by or on behalf of the State Authority under any other written law for the time being in force.

58. Nature and extent of rights.

(1) The State Authority may carry, make or install, and thereafter inspect, use, maintain, repair, remove or re-lay, in, through, over, under or across any alienated land, any drain, sewer, pipe, cable or wire for the passage of water or any other substance, together with all necessary supports and any works ancillary thereto:

Provided that the State Authority shall not be entitled under this section to interfere with any building lawfully erected on any such land.

(2) Any officer or other person or authority appointed by or acting on behalf of the State Authority shall have free access to any alienated land at all reasonable times for the purpose of surveying, setting out or marking the line of any drain, sewer, pipe, cable or wire, or for any of the purposes specified in subsection (1).

59. Notice of intended works.

(1) At least one month before carrying, making or installing any drain, sewer, pipe, cable or wire in, through, over, under or across any land in exercise of the powers conferred by section 58, the State Authority shall publish in the *Gazette* a notice-

(a) describing the nature of the intended work, and

(b) naming a place where a plan thereof may be inspected at all reasonable times:

Provided that this sub-section does not apply to the carrying out of any works with the consent of the proprietor of the land and, so far as the enjoyment of his interest will be thereby affected, of every person or body in occupation of any part thereof under any registered lease or tenancy exempt from registration, or entitled to the benefit of any easement thereover.

(2) Copies of any notice published under sub-section (1) shall be served on the persons referred to in the proviso to that subsection and published in accordance with the provisions of section 433.

60. Objection to intended works.

(1) Within one month of the application of a notice under sub-section (1) of section 59 with respect to any land, any of the persons or bodies on whom a copy of the notice is required to be served by sub-section (2) of that section may object to the carrying out of the work described therein by serving on the Land Administrator a notice in Form 3A.

(2) Where any notice of objection has been served under sub-section (1)-

(a) the intended work shall not, in so far as it affects the land specified in that notice, be commenced without the sanction of the State Director; and

(b) the State Director shall appoint such person or persons as he may think fit to enquire on the spot into the propriety of the intended work and the validity of the objection thereto, and to report to him thereon, and shall, on receiving the report, make an order allowing or disallowing the work, or allowing it with such modifications as he may consider necessary or desirable.

61. Compensation.

Where any land, tree or crop is damaged or destroyed in the exercise of any power conferred on the State Authority by the provisions of this Chapter, the proprietor of the land or, as the case may be, the owner of the crop shall be paid such compensation as may be agreed or determined in accordance with the provisions of section 434.

61A. Private person carrying out works.

(1) Where any person or body who intends to carry out any of the works mentioned in subsection (1) of section 58 on any alienated land fails to obtain the consent of the proprietor of the land and, so far as the enjoyment of his interest will be thereby affected, of every person or body in occupation of any part thereof under any registered lease or tenancy exempt from registration, or entitled to the benefit of any easement thereover, the first-mentioned person or body may apply to the State Director for an order allowing the carrying out of such work.

(2) Upon receiving an application under subsection (1), the State Director shall publish in the *Gazette* a notice as described in subsection (1) of section 59, and the provisions of section 59 and subsection (1) of section 60 shall apply *mutatis mutandis*.

(3) Where the proprietor, person or body having any interest in the land referred to in subsection (1) has served a notice of objection on the Land Administrator, the State Director shall appoint such person or persons as he may think fit to enquire on the spot into the propriety of the intended work and the validity of the objection thereto and to report to him thereon, and shall, on receiving the report, make an order allowing or disallowing the work, or allowing it with such modifications or upon such conditions as he may consider necessary or desirable.

(4) Where the State Director allows the intended work, the person or body carrying out the work, or his authorised agent or servant-

- (a) shall carry out the work in accordance with such modifications or conditions as are contained in the order of the State Director; and
 - (b) shall have free access to any alienated land at all reasonable times for the purpose of surveying, setting out or marking the line of any drain, sewer, pipe, cable or wire, or for any of the purposes specified in sub-section (1) of section 58.
- (5) Where the person or body carrying out the work fails to comply with any modification or condition contained in the order of the State Director, the State Director shall make an order-
- (a) directing the work to be discontinued; and
 - (b) requiring the person or body to restore the land to the same state or condition as it stood at the time of the order allowing the carrying out of the work.
- (6) Where any land, tree or crop is damaged or destroyed in the carrying out of any work by any person or body under the provisions of this section, the proprietor of the land or, as the case may be, the owner of the crop, shall be paid such compensation as may be agreed between such proprietor or owner of the crop and the person or body carrying out the work or, in default of an agreement between them, such compensation as may be determined by arbitration, and the provisions of sub-section (2) of section 434 shall apply *mutatis mutandis*.

DIVISION II
DISPOSAL OF LAND
PART FOUR
DISPOSAL OTHERWISE THAN BY ALIENATION
CHAPTER 1
RESERVATION OF LAND

62. Power of reservation of State land.

- (1) The State Authority may by notification in the *Gazette* reserve any State land for any public purpose.
 - (2) Any notification gazetted under sub-section (1) shall-
 - (a) describe the reserved land;
 - (b) describe the purpose for which the land is reserved;
 - (c) designate the public officer for the time being having the control of the reserved land;
- [Am. Act A1333]*
- (d) be conclusive evidence that the land so described is reserved for a public purpose.
 - (3) Copies of any such notification shall be published in accordance with the provisions of section 433.
 - (4) Without prejudice to the provisions of any other written law for the time being in force, reserved land shall not be-
 - (a) disposed of by the State Authority except to the extent permitted by, and in accordance with the provisions of, section 63 and Chapters 2, 3 and 4 of this Part, or

- (b) used for any purpose other than that for which it is reserved except in pursuance of a disposition made by virtue of any of those provisions.

63. Power to lease reserved land.

(1) The State Authority may, on an application made by the officer for the time being having the control of any reserved land, or by any other person or body who has first obtained the approval of that officer, from time to time grant leases of the whole or any part thereof for any period not exceeding twenty one years.

(2) Any lease granted under this section shall be in form 4AA; and any such lease shall have effect subject to such express conditions or other provisions as may be contained therein and, so far as not inconsistent therewith, to any other conditions or provisions which may be prescribed.

64. Revocation of reservation.

(1) The reservation of any land for a public purpose (whether effected under this Act or the provisions of any law in force at any time before the commencement thereof) may, subject to sub-section (2), be revoked by the State Authority at any time, either as respects the whole of the land or as respects any part or parts thereof.

(2) Where it is proposed to revoke any reservation in pursuance of sub-section (1), notice of the proposal shall be published in the *Gazette* together with details of a time and place at which an enquiry will be held with respect thereto by the State Director; and the State Authority-

(a) shall not revoke the reservation until it has considered a report by the State Director setting out the nature of any objections to the proposal received by him at the enquiry, and his observations thereon and on the proposal generally, but

(b) may thereafter revoke the reservation, either in accordance with the proposal as published, or in accordance with the proposal modified in such respects as the State Authority may consider necessary or desirable.

(3) Copies of any notice published under sub-section (2) shall be published in accordance with the provisions of section 433.

(4) Any lease of reserved land subsisting at the time the reservation is revoked under this section shall continue in force notwithstanding the revocation.

CHAPTER 2

TEMPORARY OCCUPATION OF LAND

65. Power to licence temporary occupation of State land, mining land and reserved land.

(1) The State Authority may, in accordance with the provisions of this Chapter and of any rules under section 14, permit the temporary occupation under licence of-

(a) State land;

(b) mining land not for the time being used for the purposes of mining;



(c) reserved land not for the time being used for the purposes for which it was reserved.
(2) Temporary occupation licences may be issued for any purpose other than one prohibited by sub-section (2) of section 42.

66. Issue of temporary occupation licences.

Temporary occupation licences may, subject to any contrary direction by the State Authority and to the provisions of any rules under section 14, be issued or renewed on behalf of the State Authority-

- (a) in the case of State land, by the Land Administrator;
- (b) in the case of mining land, by the Land Administrator acting with the approval-
 - (i) of the Senior Inspector of Mines, or such other officer as may for the time being be charged with the administration within the State of any written law relating to mining, and with the approval also of any lessee thereof;
 - (ii) the person or body for the time being entitled to the benefit of the mining lease or certificate in question;
- (c) in the case of reserved land-
 - (i) by the Land Administrator acting with the approval of the officer for the time being having the control thereof; or
 - (ii) by that officer, whenever and to such extent as he may be authorised in that behalf by the State Authority.

Provided that nothing in this section shall authorise the Land Administrator to issue temporary occupation licences in respect of any such river as may be declared by the State Authority by notification in the *Gazette* for the purpose of this proviso.

67. Duration, conditions, etc., and form of temporary occupation licences.

(1) Except in so far as it is otherwise prescribed, every temporary occupation licence other than one to which section 69 applies (that is to say, a temporary occupation licence combined with a permit to extract and remove rock material) shall be issued for a term expiring not later than the end of the calendar year in which it commences, and subject to sub-section (3) may be renewed annually:

Provided that a licence issued for the purpose of enabling any public exhibition or entertainment to be held may be issued for such other term as may be appropriate in the circumstances.

(2) Every temporary occupation licence shall have effect subject to such provisions as may be contained therein and so far as not inconsistent therewith, to any other provisions which may be prescribed.

(3) Subject to the condition under which a temporary occupation licence is issued, the Land Administrator may on the application of a licensee renew such a licence for a term of not more than one calendar year.

Provided that there shall not be more than three renewals made in respect of a temporary occupation licence unless a prior written approval of the State Authority has been obtained.

(4) Every temporary occupation licence other than one to which section 69 applies shall be in Form 4A and in the case of renewal of such licence it shall be endorsed with a note of such renewal and the date of its intended expiry.

68. Temporary occupation licences not capable of transfer or transmission on death.

Except so far as it is otherwise prescribed, a temporary occupation licence shall not be capable of assignment; and every such licence shall, except as provided in section 416, terminate on the death of the person, or dissolution of the body, for the time being entitled to the benefit thereof.

68A. Deposits in respect of temporary occupation licence.

The State Authority may if it thinks fit direct that, except in such circumstances as may be specified in the direction, the Land Administrator or other officer by whom any temporary occupation licence is issued shall require the person or body to whom it is issued to deposit with him such sum as he may consider reasonable as security for the rehabilitation of the land to which the temporary occupation licence relates upon the termination thereof.

69. Combined temporary occupation licence and permit under Chapter 3.

(1) Without prejudice to the generality of sub-section (2) of section 65, the purposes for which a temporary occupation licence may be issued shall include the extraction and removal of any rock material (otherwise than for the purpose of obtaining metal or mineral therefrom) from the land to which the licence relates; and, in any such case, the licence-

(a) shall be in Form 4B, and

(b) may be issued for maximum term not exceeding five years, or such greater number of years as may be prescribed.

(2) So far as it authorises the extraction and removal of rock material from land, a temporary occupation licence shall, notwithstanding that it is issued in accordance with, and has effect subject to, the provisions of this Chapter, be deemed to constitute a permit validity issued on behalf of the State Authority in accordance with the provisions of Chapter 3; and accordingly-

(a) any direction given by the State Authority under section 74 shall apply in relation to licences authorising the extraction and removal of rock material as it applies to permits under that Chapter, and

(b) any such licence shall have the like effect in relation to any conditions to which the land in question is for the time being subject as such a permit has by virtue of section 75.

CHAPTER 3

REMOVAL OF ROCK MATERIAL

70. Power to permit extraction and removal of rock material.

The State Authority may, in accordance with the provisions of this Chapter and of any rules under section 14, permit the extraction, removal and transportation of any rock material (otherwise than for the purpose of obtaining metal or mineral therefrom) from-

- (a) State land;
- (b) alienated land;
- (c) mining land;
- (d) reserved land.

71. Issue of Permits.

Permits to extract, remove and transport rock material may, subject to any contrary direction by the State Authority and to the provisions of any rules under section 14, be issued on behalf of the State Authority-

- (a) in the case of State land, by the Land Administrator;
- (b) in the case of alienated land, by the Land Administrator to-
 - (i) the proprietor of the land, or
 - (ii) with the consent of the proprietor, any other person or body;
- (c) in the case of mining land, by the Land Administrator, acting with the approval of the Senior Inspector of Mines or of such other officer as may for the time being be charged with the administration within the State of any written law relating to mining, to-
 - (i) the person or body for the time being entitled to the benefit of the mining lease or certificate in question, or
 - (ii) with the consent of that person or body, any other person or body;
- (d) in the case of reserved land-
 - (i) by the Land Administrator acting with the approval of the officer for the time being having the control thereof; or
 - (ii) by that officer, whenever and to such extent as he may be authorised in that behalf by the State Authority.

72. Duration, conditions, etc., and form of permits.

- (1) Except in so far as it is otherwise prescribed, every permit to extract, remove and transport rock material shall be issued for a term expiring not later than the end of the calendar year in which it commences, and shall terminate at the expiry of that term even though the total quantity of rock material specified therein has not by then been extracted, removed and transported.
- (2) Every permit to extract and remove rock material shall have effect subject to such provisions as may be contained therein and, so far as not inconsistent therewith, to any other provisions which may be prescribed.
- (3) Every permit to extract and remove rock material shall be in Form 4C.

73. Permits not capable of transfer or transmission on death.

Except so far as it is otherwise prescribed, a permit to extract, remove and transport rock material shall not be capable of assignment; and every such permit shall, except as provided in section 416 terminate on the death of the person, or dissolution of the body, for the time being entitled to the benefit thereof.

74. Deposits in respect of permits.

The State Authority may if it thinks fit direct that, except in such circumstances as may be specified in the direction, the Land Administrator or other officer by whom any permit to extract, remove and transport rock material is issued shall require the person or body to whom it is issued to deposit with him such sum as he may consider reasonable as security for-

- (a) the due performance and observance of the provisions to which the permit is subject, and
- (b) the rehabilitation of the land to which the permit relates upon the termination thereof.

75. Effect of permits on conditions affecting land.

The doing of anything authorised by any permit to extract, remove and transport rock material for the time being in force shall not be taken to constitute a breach of any condition to which the land to which the permit relates is for the time being subject, whether by virtue of this Act, of any written law relating to mining, or of any other written law.

CHAPTER 4

PERMIT TO USE AIR SPACE ABOVE STATE LAND AND RESERVED LAND

75A. Power to permit use of air space above State land or reserved land.

The State Authority may in accordance with the provisions of this Chapter and of any rules under section 14 approve the issue of a permit for a period not exceeding twenty-one years for the purpose of erecting, maintaining and occupying a structure on State land or reserved land, or over State land or reserved land as an adjunct to any structure on the adjoining land:

Provided that in a case involving reserved land, the consent of the officer for the time being having control thereof shall first have been obtained.

75B. Applications for permit.

(1) Any application for a permit under section 75A shall be in such form as may be prescribed, and shall be addressed to the Land Administrator and accompanied by-

- (a) such fee as may be prescribed;
- (b) details of the structure to be erected and maintained, and a plan thereof as approved by the appropriate planning authority; and
- (c) in the case of an application involving the use of air space for the purpose of erecting a structure on or over reserved land, a letter of consent from the officer for the time being having control of that land.

(2) The State Authority may, if it is satisfied that it is necessary in the circumstances of the case to allow the air space to be used for the purpose as specified in the application, give its approval.

75C. Issue of permits on approval.

Upon approval of the application, the Land Administrator shall issue on behalf of the State Authority, a permit in Form 4D.

75D. Conditions etc. of permits.

Every permit under section 75A shall be issued subject to the following-

- (a) an annual payment as may be determined by the State Authority; and
- (b) such terms and conditions as may be specified.

75E. Permits not capable of assignment except with consent of State Authority.

A permit under this Chapter shall not be capable of assignment except with the prior consent of the State Authority.

75F. Deposit or security in respect of permits.

The State Authority may, if it thinks fit, direct that the Land Administrator by whom such permit is to be issued shall, before issuing the same, require the person or body to whom it is to be issued, to deposit such sum or furnish such security as he may consider reasonable for the due performance and observance of the provisions to which the permit is subject.

75G. Power to cancel permits.

(1) A permit issued under this Chapter may be cancelled by the State Authority immediately upon, or at any time after, the occurrence of a breach of any rule, term or condition to which it is subject without payment of any compensation, and thereupon any deposit or security furnished under section 75F in relation to the issue of such permit shall be forfeited to the State Authority.

(2) A permit issued under this Chapter may be cancelled by the State Authority as its discretion at any time before the date of expiry of the permit notwithstanding that it has not become liable to cancellation under subsection (1).

(3) Where a permit is cancelled under sub-section (2), there shall be paid to the person or body to which it was issued such compensation as may be agreed or determined under section 434.

PART FIVE

DISPOSAL BY ALIENATION

CHAPTER 1

INTRODUCTORY

76. Meaning of alienation.

The alienation of State land under this Act shall consist of its disposal by the State Authority-

(a) for a term not exceeding ninety-nine years;

(aa) in perpetuity-

- (i) where the Federal Government requires the State Authority to cause a grant in perpetuity to be made to the Federal Government or to a public authority or where

the Federal Government and the Government of the state agree to make a grant in perpetuity to the Federal Government;

(ii) where the State Authority is satisfied that the land is to be used for a public purpose; or

(iii) where the State Authority is satisfied that there are special circumstances which render it appropriate to do so;

(b) in consideration of the payment of an annual rent;

(c) in consideration, unless the State Authority thinks fit to exempt therefrom in any particular case, of the payment of a premium;

(d) subject, unless the State Authority otherwise directs pursuant to sub-section (5) of section 52, to a category of land use determined in accordance with sub-sections (2) and (3) of that section; and

(e) subject to such conditions and restrictions in interest as may be imposed by the State Authority under, or are applicable thereto by virtue of, any provision of this Act.

Provided that nothing in paragraph (aa) shall enable the State Authority to dispose of any part of the foreshore or sea-bed for a period exceeding ninety-nine years; and paragraph (d) shall not apply to the alienation of land under this Act in pursuance of an approval given by the State Authority before the commencement thereof.

77. Titles under which land may be alienated.

(1) The titles under which State land may be alienated under this Act are-

(a) Registry title and Land Office title (being forms of final title), and

(b) qualified title.

(2) Land may be alienated under qualified title at any time after its alienation has been approved by the State Authority, but may not be alienated under either of the forms of final title aforesaid unless-

(a) it has been surveyed in accordance with the provisions of section 396 (whether for the purposes of the alienation in question or on some previous occasion), or

(b) having been surveyed under any previous land law, it is shewn on a certified plan prepared on that survey and adopted by the Director of Survey and Mapping for the purposes of this Act.

(3) Of the said forms of final title-

(a) Registry title shall be appropriate in the case of-

(i) town or village land,

(ii) any lot of country land exceeding four hectares in area, and

(iii) any part of the foreshore or sea-bed; and

(b) Land Office title shall be appropriate in the case of any lot of country land, not exceeding four hectares in area;

Provided that-

- (i) the State Authority may if it thinks fit, on approving the alienation of any country land, direct that the land shall ultimately be held under Registry title notwithstanding that its area does not exceed four hectares, and
- (ii) the foregoing provisions shall have effect subject to section 11 of the Land (Group Settlement Areas) Act, 1960, under which Land Office title is required to be issued in respect of all holdings under that Act.

77A. (Repealed).

(Repealed).

78. How alienation is effected.

- (1) The alienation of State land under final title shall be effected in accordance with the provisions of Chapter 3.
- (2) The alienation of State land under qualified title shall be effected in accordance with the provisions of Chapter 2 of Part Eleven.
- (3) The alienation of State land shall take effect upon the registration of a register document of title thereto pursuant to the provisions referred to sub-section (1) or (2), as the case may be; and, notwithstanding that its alienation has been approved by the State Authority, the land shall remain State land until that time.

CHAPTER 2

APPROVAL OF LAND FOR ALIENATION

79. General provisions relating to approvals.

- (1) Where any approval of the State Authority to the alienation of land under this Act relates to land which (under sub-section (2) of section 77) is required to be surveyed before it can be held under final title, it shall be given by reference to a plan and description sufficient to enable the land and its boundaries to be provisionally identified and ascertained pending the survey.
- (2) The following matters shall be determined by the State Authority at the time when it approves the alienation of land under this Act to any person or body-
 - (a) the area approved for alienation or (in the case land requiring o be surveyed) the area provisionally approved;
 - (b) the period for which the land is to be alienated;
 - (ba)(Deleted)*
 - [Deleted by A1104 - Prior text read - "(ba) the form of qualified title;"]*
 - (c) the form of final title under which the land is ultimately to be held;
 - (d) the rate per hectare or other lesser unit of area at which the rent to be reserved thereon is to be calculated;
 - (e) the question whether any premium is to be charged and, if so, the rate per cubic metre or other lesser unit of volume at which it is to be calculated;
 - (f) the question whether (as permitted by sub-section (5) of section 52) the land is to be alienated free from any category of land use and, if not, the category to be imposed

- (unless already prescribed by a notification having effect in relation to the land under sub-section (2) of that section); and
- (g) the express conditions and restrictions in interest (if any) to be imposed.

80. Supplementary provisions relating to approvals.

(1) The rates of rent and premium determined by the State Authority in pursuance of paragraphs (d) and (e) of sub-section (2) of section 79 shall, in the case of land of any class or description with respect to which rates are for the time being prescribed, be the rates so prescribed:

Provided that the State Authority may, in relation to rent or premium or both, determine different rates if it thinks fit to do so in the circumstances of any particular case, and may in particular (but without prejudice to the generality of the foregoing) determine-

- (i) a higher rate of rent in a case where no premium is to be charged, or
- (ii) a nominal rate of rent where the land is to be alienated for any religious, educational, charitable or public purpose.

(2) The State Authority may if it thinks fit direct that any State land be sold by auction; and in any such case, the State Authority shall, on the acceptance on its behalf of any bid for the land, be treated for the purposes of this Act as having approved the alienation thereof to the person or body by or on whose behalf the bid was made, and as having determined the matters specified in paragraphs (a) to (g) of sub-section (2) of section 79 in accordance with the terms on which the land was auctioned.

(3) Subject to sub-section (2) of section 81, upon the approval of the alienation of any land by the State Authority under this Act and upon payment of all fees the Registrar shall prepare, register and issue a qualified title in respect of the land.

(3A) Notwithstanding subsection (3), the Registrar may, where it appears just and expedient, prepare, register and issue final title in respect of the land.

[Ins. Act A1333]

(4) Any land approved before the commencement of this Act for alienation under any previous land law, but not in fact so alienated, shall be taken as from that commencement to have been approved for alienation under this Act on the same terms as those determined by the State Authority at the time the approval was actually given:

Provided that the said terms-

- (i) shall, if they provided for the land to be alienated rent-free, or for rent to be paid in respect thereof otherwise than at a rate per hectare or lesser unit of area, be modified by the State Authority so as to provide for the payment of rent at such a rate; and
- (ii) may, even where they provided for the payment of rent at such a rate, be modified if the State Authority thinks fit by the substitution of a different rate, whether higher or lower.

81. Items of land revenue payable on approval.

(1) The following sums shall become due to the State Authority at the time when it approves the alienation of any land under this Act-

- (a) the first year's rent payable in respect of the land, computed on the basis of the area approved, or provisionally approved, for alienation;
- (b) the premium (if any) so payable, computed on the like basis;
- (c) the amount, or estimated amount, of any survey fees chargeable in respect of the land where the land is to be surveyed by a Survey Officer; and
- (d) the fees chargeable in connection with the preparation and registration of-
 - (i) documents of qualified title and final document of title; or
 - (ii) final document of title.

[Subs. Act A1333]

(2) As soon as may be after any sums have become due in respect of any land by virtue of sub-section (1), the Collector shall, by notice in Form 5A, require the intended proprietor to pay them to him within the time specified in that behalf in the notice; and if any such sum is not so paid within the specified time, the approval of the State Authority to the alienation shall thereupon lapse.

(3) So far as any of the sums specified in sub-section (1) are at the commencement of this Act outstanding in respect of any land approved for alienation under the provisions of any previous land law, the provisions of this section shall apply thereto as if the land had been approved for alienation immediately after that commencement:

Provided that no fee chargeable in connection with the preparation and registration of documents of qualified title shall be payable if the approval of the State Authority was given under the provisions of a previous land law to a person who, pursuant to the approval, was at the commencement of this Act lawfully in occupation of the land in expectation of title.

(4) For the purposes of this section, the provisions of sub-sections (1) and (2) of section 96 shall apply to the computation of premiums as they apply to the computation of rent.

82. Power to require payment of deposit.

(1) The State Authority may if it thinks fit direct that no application for the alienation of land under this Act, or no application for the alienation thereunder of land of any class or description specified in the direction, shall be entertained unless and until there has been paid to the Land Administrator, by way of deposit, an amount estimated by him as the total amount which will become due to the State Authority by virtue of subsection (1) of section 81 if the application is approved.

(2) On receiving any application to which any such direction applies, the Land Administrator shall, by notice on Form 5A, require the applicant to deposit the said amount with him within the time specified in that behalf in the notice; and if the amount demanded is not so deposited within the specified time, the application shall thereupon be deemed to have been withdrawn.

CHAPTER 3
ALIENATION UNDER FINAL TITLE

83. Survey for purposes of alienation under final title.

(1) Subject to sub-sections (2) and (3), where any land is surveyed in accordance with the provisions of section 396 for the purpose of its alienation under final title, the boundaries determined on the survey shall accord as nearly as may be with those indicated by the plan and description by reference to which the approval of the State Authority was given.

(2) The Director of Survey and Mapping may if he thinks it necessary or desirable to do so in the circumstances of any particular case authorise the determination on any such survey of boundaries which are at variance with those indicated as aforesaid, but not so as to cause the determination of boundaries the area enclosed by which would, in his opinion, exceed to any substantial extent that provisionally approved for alienation.

(3) Where it appears to the Director of Survey and Mapping that the area enclosed by the boundaries determined on any such survey is substantially different from that provisionally approved for alienation, he shall, before approving any plan of the land under the said section 396, refer the matter to the State Authority, and cause the boundaries to be redetermined to such extent, and in such manner, if any, as the State Authority may direct.

(4) No person to whom any land is alienated under this Act shall have any claim against the State Authority on the ground that the area in fact so alienated is smaller than that provisionally approved for alienation.

84. Re-computation of items of land revenue after survey.

(1) After any land has been surveyed for the purpose of its alienation under final title, and before it is so alienated all items of land revenue previously paid in respect thereof which were computed on the basis of the area provisionally approved for alienation shall be re-computed on the basis of the actual area of the land as established by the survey; and any amounts underpaid or overpaid in respect thereof, or in respect of survey fees-

(a) shall become payable to or by the State Authority at the time when the land is alienated as aforesaid; and

(b) in the case of amounts underpaid, shall, if not sooner paid, be added to, and deemed for all the purposes of this Act to form part of, the rent next due in respect of the land.

(2) For the purposes of sub-section (1), the provisions of sub-sections (1) and (2) of section 96 shall apply to the computation of premiums as they apply to the computation of rent.

85. Register and issue documents of title.

(1) For the purpose of the alienation of land under this Act under final title, there shall be prepared in accordance with section 86 or, as the case may be, 87-

(a) a register document of title, on the registration of which in accordance with the provisions of section 88 the alienation shall take effect, and

(b) an issue document of title, which shall be issued to the proprietor of the land in accordance with the provisions of section 90.

(2) The documents referred to in sub-section (1) shall be prepared-

(a) in the case of land to be alienated under Registry title, by the Registrar, and

(b) in the case of land to be alienated under Land Office title, by the Land Administrator;

and (except where it relates to a rural holding under the Land (Group Settlement Areas) Act, 13 of 1960) each such document shall relate to one lot.

86. Form of documents for Registry title.

In the case of land to be alienated under Registry title-

(a) the register document of title shall consist of a grant in Form 5B or a State lease in Form 5C, according as the land is to be alienated in perpetuity or for a term of years;

(b) the issue document of title shall consist of a copy of the register document of title; and

(c) both the register document of title and the issue document of title shall include a plan of the land, certified as correct by or on behalf of the Director of Survey and Mapping.

87. Form of documents for Land Office title.

In the case of land to be alienated under Land Office title-

(a) the register document of title shall consist of a Mukim grant in Form 5D or a Mukim lease in Form 5E, according as the land is to be alienated in perpetuity or for a term of years, and shall be prepared in the appropriate book of the Mukim Register;

(b) the issue document of title shall consist of a copy of the register document of title; and

(c) both the register document of title and the issue document of title shall include a plan of the land, certified as correct by or on behalf of the Director of Survey and Mapping.

88. Registration of register documents of title.

(1) The registration of a grant or State lease shall consist of its authentication under the hand and seal of the Registrar; and the registration of a Mukim grant or Mukim lease shall consist of its authentication under the hand and seal of the Land Administrator.

(2) The date of registration of any such register document of title shall be inscribed thereon by the Registrar or, as the case may be, Land Administrator.

(3) For the avoidance of doubt, it is hereby declared that, upon the registration of any register document of title in accordance with sub-section (1), the alienation shall take effect without need of formal acceptance by or on behalf of the person named therein as proprietor.

89. Conclusiveness of register documents of title.

Every register document of title duly registered under this Chapter shall, subject to the provisions of this Act, be conclusive evidence-

(a) that title to the land described therein is vested in the person or body for the time being named therein as proprietor; and

(b) of the conditions, restrictions in interest and other provisions subject to which the land is for the time being held by that person or body, so far as the same are required by any provision of this Act to be specified to referred to in that document.

90. Issue of issue documents of title.

(1) Where any issue document of title prepared under this Chapter is ready for issue to the proprietor of any land, the Land Administrator may serve on the proprietor a notice in Form 5F requiring him to attend in accordance with the terms of the notice, for the purpose of taking delivery of the document and paying any item of land revenue then outstanding in respect of the land.

(2) The Land Administrator shall require the receipt of any issue document to be acknowledged in such form as may be prescribed.

(3) Where any issue document is not collected by the proprietor or his agent pursuant to any notice under sub-section (1), it shall be retained by the Registrar or Land Administrator for issue in such circumstances, and upon payment of such fees, as may be prescribed.

91. Exemption of documents of title from stamp duty.

It is hereby declared that no stamp duty is payable in respect of any document of title prepared under this Chapter.

92. Indefeasibility of final title, and rights of dealing etc.

(1) The alienation of State land to any person or body under final title shall confer on that person or body a title to the land which shall be indefeasible as provided in Part Twenty.

(2) The rights exercisable by any person or body to whom State land has been alienated under final title shall include the following-

- (a) the right (subject to the provisions of this Act and to any restriction in interest to which the land is for the time being subject) to sub-divide or partition the land, or amalgamate it with other land, in accordance with the provisions of Chapters 1 to 3 of Part Nine;
- (b) the right (subject as aforesaid) to sub-divide any building thereon in accordance with the provisions of Chapter 4 of Part Nine;
- (c) the right (subject as aforesaid) to effect transfers, leases, charges, surrenders, and any other dealings permitted under Division IV; and
- (d) the right (subject as aforesaid, and subject also to the provisions of his personal law and of any other law for the time being in force relating to the disposition or devolution of property on death) to dispose of the land, or any undivided share therein, by will.

PART FIVE (A)

DISPOSAL OF UNDERGROUND LAND

92A. Interpretation.

In this Part, unless the context otherwise requires-

"adjoining underground land" means underground land adjoining a stratum above, below, and on the sides of, the stratum;

"stratum" means a cubic layer of underground land; and

"underground land" means land which lies below the surfaces of the earth.

[Application to Federal Territory of Kuala Lumpur.

In the application of the new Part Five (A) to the Federal Territory of Kuala Lumpur-

(a) references therein to the State Authority shall be construed as references to the Government of the Federation; and

(b) references therein to State land shall be construed as references to Federal land.]

92B. Specification of rights in respect of underground land upon alienation.

(1) Upon the alienation of any State land under this Act, the State Authority may-

(a) specify the depth up to which the underground land directly and immediately, below the alienated land may be used, and different depths may be specified in respect of different parts of such underground land:

Provided that where any regulations made under this Part provide for the minimum depths to be specified under this paragraph, the depth so specified shall not be less than the minimum depth so provided for the class, description or location of land to which the alienated land belongs;

(b) specify or describe the use or uses to which such underground land may be put, and different uses may be specified or described for different parts thereof;

(c) specify the conditions subject to which such underground land may be put to such use or uses, including conditions for the provision of protection and support to all adjoining underground land, and for the provision of access at one or more places, as the State Authority may specify, from all parts of the underground land to the surface of the land or otherwise as may be proposed by the applicant and approved by the State Authority, where, in the opinion of the State Authority, the nature of the use of the underground land requires such access;

(d) specify such conditions as the State Authority may deem fit with regard to any works to be carried out for the construction of any structures within the underground land, including-

(i) conditions to provide for the protection of the rights of the State Authority under subsection (2) of section 45, under section 58 and under any written law relating to mining or forest; and

(ii) conditions to provide for the removal, relocation or re-laying of any drain, sewer, pipe, cable or wire, together with all necessary supports and any works ancillary thereto, at the expense of the proprietor; or

(e) specify any other conditions whatsoever which the State Authority may deem fit.

(2) The matters specified by the State Authority under subsection (1) shall be endorsed on the document of title to the alienated land, and shall, for all purposes under this Act,

operate as express conditions, and the provisions of this Act relating to express conditions shall accordingly apply thereto.

(3) The nature of any use to be specified or described under paragraph *(b)* of subsection (1) may be-

- (a) such use as is reasonably necessary to the lawful use and enjoyment of the surface of the alienated land; or
- (b) use which is independent of and unrelated to any lawful use to which the surface of the alienated land may at any time be put, or any category of land use, or any express conditions, to which the alienated land is subject; or
- (c) partly a use to which paragraph *(a)* applies and partly a use to which paragraph *(b)* applies.

(4) For the avoidance of doubt it is hereby declared that the underground land below, any depth specified under paragraph *(a)* of subsection (1) shall remain vested in the State Authority as State land.

92C. Alienation of underground State land.

(1) The State Authority may alienate under this Act a stratum of underground land below any State land, including any underground land which is State land by virtue of subsection (4) of section 92B-

- (a) extending from such depth below the surface of such State land to such further depth below such surface; and
- (b) subject to paragraph *(a)*, of such cubic dimensions, and having such boundaries, as may be specified in the document of title, which shall be a final document of Registry title.

(2) Upon the alienation of any underground land under this section, the State Authority may-

- (a) specify or describe the use or uses to which the underground may be put, and different uses may be specified or described for different parts thereof;
- (b) specify the conditions subject to which the underground land may be put to such use or uses, including conditions for the provision of protection and support to all adjoining land and all adjoining underground land, and for the provision of access at one or more places, as the State Authority may specify, from all parts of the underground land to the surface of the State land, or otherwise as may be proposed by the applicant and approved by the State Authority, where, in the opinion of the State Authority, the nature of the use of the underground land requires such access;
- (c) specify such conditions as the State Authority may deem fit with regard to any works to be carried out for the construction of any structures within the underground land, including-
 - (i) conditions to provide for the protection of the rights of the State Authority under subsection (2) of section 45, under section 58 and under any written law relating to mining or forests; and

(ii) conditions to provide for the removal, relocation or re-laying of any drain, sewer, pipe, cable or wire, together with all necessary supports and any works ancillary thereto, at the expense of the proprietor; or

(d) specify any other conditions whatsoever which the State Authority may deem fit.

(3) The matters specified by the State Authority under subsection (2) shall be endorsed on the document of title to the underground land, and shall, for all purposes under this Act, operate as express conditions, and the provisions of this Act relating to express conditions shall accordingly apply thereto.

(4) The nature of any use to be specified or described under paragraph (a) of subsection (2) may be independent of and unrelated to the use to which the surface of the State land below which the alienated underground land lies is being put or may at any time be put while it is State land or after it ceases to be State land and assumes any other status or description under this Act or under any other written law.

(5) For the avoidance of doubt it is hereby declared that the underground land below or above any underground land alienated under subsection (1) shall, unless earlier disposed of under this Act, remain vested in the State Authority as State land.

(6) The provisions of this Act relating to alienation of land shall apply *mutatis mutandis* to the alienation of underground land under this section, subject to such modifications as the Minister, with the approval of the National Land Council, may, by order notified in the *Gazette* of the Federation, make thereto in order to facilitate their application to underground land or to remove any difficulty, and, in particular, he may make modifications to the provisions relating to survey of boundaries, categories of land use, and forms of final Registry title.

(7) In this section, "modifications" includes amendments, additions, deletions, substitutions, adaptations, and non-application of any provision.

92D. Application for independent use or alienation of underground land below alienated land.

(1) Where any alienated land is subject to the provisions of paragraph (a) of subsection (1) of section 44 in so far as that paragraph applies to land below the surface of such alienated land, the proprietor of the alienated land may apply to the State Authority in writing for the whole or a part of the underground land directly and immediately below the alienated land-

(a) to be used for a purpose which is independent of and unrelated to any lawful use to which the surface of the alienated land is being put or may at any time be put; or

(b) to be alienated to him under section 92C as if he had surrendered all his rights in respect of it under paragraph (a) of subsection (1) of section 44 and it were, consequently, State land, but only below such depth and up to such depth as he may specify in his application:

Provided that the State Authority shall not entertain any such application unless rent payable in respect of the land has been paid and it is satisfied with respect to every person or body having a registered interest in the land, or in occupation of any part thereof under

any tenancy exempt from registration, either that they have consented thereto or that their consent ought in the circumstances of the case be dispensed with.

[Subs. Act A1333]

(2) The alienated of underground land on an application under paragraph (b) of subsection (1) shall be dealt with as an alienation of underground land under section 92C.

(3) An application under paragraph (a) of subsection (1) shall set out-

- (a) in detail and with clarity the use or uses to which the underground land is to be put, and different uses may be set out for different parts thereof;
- (b) the depth, other dimensions, and boundaries of the stratum of underground land proposed to be put to such use or uses; and
- (c) detailed plans of the construction and other works which will be undertaken for the proposed use or uses of the underground land.

(4) The State Authority may approve an application under paragraph (a) of subsection (1) either in accordance with the terms of the application and the proposals set out therein or with such modifications thereof as the State Authority may deem fit, and such modifications may include modifications with regard to any or all of the matters referred to in subsection (3).

(5) Where an application under paragraph (a) of subsection (1) is approved under subsection (4), whether with or without modifications, the approval shall be subject to-

- (a) the payment of a further premium in respect of the alienated land calculated on the basis of the extent of the enhancement in the value of the alienated land that the approved use of the underground land will result in, such premium and enhancement in value to be determined by the State Authority;
- (b) such conditions as the State Authority may impose for the provision of protection and support to all or any land adjoining the alienated land in respect of which the approval is granted and to all adjoining underground land in relation to the underground land which is the subject of the approval, and for the provisions of access at one or more places, as the State Authority may specify, from all parts of the underground land to the surface of the alienated land, or otherwise as may be proposed by the applicant and approved by the State Authority, where, in the opinion of the State Authority, the nature of the use of the underground land requires such access;
- (c) such conditions as the State Authority may impose with regard to any works to be carried out for the construction of any structures within the underground land, including-
 - (i) conditions to provide for the protection of the rights of the State Authority under subsection (2) of section 45, under section 58 and under any written law relating to mining or forests; and
 - (ii) conditions to provide for the removal, relocation or relaying of any drain, sewer, pipe, cable or wire, together with all necessary supports and any works ancillary thereto, at the expense of the proprietor;

- (d) where the application under paragraph (a) of subsection (1) is approved only in respect of a portion of the underground land below the alienated land, the condition that the remaining portion of the underground land below the alienated land shall be capable of being used under paragraph (a) of subsection (1) of section 44 only to such depth as the State Authority may specify in the approval;
 - (e) the reservation of a new increased rent for the alienated land; and
 - (f) any other conditions whatsoever which the State Authority may deem fit.
- (6) Upon payment of the further premium, and the satisfaction of any other terms which may be required by the State Authority to be satisfied prior to the grant of the approval of the application, and upon acceptance in writing by the proprietor of all the matters and conditions under subsection (5) subject to which the application is approved, the State Authority shall endorse the approval and the conditions to which it is subject upon the document of title to the land, and the conditions under paragraphs (b), (c) and (d) of subsection (5) shall, for all purposes under this Act, operate as express conditions, and the provisions of this Act relating to express conditions shall accordingly apply thereto.
- (7) Upon the endorsement of the approval on the document of title under subsection (6), the underground land below the alienated land-
- (i) which is below the depth specified in respect of the underground land for which the approval is granted; and
 - (ii) which is below the depth specified in respect of the remaining underground land under paragraph (d) of subsection (5), shall remain vested in the State Authority as State land.

92E. Specification of rights in respect of underground land upon the grant of a lease of reserved land.

(1) Upon granting any lease of reserved land under subsection (1) of section 63, the State Authority may-

- (a) specify the depth up to which the underground land directly and immediately below the reserved land may be used, and different depths may be specified in respect of different parts of such underground land:

Provided that where any regulations made under this Part provide for the minimum depths to be specified under this paragraph, the depth so specified shall not be less than the minimum depth so provided for the class, description or location of land to which the reserved land belongs;

- (b) specify or describe the use or uses to which such underground land may be put, and different uses may be specified or described for different parts thereof;
- (c) specify the conditions subject to which such underground land may be put to such use or uses, including conditions for the provision of protection and support to all adjoining underground land, and for the provision of access at one or more places, as the State Authority may specify, from all parts of the underground land to the surface of the reserved land, or otherwise as may be proposed by the applicant and

approved by the State Authority, where, in the opinion of the State Authority, the nature of the use of the underground land requires such access;

(d) specify such conditions as the State Authority may deem fit with regard to any works to be carried out for the construction of any structures within the underground land, including-

(i) conditions to provide for the protection of the rights of the State Authority under subsection (2) of section 45, under section 58 and under any written law relating to mining or forests; and

(ii) conditions to provide for the removal, relocation or re-laying of any drain, sewer, pipe, cable or wire, together with all necessary supports and any works ancillary thereto, at the expense of the proprietor; or

(e) specify any other conditions whatsoever which the State Authority may deem fit.

(2) The nature of any use to be specified or described under paragraph (b) of subsection (1) may be-

(a) such use as is reasonably necessary to the lawful use and enjoyment of the surface of the leased reserved land; or

(b) use which is independent of and unrelated to any lawful use to which the surface of the leased reserved land may at any time be put; or

(c) partly a use to which paragraph (a) applies and partly a use to which paragraph (b) applies.

(3) For the avoidance of doubt it is hereby declared that the underground land below the depth specified under paragraph (a) of subsection (1) shall remain vested in the State Authority as reserved land.

(4) The provisions of this Act relating to reservation of land shall apply mutatis mutandis to underground reserved land subject to such modifications as the Minister, with the approval of the National Land Council, may, by order notified in the Gazette of the Federation, make thereto in order to facilitate their application to underground land or to remove any difficulty, and, in particular, he may make modifications to the provisions relating to survey of boundaries, land use, and forms of lease of reserved land.

[Ins. Act A1104]

(5) In this section, "modifications" includes amendments, additions, deletions, substitutions, adaptations, and non-application of any provision.

[Ins. Act A1104]

92F. Lease of underground land below reserved land.

(1) The State Authority may grant under subsection (1) of section 63 a lease of-

(a) a stratum of underground land below any reserved land; or

(b) a stratum of underground land which is below any underground land in respect of which a lease has been granted under paragraph (a) or under section 92E;

such stratum-

- (i) extending from such depth below the surface of the reserved land to such further depth below such surface; and
- (ii) subject to paragraph (a), being of such cubic dimensions, and having such boundaries,

as may be specified in the lease.

(2) A lease under subsection (1) shall-

- (a) specify or describe the use or uses to which the underground land specified in such lease may be put, and different uses may be specified or described for different parts thereof;
- (b) specify the conditions subject to which the underground land may be put to such use or uses, including conditions for the provision of protection and support to all adjoining land and all adjoining underground land, and for the provision of access at one or more places, as the State Authority may specify, from all parts of the underground land to the surface of the reserved land, or otherwise as may be proposed by the applicant and approved by the State Authority, where, in the opinion of the State Authority, the nature of the use of the underground land requires such access;
- (c) specify such conditions as the State Authority may deem fit with regard to any works to be carried out for the construction of any structures within the underground land, including-
 - (i) conditions to provide for the protection of the rights of the State Authority under subsection (2) of section 45, under section 58 and under any written law relating to mining or forests; and
 - (ii) conditions to provide for the removal, relocation or re-laying of any drain, sewer, pipe, cable or wire, together with all necessary supports and any works ancillary thereto, at the expense of the proprietor; or
- (d) specify any other conditions whatsoever which the State Authority may deem fit.

(3) The provisions of subsection (2) of section 92E shall apply *mutatis mutandis* to the use or uses to be specified or described under paragraph (a) of subsection (2) of this section.

(4) For the avoidance of doubt it is hereby declared that the underground land below or above any underground land leased under subsection (1) shall remain reserved land or, if earlier leased, remain leased reserved land.

92G. Application for independent use of underground land below leased reserved land.

(1) Where a lease of any reserved land is subject to the provisions of paragraph (a) of subsection (1) of section 44 in so far as that paragraph applies to land below the surface of such leased reserved land, the lessee of such reserved land may, with approval of the officer for the time being having control of such reserved land, apply to the State Authority in writing for the whole or a part of the underground land directly and immediately below the reserved land to be used for a purpose which is independent of and unrelated to any lawful use to which the surface of the land is being put or may at any time be put.

- (2) An application under subsection (1) shall set out-
- (a) in detail and with clarity the use or uses to which the underground land is to be put, and different uses may be set out for different parts thereof;
 - (b) the depth, other dimensions, and boundaries of the stratum of underground land proposed to be put to such use or uses; and
 - (c) detailed plans of the construction and other works which will be undertaken for the proposed use or uses of the underground land.
- (3) The State Authority may approve an application under subsection (1) either in accordance with the terms of the application and the proposals set out therein or with such modifications thereof as the State Authority may deem fit, and such modifications may include modifications with regard to any or all of the matters referred to in subsection (2).
- (4) Where an application is approved under subsection (3), whether with or without modifications, the approval shall be subject to the execution of a supplementary lease which shall-
- (a) provide for such further payments in respect of the lease as the State Authority may specify having regard to the enhancement in the value of the leased reserved land that the approved use of the underground land will result in, such payments and enhancement in value to be determined by the State Authority;
 - (b) specify such conditions as the State Authority may deem fit for the provisions of protection and support to all or any land adjoining the leased reserved land in respect of which the approval is granted, and to all adjoining underground land in relation to the underground land which is the subject of the approval, and for the provision of access at one or more places, as the State Authority may specify, from all parts of the underground land to the surface of the reserved land, where, in the opinion of the State Authority, the nature of the use of the underground land requires such access;
 - (c) specify such conditions as the State Authority may deem fit with regard to any works to be carried out for the construction of any structures within the underground land, including-
 - (i) conditions to provide for the protection of the rights of the State Authority under subsection (2) of section 45, under section 58 and under any written law relating to mining or forests; and
 - (ii) conditions to provide for the removal, relocation or re-laying of any drain, sewer, pipe, cable or wire, together with all necessary supports and any works ancillary thereto, at the expense of the proprietor;
 - (d) where the application under subsection (1) is approved only in respect of a portion of the underground land below the leased reserved land, specify that the remaining portion of the underground land below the leased reserved land shall be capable of being used under paragraph (a) of subsection (1) of section 44 only to such depth as the State Authority may specify in the approval; and
 - (e) specify and other conditions whatsoever which the State Authority may deem fit.

(5) For the avoidance of doubt it is hereby declared that upon the execution of the supplementary lease under subsection (4), the underground land below the leased reserved land-

- (i) which is below the depth specified in respect of the underground land for which the approval is granted; and
- (ii) which is below the depth specified in respect of the remaining leased reserved land under paragraph (d) of subsection (4),

shall remain reserved land.

92H. Relationship of this Part to other provisions of this Act.

(1) Nothing contained in any of the provisions of this Part shall in any manner whatsoever derogate from the provisions of subsection (2) of section 42, section 45 and section 58.

(2) This Act shall have effect in relation to underground land but subject to the provisions of this Part and to any order made under subsection (6) of section 92C and any regulations made under section 92I.

92I. Regulations by the Minister.

(1) For the purposes of this Part the Minister, with the approval of the National Land Council, may make such regulations, to be published in the *Gazette* of the Federation, as he may deem necessary or expedient.

(2) Without prejudice to the generality of subsection (1), regulations made under that subsection may provide for-

- (a) the form and contents of any application under this Part;
- (b) the minimum depth to be specified under paragraph (a) of subsection (1) of section 92B or 92E, and different minimum depths may be specified for different classes, descriptions, or locations of lands;
- (c) the measurement of the depth of underground land and the boundaries of a stratum of underground land, the marking of such boundaries, and their delineation on the plan of the land included in the document of title to the land;
- (d) without prejudice to subsection (6) of section 92C, the modification of any provision of this Act or any rules thereunder in their application to underground land or to any matter whatsoever dealt with under this Part, and in this paragraph "modification" includes amendment, addition, deletion, substitution, adaptation, and non-application of any such provision.

DIVISION III
ALIENATED LANDS; INCIDENTS AND REGISTRATION OF TITLE
PART SIX
RENT
CHAPTER 1
GENERAL

93. Rent to be a debt due to State Authority.

The rent payable in respect of any alienated land shall be a debt due to the State Authority, and accordingly, without prejudice to the provisions of this Act relating to forfeiture of the land for non-payment thereof, shall be recoverable by action brought as mentioned in section 16.

94. When rent due, and when in arrear.

(1) The rent reserved in respect of any alienated land shall be payable as from the beginning of the calendar year in which the land is alienated or, if it is alienated after the end of September in that year, as from the beginning of the calendar year next following.

(2) The rent payable in respect of any calendar year shall fall due in full on the first day of that year and, if not sooner paid, shall be treated for the purpose of this Act as becoming in arrear on the first day of June in that year.

(3) In the case of land alienated for a term of years, rent shall be payable for the whole of the calendar year in which the term expires if it was not payable in respect of the calendar year in which the land was alienated, but shall not otherwise be payable in respect of any part of the said year of expiry.

(4) The provisions of this section shall have effect subject to any remission or rebate of rent granted or allowed pursuant to rules under paragraph (j) of sub-section (1) of section 14, and to any authorisation so granted for the payment by instalments, or deferment of payment, of any rent.

95. Where rent payable.

The rent payable in respect of any alienated land shall be paid by or on behalf of the proprietor thereof at the office of the Land Administrator, any other place which the Land Administrator may deem fit or at such other place within the State as may be prescribed.

96. Computation of rents.

(1) For the purpose of computing the rent payable in respect of any land, whether in connection with its alienation under this Act, or in connection with any sub-division, partition, amalgamation or other transaction effected after the commencement thereof, or in connection with any revision or other action by the State Authority under Chapter 3-

(a) if the rate at which the rent is to be computed is a rate per hectare, then-

(i) in the case of town or village land, any area less than one-hundredth of a hectare shall be counted as one-hundredth of a hectare, and

(ii) in the case of country land, or any part of the foreshore or sea-bed, any area less than one-hundredth of a hectare shall be counted as one-hundredth of a hectare;

(b) if the said rate relates to any unit of area other than an hectare, any fraction of that unit shall be counted as a complete unit.

(2) Where the rent computed in respect of any land in any circumstances mentioned in sub-section (1) is or includes a fraction of a ringgit, it shall be rounded up to one ringgit or, as the case may be, to the nearest ringgit above the amount so computed.

CHAPTER 2

Collection of Arrears of Rent

97. Notice of demand.

(1) Where any rent payable in respect of any alienated land is in arrear, the Collector may cause to be served on the proprietor thereof a notice of demand in Form 6A.

(2) A note of the service of any such notice shall be endorsed, by or at the instance of the Collector, on the register document of title to the land to which the notice relates.

98. Right of chargees, lessees, etc., to pay sum demanded.

(1) The sum demanded by any notice under section 97 may be paid to the Collector within the time specified in the notice by any of the following persons or bodies in addition to the proprietor, that is to say-

(a) any person or body having a registered interest affecting the land (including a charge of any lease or sub-lease thereof);

(b) any person or body having a lien over the land, or over any lease or sub-lease thereof;

(c) any person or body in occupation of any part thereof under any tenancy exempt from registration which has become protected by an endorsement on the register document of title to the land under section 317; and

(d) any person or body having a claim protected by caveat affecting the land or any interest therein;

and accordingly, as soon as may be after the notice is served on the proprietor, the Collector shall cause to be served on every such person or body a copy thereof, to which there shall be appended the additional notice set out in the supplement to Form 6A.

(2) Any sum paid by a chargee pursuant to sub-section (1) shall be added to, and deemed for all the purposes of this Act to form part of, the first payment thereafter falling due to him under the charge.

(3) Any sum so paid by any other person or body-

(a) shall be recoverable from the proprietor by civil action;

(b) may, if paid by a lessee, sub-lessee or tenant, be recovered alternatively by deduction from any rent then or thereafter payable to him under the lease, sub-lease or tenancy.



(4) Any lessee, sub-lessee or tenant who incurs any additional liability, or suffers any deduction, under this section may recover the amount thereof either by civil action against the proprietor or by deduction from any rent then or thereafter payable by him under his lease, sub-lease or tenancy.

99. Effect of payment of sum demanded.

If the whole of the sum demanded by any notice under section 97 is tendered to the Land Administrator within the time specified therein, the notice shall thereupon cease to have effect, and the Land Administrator shall cancel, or cause to be cancelled, the note endorsed pursuant to subsection (2) of that section on the register document of title to the land to which the notice related.

100. Forfeiture for non-payment of sum demanded.

The Collector shall not during the period specified in any notice under section 97 accept the tender by or on behalf of any person or body of a lesser amount than the sum thereby demanded; and if by the end of that period the whole of that sum has not been tendered to him, he shall thereupon by order declare the land forfeit to the State Authority, and the provisions of Part Eight shall have effect with respect thereto accordingly.

CHAPTER 3
REVISION OF RENT

101. Power of State Authority to revise rents periodically.

(1) Subject to the provisions of sub-section (5), the State Authority may from time to time revise in accordance with the following provisions of this section the rents payable in respect of alienated lands within the State.

(2) Any revision under this section shall extend to all alienated lands within the State except land of any class or description which the State Authority may think fit to exempt therefrom.

(3) On any revision under this section, the State Authority may-

- (a) increase or reduce by the same proportion the rents payable in respect of all lands to which the revision extends, or
- (b) make different provision for different classes or descriptions of such land, being, in the case of each such class or description, either-
 - (i) provision for increasing or reducing rents by the same proportion, or
 - (ii) provision imposing a new rate of rent thereon.

(4) In the exercise of the powers conferred by this section the State Authority shall take no account of increases in land values attributable to improvements.

(5) Revisions of rent under this section shall be made at such times as the State Authority may, with the approval of the National Land Council, determine, but-

- (a) in the case of the first such revision, not so as to have effect earlier than the beginning of the year 1970, and



(b) in the case of any subsequent revision, not so as to have effect before the expiry of a period of ten years beginning with the most recent date as from which any rents in the State were revised under this section.

(6) Where a revision of rent has been made under this section, the Registrar or Land Administrator shall, as soon as possible, amend the amount of rent endorsed on the document of title to, and payable in respect of, land affected by the revision by substituting the revised rent for that amount; and note the date of making the amendment and the authority therefor and authenticate the same under his hand and seal.

102. Power in respect of lands alienated before commencement.

(1) The State Authority may direct with respect to any class or description of the lands alienated before the commencement of this Act that, as from the beginning of such calendar year as may be specified in the direction, rent shall become payable at the standard rate in the case of all such lands other than any which are already subject to a higher rate.

(2) The rate of rent specified in any direction under this section shall be a rate per hectare or lesser unit of area.

(3) A direction under this section shall apply to any land notwithstanding that it is held rent-free, or subject to any express provision in the document of title that the rent thereby reserved shall not be capable of revision.

(4) The power conferred by this section shall not be exercised more than once in respect of any class or description of land.

(5) The operation of this section shall not be affected by paragraph (i) of sub-section (2) of section 4.

(6) In sub-section (1) "the standard rate" means in respect of lands in a State the rate of rent for the lands of the class or description in question as prescribed in the rules of the State relating to land rent which are in force at the time when the direction under this section takes effect.

* (7) Notwithstanding subsection (6), the standard rate for all lands in the State (except lands the title to which is entered in the Malacca Customary Land Register) shall be-

(a) in the case of land used for building or industrial purposes, the rate provided by the Lands Rules, 1923, of the Straits Settlements as in force on the 31st December, 1965;

(b) in the case of land used for agricultural purposes, the average rate charged in the State for the three years immediately preceding the commencement of this Act, ascertained in accordance with sub-sections (8) and (9).

* (8) For the purposes of sub-section (7)-

(a) the average rate for land in a town or village held under a grant or State lease and used for building or industrial purposes, shall be deemed to be 50 cents per 1,000 square feet;

(b) the average rate for land held under a grant (first grade) shall be deemed to be-

(i) in the case of land used for building and 50 cents per 1,000 sq. ft.

industrial purposes

(ii) in the case of land used for cultivation of rubber RM10.00 per acre per annum;

(iii) in the case of land used for cultivation of fruits RM8.40 per acre per annum;

(iv) in the case of land used for cultivation of coconuts RM7.40 per acre per annum;

(v) in the case of land used for cultivation of padi, nipah or sagu RM5.00 per acre per annum and;

(c) the average rate for land of an area of five acres or more held under a grant or State lease and used for cultivation of rubber shall be deemed to be ten ringgit per acre per annum.

* (9) In a case where sub-section (8) does not apply-

*Applicable to Malacca only.

(a) the State Authority shall decide the average rate for the purposes of sub-section (7) by whatever method appears to it to be most just and reasonable in the circumstances of the case; and

(b) the decision of the State Authority shall be deemed to be a decision from which an appeal lies to the Court under section 418 of this Act.

(10) Where a direction has been made under this section, the Registrar or Land Administrator shall, as soon as possible, amend the amount of rent endorsed on the document of title to, and payable in respect of, land affected by the direction by substituting the rent as directed for that amount; and where the land is held rent-free, endorse thereon the rent as directed and shall note the date of making the amendment or endorsement and the authority therefor and shall authenticate the same under his hand and seal.

PART SEVEN

CONDITIONS AND RESTRICTIONS IN INTEREST

CHAPTER 1

GENERAL

103. Interpretation and scope.

(1) In this Part-

"condition" does not include any restriction in interest, or any condition expressed or implied in any agreement to which the State Authority is not a party;

"condition requiring continuous performance" means any condition which requires the proprietor of any land to do, or refrain from doing, any act during the whole of the period for which the land is alienated, or for so much of that period as remains-

(a) after the date on which the condition takes effect, or

(b) after the expiry of any particular period specified in the condition, or

(c) after the occurrence of any particular date or event so specified;

"condition subject to a fixed term" means any condition which requires the proprietor of any land to do any act before, or refrain from doing any act until, the expiry of any particular period, or the occurrence of any particular date or event, specified in the condition.

(2) Except where the context otherwise requires, the provisions of this Part shall apply to conditions arising under any previous land law as they apply to conditions arising under this Act.

104. Conditions and restrictions in interest to run with the land.

Every condition or restriction in interest shall run with the land to which it relates, and shall bind the proprietor thereof for the time being and every person or body having or claiming any interest in the land, howsoever derived.

105. Duration of conditions and restrictions in interest.

(1) Every condition or restriction in interest imposed by or under this Act shall, except where it is otherwise provided by this Act or the context otherwise requires, commence to run from the date of alienation of the land to which it relates.

(2) Every condition requiring continuous performance and (unless the context otherwise requires) every restriction in interest, shall continue in force until the reversion to the State Authority of the land to which it relates; and every condition subject to a fixed term shall continue in force according to the tenor thereof.

106. Time to be of the essence of fixed-term conditions of a positive character.

Time shall be deemed to be of the essence of every condition subject to a fixed term by which the proprietor of any land is required to do any act.

107. Extension of time for compliance with fixed-term conditions of a positive character.

(1) In the case of any condition to which section 106 applies the State Authority may (whether before or after the expiry of the period, or the occurrence of the date or event, specified therein for the doing of the act in question) allow such additional time for the doing of that act as it may think fit, and the condition shall thereupon have effect as if it had required the act to be done within that time in the first instance.

(2) The exercise in relation to any condition of the power conferred on the State Authority by sub-section (1) shall not, except by necessary implication-

(a) affect the operation of any other condition to which the land in question is for the time being subject, or

(b) be construed as a waiver of any breach of any other such condition.

(3) A note of any extension of time granted under sub-section (1) in relation to any condition shall be endorsed on the register document of title to the land affected by the condition.

108. Conflict with local by-laws, etc.

Where any land affected by any by-law of, or restriction imposed by, any local authority or planning authority becomes subject by virtue of this Act to any condition which is inconsistent therewith, the condition shall prevail, and the by-law or restriction shall, to the extent of the inconsistency, cease to apply to the land.

CHAPTER 2

SUMMARY OF CONDITIONS AND RESTRICTIONS IN INTEREST AFFECTING ALIENATED LANDS

LANDS ALIENATED UNDER THIS ACT

109. Conditions, etc., applicable on alienation.

(1) This section applies to all land alienated under this Act other than land approved for alienation before the commencement thereof.

(2) Land to which this section applies shall become subject on alienation to the following conditions and restrictions in interest-

- (a) such express conditions and restrictions in interest (if any) as are then endorsed on the document of title thereto (or referred to therein), being conditions and restrictions imposed by the State Authority under the powers conferred by sections 120 to 122; and
- (b) the conditions implied by section 114, by section 115, 116, or 117 (according to the category of land use to which the land is subject) and, where applicable, by section 118.

LANDS ALIENATED BEFORE COMMENCEMENT

110. Conditions, etc., applicable as from commencement.

Land alienated before the commencement of this Act shall be subject as from that commencement to the following conditions and restrictions in interest-

- (a) such express conditions and restrictions in interest (if any) as, immediately before that commencement, were endorsed on the document of title thereto (or, in the case of a certificate of title, referred to herein);
- (b) in the case of land to which section 53 applies, the implied condition specified in sub-section (2) or (3) of that section, as the case may be;
- (c) the conditions implied by section 114 and, where applicable, 119; and
- (d) any additional implied condition applicable thereto as indicated-
 - (i) in the case of land which was at the commencement of this Act country land, in the Second Schedule, and
 - (ii) in the case of land which was at that commencement town or village land (whether held under Registry title or Land Office title), in the Third Schedule.

111. Conditions, etc., applicable after category of land use imposed under section 54.

Where any land alienated before the commencement of this Act becomes subject to any category of land use by virtue of a notification under section 54-

- (a) it shall remain subject to the same restrictions in interest (if any) as were applicable thereto immediately before the category was imposed, but
- (b) in accordance with sub-section (3) of that section, the conditions to which it is subject shall become as follows-
 - (i) such express conditions (if any) as the State Authority may have directed under section 123; and
 - (ii) the conditions implied by section 114, and (according to the category of land use in question) by section 115, 116 or 117.

LANDS APPROVED ALIENATION BEFORE COMMENCEMENT

112. Conditions, etc., applicable on alienation, and after imposition of category of land use by virtue of section 56.

(1) This section applies to all land alienated under this Act pursuant to an approval given by the State Authority before the commencement thereof.

(2) Land to which this section applies shall become subject on alienation to the following conditions and restrictions in interest-

- (a) such express conditions and restrictions in interest (if any) as are then endorsed on the document of title thereto (or, referred to therein), being conditions and restrictions imposed by the State Authority under the powers conferred by section 120;
- (b) in the case of land to which section 55 applies, the implied condition specified in sub-section (2) or (3) of section 53, as the case may be;
- (c) the conditions implied by section 114 and, where applicable, 118; and
- (d) any additional implied condition applicable thereto as indicated-
 - (i) in the case of land which was at the commencement of this Act country land, in the Second Schedule, and
 - (ii) in the case of land which was at that commencement town or village land, in the Third Schedule.

(3) Where any land to which this section applies becomes subject to a category of land use by virtue of a notification under section 54 having effect in relation thereto pursuant to sub-section (1) of section 56-

- (a) it shall remain subject to the same restrictions in interest (if any) as were applicable thereto immediately before the category was imposed, but
- (b) in accordance with sub-section (3) of section 54 as modified in relation to such land by sub-section (2) of section 56, the conditions to which it is subject shall become as follows-
 - (i) such express conditions (if any) as the State Authority may have directed under section 123; and
 - (ii) the conditions implied by section 114, by section 115, 116 or 117 (according to the category of land use in question) and, where applicable, by section 118.

CHANGES IN CONDITIONS AND RESTRICTIONS

113. Manner in which changes may be effected.

The conditions and restrictions in interest applicable to any alienated land shall, after becoming fixed by the operation of any of the preceding provisions of this Chapter, be subject to all such changes as may result from-

- (a) the granting of any application by the proprietor under sub-section (1) of section 124, or
- (b) the carrying into effect of any direction given by the State Authority under sub-section (3) of section 147 on sanctioning the amalgamation of the land with other land.

CHAPTER 3

IMPLIED CONDITIONS

BOUNDARY-MARKS

114. Implied conditions affecting all alienated land.

All alienated land shall be subject to the following implied conditions relating to the boundary-marks thereof-

- (a) that the proprietor will, take all reasonable steps to prevent their damage, destruction or unlawful removal;
- (b) that the proprietor will if any of them are damaged, destroyed or unlawfully removed, give immediate notice of the fact to the Land Administrator, or to the penghulu having jurisdiction in the area in which the land is situated.
- (c) that the proprietor will, if so required by the Land Administrator, pay the cost of repairing or, as the case may be, replacing any of them which may have been damaged, destroyed or unlawfully removed; and
- (d) that the proprietor will, if so required by the Land Administrator, at his own expense clear any boundary line between any of them.

CATEGORY: AGRICULTURE

115. Implied conditions affecting land subject to the category "agriculture".

(1) Where any alienated land is subject by virtue of any provision of this Act to the category "agriculture", the following implied conditions shall, subject to sub-section (3), apply thereto-

- (a) that no building shall be erected on the land other than a building or buildings to be used for one or more of the purposes specified or referred to in subsection (4);
- (b) that a *bona fide* commencement of cultivation of the land shall be made within twelve months of the relevant date;
- (c) that the whole area of the land of the underground land, other than any part thereof-
 - (i) occupied by or in conjunction with a building (whenever erected) used for one or more of the purposes specified or referred to in sub-section (4), or



- (ii) used for any of the purposes mentioned in paragraph (e) of that sub-section, or any other purpose which the State Authority may specially authorise, shall be brought fully under cultivation within three years of the relevant date;
- (d) that the area of the land referred to in paragraph (c) shall be maintained and cultivated according to the rules of good husbandry; and
- (e) that the said area of the land shall be continuously cultivated:

Provided that the condition specified in paragraph (e) shall be regarded as complied within the case of any area of the land so long as any period during which less than the whole thereof is cultivated does not exceed twelve months.

(2) In sub-section (1) "relevant date" means the date on which the land became subject to the category:

Provided that, where any land becomes subject to the category on its amalgamation with other land already so subject, the date on which a register document of title to the amalgamated area of the land is first registered shall become the relevant date as respects the whole of that area of the land.

(3) The conditions specified in sub-section (1) shall be implied in the case of any land to the extent only that they are not inconsistent with any express conditions to which the land is for the time being subject.

(4) The purposes referred to in paragraph (a) of sub-section (1) are the following-

- (a) the purposes of a dwelling-house for the proprietor of the land or any other person lawfully in occupation thereof, or for the servants of, or any persons employed for agricultural purposes by, the proprietor or any other such person:

Provided that the dwelling-house for the proprietor of the land or any other person lawfully in occupation thereof shall not occupy more than one-fifth of the whole area of the land or two hectares, whichever is the lesser;

- (b) the purposes of agriculture;
- (c) the purpose of extracting or processing raw material from any agricultural produce of such land;
- (d) the purpose of preparing for distribution any such material or produce, or any honey-bees, livestock or reptiles kept or bred on such land, or the produce of such livestock or aquaculture on such land;
- (e) the purposes of providing educational, medical, sanitary or other welfare facilities, including (so far as they are provided primarily for use by persons employed on the land) facilities for the purchase of goods and other commodities;
- (f) any purpose which the State Authority may prescribe for the purposes of this section by rules under section 14;
- (g) any purpose which the State Authority may think fit to authorise in the circumstances of any particular case;
- (h) any purpose incidental to a purpose falling within any of the preceding paragraphs.

CATEGORY: BUILDING

116. Implied conditions affecting land subject to the category "building".

(1) Where any alienated land is subject by virtue of any provision of this Act to the category "building", the following implied conditions shall, subject to sub-section (3), apply thereto-

- (a) that, unless on the relevant date such a building already existed on the land, there shall within two years of that date be erected thereon a building suitable for use for one or more of the purposes specified or referred to in sub-section (4);
- (b) that no part of the land shall be used for agricultural or industrial purposes (except in so far as the erection or maintenance of any building for a purpose or purposes falling within paragraph (f) or (g) of sub-section (4) may constitute such a use);
- (c) that every building thereon (when so ever erected) shall be maintained in repair;
- (d) that no such building shall be demolished, altered or extended without the prior consent in writing of the appropriate authority.

(2) In sub-section (1) "relevant date" means the date on which any part of the land first became subject to the category.

(3) The conditions specified in sub-section (1) shall be implied in the case of any land to the extent only that they are not inconsistent with any express conditions to which the land is for the time being subject.

(4) The purposes referred to in paragraph (a) of sub-section (1) are the following-

- (a) residential purposes;
- (b) administrative or commercial purposes, or the purposes of passenger transport;
- (c) the purposes of exhibiting, selling by retail, repairing or otherwise dealing in any goods or commodities, or of providing any services;
- (d) the purposes of providing educational, medical, sanitary or other welfare facilities;
- (e) the purposes of entertainment, refreshment or recreation;
- (f) any purpose which the State Authority may prescribe for the purposes of this section by rules under section 14;
- (g) any purpose which the State Authority may think fit to authorise in the circumstances of any particular case;
- (h) any purpose incidental to a purpose falling within any of the preceding paragraphs.

116A. (Repealed).

(Repealed).

CATEGORY: INDUSTRY

117. Implied conditions affecting land subject to the category "industry".

(1) Where any alienated land is subject by virtue of any provision of this Act to the category "industry", the following implied conditions shall, subject to sub-section (2), apply thereto-

- (a) that it shall be used only for industrial purposes, that is to say, for the purposes of the erection or maintenance of factories, workshops, foundries, warehouses, docks, jetties, railways or other buildings or installations for use for or in connection with one or more of the following purposes-
 - (i) manufacture;

- (ii) smelting;
 - (iii) the production or distribution of power;
 - (iv) the assembling, processing, storage, transport or distribution of goods, or other commodities;
 - (v) such other purposes as the State Authority may prescribe for the purposes of this section by rules under section 14;
- (b) that the industry shall commence operations within three years of the relevant date and that every building or installation thereon (whenever erected or installed) shall be maintained in repair;
- (c) That no such building or installation shall be demolished, altered or extended without the prior consent in writing of the appropriate authority:
 Provided that the condition specified in paragraph (a) shall not prevent the maintenance or erection on the land of any building used or to be used-
- (i) for the provision of educational, medical, sanitary or other welfare facilities for the proprietor of the land or any other person lawfully in occupation thereof, or for the servants of, or any person employed for industrial purposes by, the proprietor or any other such person.
 - (ii) for any purpose which the State Authority may think fit to authorise in the particular circumstances of the case.

(1A) In sub-section (1) "relevant date" means the date on which any part of the land first became subject to the category.

(2) The conditions specified in sub-section (1) shall be implied in the case of any land to the extent only that they are not inconsistent with any express conditions to which the land is for the time being subject.

AGRICULTURAL LAND ALIENATED UNDER QUALIFIED TITLE

118. Implied condition affecting agricultural land alienated under qualified title.

- (1) Where any land alienated under qualified title is subject-
- (a) by virtue of sub-section (2) of section 55, to the implied condition specified in sub-section (2) of section 53, or
 - (b) to any express condition requiring that it be used for an agricultural purpose; or
 - (c) to the category "agriculture",

it shall, subject to sub-section (2), be subject so long as it remains held under qualified title to an implied condition that no building other than a temporary one shall be erected thereon without the approval of the Land Administrator.

(2) The condition specified in sub-section (1) shall be implied in the case of any land to the extent only that it is not inconsistent with any express condition to which the land is for the time being subject.

LAND ENDORSED "PADI" BEFORE COMMENCEMENT

119. Implied condition affecting land alienated before commencement for padi cultivation.

(1) Where the document of title to any country land alienated before the commencement of this Act, not being land exceeding four hectares in area, contains the expression "padi" or any equivalent or variant thereof specified in the Fourth Schedule, as the nature of cultivation or the purpose of alienation thereof, or as part of that nature or one such purpose, then, subject to sub-sections (2) and (3), the land shall be subject to the following implied conditions-

- (a) that such area of the land as, in the opinion of the Land Administrator, is suitable for the cultivation of rice shall be so cultivated;
- (b) that that area shall be maintained and so cultivated according to the rules of good husbandry; and
- (c) that that area shall be continuously so cultivated:

Provided that the condition specified in paragraph (c) shall be regarded as complied with in the case of any area so long as three-quarters at least thereof is at all times so cultivated, and any period during which less than the whole is so cultivated does not exceed twelve months.

(2) This section does not apply to any land the document of title to which is, at the commencement of this Act, endorsed with a memorial of exemption from the like provisions of any previous land law.

(3) The conditions implied by this section shall cease to apply to any land-

- (a) where the expression giving rise to them is removed from the document of title pursuant to an application by the proprietor under section 124;
- (b) where the land becomes subject to any category of land use.

CHAPTER 4

EXPRESS CONDITIONS AND RESTRICTIONS IN INTEREST

GENERAL POWER UPON ALIENATION

120. Imposition of express conditions and restrictions in interest on alienation under this Act.

(1) Subject to the provisions of this section, the State Authority may alienate land under this Act subject to such express conditions and restrictions in interest conformable to law as it may think fit.

(2) The conditions and restrictions in interest to be imposed under this section in the case of any land shall be determined by the State Authority at the time when the land is approved for alienation.

(3) Every condition or restriction in interest imposed under this section shall be endorsed on or referred to in the document of title to the land; and in complying with this sub-section the State Authority shall, in any case where it imposes both conditions and restrictions in interest, distinguish between the two.



(4) No condition shall be imposed under this section which is inconsistent with any implied condition to which the land becomes subject on alienation by virtue of section 114.

LAND ALIENATED SUBJECT TO A CATEGORY

121. Category: Agriculture.

(1) Where in pursuance of section 52 any land is alienated under this Act subject to the category "agriculture", the State Authority may, in the exercise of its powers under section 120 (and without prejudice to the generality of those powers, impose such conditions as it may think fit-

- (a) requiring the cultivation thereon, or on any part or proportion thereof, of a particular crop, or of any class or description of crops;
- (b) prohibiting the cultivation thereon, or on any part or proportion thereof, of a particular crop, or of any class or description of crops;
- (c) fixing the dates in any year on or before which any work of clearing, cultivation, sowing, manuring or harvesting, or any other agricultural activity, is to be commenced or completed.
- (d) limiting the maximum volume of the area of the land which may be occupied by dwelling-houses and other buildings.

(2) In this section "crop" includes trees cultivated for the purpose of their produce.

122. Categories: Building and Industry.

Where in pursuance of section 52 any land is alienated under this Act subject to the category "building" or the category "industry", the State Authority may, in the exercise of its powers under section 120 (and without prejudice to the generality of those powers), impose such conditions as it may think fit with respect to-

- (a) the area of the land or proportion of the land to be built upon;
- (b) the type, design, height and structure of any building to be erected on the land, and the type and quality of the materials to be used in its construction;
- (c) the dates on or before which any such building is to be commenced or completed;
- (d) the use to which any building is to be put.

LAND BECOMING SUBJECT TO A CATEGORY AFTER ALIENATION

123. Imposition of express conditions on land becoming subject to a category under section 54.

(1) The State Authority may, in any notification given under section 54 with respect to any area, direct that, as from the date on which any land in the area becomes subject by virtue of the notification to any category of land use specified in the direction, it shall be subject also to such express conditions as are so specified, being conditions relating to any of the matters mentioned in section 121, or as the case may be, 122.

(2) On or before the date on which any land becomes subject to any conditions by virtue of any such notification there shall be endorsed on the document of title to the land either the conditions themselves or a reference thereto.



(3) No condition shall be imposed by virtue of this section which is inconsistent with any of the implied conditions specified in section 114.

VARIATION OF CONDITIONS, RESTRICTIONS AND CATEGORIES

124. Power of State Authority to vary conditions, etc., on application of proprietor.

(1) The proprietor of any alienated land may apply to the State Authority under this section for-

- (a) the alteration of any category of land use to which the land is for the time being subject or, where it is not so subject, for the imposition of any it is not so subject, for the imposition of any category thereon;
- (b) the rescission of any express condition or restriction in interest endorsed on, or referred to in, the document of title thereto, or the removal from that document of the expression "padi", or any other expression by virtue of which the land is subject for the time being to the implied conditions specified in section 119; or
- (ba) The removal from the document of title of the expression "rubber", "Kampung" or any other expression pertaining to land use, and the imposition of other express conditions pertaining to land use;
- (c) the amendment of any express condition or restriction in interest endorsed on, or referred to in, the document of title thereto, or the imposition of any new express condition or restriction in interest:

Provided that the State Authority shall not entertain any such application unless it is satisfied with respect to every person or body having a registered interest in the land, or in occupation of any part thereof under any tenancy exempt from registration, either that he has consented thereto or that his consent ought in the circumstances of the case to be dispensed with:

Provided further that the State Authority shall not entertain any such application unless any rent due has been paid.

(1A) Where the application relates to estate land-

- (a) the Land Administrator shall refer it to the Estate Land Board established under section 214A for its recommendations; and
- (b) the Secretary of the Estate Land Board shall convey its recommendations as expeditiously as possible to the Land Administrator.

[Ins. Act A1104]

(2) Where the State Authority approves any application under paragraph (a) of sub-section (1),-

- (a) it shall direct that the category of land used specified in the application be endorsed on the document of title to the land, and the existing category (if any) deleted, and
- (b) it may if it thinks fit direct that there shall also be endorsed on the document of title such new express conditions as are specified in the direction, being conditions relating to any of the matters mentioned in section 121 or, as the case may be, 122;

and, as from the date on which the direction is carried into effect-

(i) the land shall become subject to any conditions endorsed pursuant thereto and (according to the category of land used so endorsed) to the conditions implied by section 115, 116 or 117;

(ii) there shall cease to apply to the land all conditions to which it was previously subject except those implied under section 114 and, where applicable, 118.

(3) Where the State Authority approves any application under paragraph (b) of sub-section (1), it shall direct that the condition, restriction in interest or expression in question be struck off the document of title to the land or, in the case of any condition or restriction which is merely referred to in the document of title, that a note of its rescission be so indorsed.

(3A) Where the State Authority approves any application under paragraph (ba) of sub-section (1), it shall direct that the expression in question be struck off, and the new express conditions be endorsed on the document of title to the land.

(4) The State Authority may approve any application under paragraph (c) of sub-section (1) either in the terms in which it was submitted or, with the consent of the applicant and any other persons or bodies whose consent thereto was required under the proviso to that sub-section, subject to such modifications as it may think fit, and shall, in either case, direct as appropriate-

(a) the amendment of any condition or restriction in interest endorsed on the document of title to the land, or

(b) the endorsement on that document of title of a note of the amendment of any condition or restriction which is merely referred to therein, or

(c) the endorsement on that document of title of any new condition or restriction in interest.

[Am. Act A1333]

(5) Any direction given by the State Authority under this section may be made conditional upon all or any of the following matters-

(a) the payment of a further premium;

(aa) the payment of any other charges as may be prescribed;

(b) the reservation of a new rent;

(c) compliance with such other requirements as the State Authority may think fit.

(6) No condition shall be imposed by virtue of this section which is inconsistent with any implied condition to which the land in question is for the time being subject under section 114 or 119, and no condition shall be amended by virtue of this section so as to become inconsistent with any such implied condition.

(7) Upon approval by the State Authority under this section, the Land Administrator shall sign a memorandum in Form 7C in accordance with the direction of the State Authority and shall present the same, and on the memorial thereof being made, the Registrar shall make an entry on the register and issue documents of title to the land and shall note the date thereof and the authority therefor, and authenticate the same under his hand and seal.



(8) The rent and premium in any direction issued by the State Authority under this section shall become due to the State Authority at the time when it approves the application and the Land Administrator shall cause to be served on the proprietor a notice in Form 7G requiring him to pay such sum within the specified time and if any such sum is not paid within such time the approval of the State Authority shall thereupon lapse.

124A. Simultaneous applications for sub-division and under section 124(1) in respect of the proposed sub-divisional portions.

(1) The proprietor of any alienated land may apply to the State Authority for the approval of the sub-division of the land and at the same time make an application under sub-section (1) of section 124 in respect of the proposed sub-divisional portions.

(1A) Where the application relates to estate land-

(a) the Land Administrator shall refer it to the Estate Land Board established under section 214A for its recommendations; and

(b) the Secretary of the Estate Land Board shall convey its recommendations as expeditiously as possible to the Land Administrator.

[Ins. Act A1104]

(2) Any application under sub-section (1) of section 124 in respect of the proposed sub-divisional portions shall be in Form 7D, and shall be treated and dealt with under section 124 as a separate application under sub-section (1) of section 124 in respect of each of the proposed sub-divisional portions.

(3) The approval of the application for sub-division and the approval of the application under sub-section (1) of section 124 in respect of the proposed sub-divisional portions shall both be conditional upon the applicant satisfying in respect of all the sub-divisional portions, within such period as the State Authority may specify, all the conditions that may be imposed under sub-section (5) of section 124 in respect of each of the proposed sub-divisional portions.

(4) For the purpose of the application for sub-division under subsection (1), the application shall be treated as if it is an application under section 135 and the provisions of sections 136, 137, 138 and 139 shall apply insofar as they are not inconsistent with the provisions of this section, and in considering such application the State Authority shall have and may exercise all the powers of the State Director or the Land Administrator, as the case may be, or may direct the State Director or the Land Administrator, as the case may be, to exercise all or any of them.

CHAPTER 5

ENFORCEMENT OF CONDITIONS

125. When a breach of condition arises.

(1) A breach of a condition requiring continuous performance shall arise so soon, and continue so long, as the condition is not complied with.

(2) A breach of a condition subject to a fixed term shall arise-

- (a) in the case of a condition requiring the doing of any act within any time (being the time specified therein, or that time as extended under section 107) upon the expiry of that time without the act having been done;
- (b) in the case of a condition requiring any act to be refrained from until any time, upon the doing of that act before that time.

126. Breach of complex condition.

Where any condition consists of two or more separate obligations or liabilities a failure to fulfil any of those obligations or liabilities shall constitute a breach of the condition.

127. Liability to forfeiture for breach of condition.

(1) Upon any breach arising of any condition to which any alienated land is for the time being subject-

- (a) the land shall become liable to forfeiture to the State Authority, and
- (b) except in a case where a fine is imposed under subsection (1A), or where action for the purpose of causing the breach to be remedied is first required to be taken under section 128, the Land Administrator shall proceed with the enforcement of the forfeiture in accordance with the provisions of section 129.

(1A) (a) Upon any breach as is referred to in sub-section (1) arising, the Land Administrator may, instead of taking action under section 128 or 129, serve a notice in Form 7E upon the proprietor, requiring him to show cause why a fine should not be imposed in respect of such breach.

(b) Upon failure by the proprietor to show cause to the satisfaction of the Land Administrator, the Land Administrator may make an order for the payment of a fine of not less than five hundred ringgit, and in the case of a continuing breach, a further fine of not less than one hundred ringgit for each day during which the breach continues.

(1B) Where a fine is paid upon an order made under paragraph (b) of subsection (1A), no action shall be taken under section 128 or 129 in respect of the breach.

(1C) Notwithstanding sub-section (1B), if the Land Administrator after due enquiry, is satisfied that the breach continues, he may serve a notice in Form 7F on the proprietor informing him of his intention to take action under section 128 or 129 upon the expiry of a period of six months from the date of service of the notice or at any time thereafter.

(2) The acceptance on behalf of the State Authority of any item of land revenue due in respect of any alienated land shall not operate as a waiver of any right of forfeiture then existing in respect of the land by virtue of this section.

(3) Land which has become liable to forfeiture under this section for breach of any condition shall cease to be so liable if-

- (a) the breach is subsequently remedied, or

(b) in the case of a condition subject to fixed term, no action has been taken with respect to the breach under section 128 or 129 before the expiry of a period of twelve years beginning with the date on which the breach arose.

(4) For the purposes of this section, and of sections 128 and 129, every breach of condition shall be taken to be capable of being remedied; and the action required for remedying any breach shall be taken to consist-

(a) in the case of a positive condition of the doing of every act or thing the omission to do which constituted or formed part of the breach;

(b) in the case of a negative condition, of the doing of all such acts or things as are necessary to put the land into the state in which it would be if the breach had not occurred.

128. Summary action to secure remedying of breach of condition.

(1) Where-

(a) any alienated land is liable under section 127 to forfeiture to the State Authority for breach of any condition, and

(b) it appears to the Land Administrator that the breach is capable of being remedied by the proprietor within a reasonable time,

the Land Administrator shall serve, or cause to be served, on the proprietor a notice in Form 7A specifying the action required for remedying the breach, and calling upon him to take such action within the time therein specified.

(2) Upon the service or any notice under sub-section (1), the Land Administrator shall endorse, or cause to be endorsed, on the register document of title to the land in question a note to the effect that the land is subject to action for breach of condition.

(3) The service of any notice under sub-section (1) shall operate as a waiver by the State Authority, conditional upon strict compliance with the requirements thereof, of the right of forfeiture existing by reason of the breach to which it relates; and-

(a) if the notice is complied with, the note endorsed under subsection (2) shall be cancelled accordingly;

(b) if the notice is not complied with, the Land Administrator shall take action in accordance with the provisions of section 129.

129. Action to enforce forfeiture for breach of condition.

(1) The Land Administrator shall take action under this section wherever any alienated land is liable under section 127 to forfeiture for breach of condition and-

(a) he is of opinion that the taking of action under section 128 would not be appropriate, or

(b) the proprietor of the land has failed to comply with any notice served on him under that section.

(2) In either of the circumstances aforesaid, the Land Administrator shall-

(a) cause a notice in Form 7B to be served on the proprietor of the land, and

(b) cause a copy of that notice, to which there shall be appended the additional notice set out in the supplement to that Form, to be served on the like persons and bodies as those on whom notices relating to rent are required to be served by subsection (1) of section 98.

(3) Upon the service of any notice under sub-section (2), the Land Administrator shall (unless such a note has already been endorsed under section 128) endorse, or cause to be endorsed, on the register document of title to the land in question a note to the effect that the land is subject to action for breach of condition.

(4) Upon the date, and at the time and place, specified in any such notice, the Land Administrator shall hold an enquiry in accordance with the provisions of this Act, and, on the conclusion thereof-

(a) if it appears to him that the breach has been remedied, shall so declare by order, and shall cancel or cause to be cancelled any note endorsed under this section or section 128;

(b) if it appears to him just that time (or where a notice under section 128 has already been served in respect of the breach, further time) should be allowed for remedying the breach, shall make an order specifying the action to be taken for that purpose, and the time which it is to be taken;

(c) in any other case, shall take temporary possession of the land as he may be directed by the State Authority or in the absence of such direction, make an order declaring the land forfeit to the State Authority.

(5) The making of an order under paragraph (b) of sub-section (4) shall operate as a waiver by the State Authority, conditional upon strict compliance with the requirements thereof, of the right of forfeiture existing by reason of the breach to which the order relates; and-

(a) if the order is complied with, any note endorsed under this section or section 128 shall be cancelled accordingly;

(b) if the order is not complied with, the Land Administrator shall, on the expiry of the period specified therein, take temporary possession of the land as he may be directed by the State Authority or in the absence of such direction, make an order declaring the land forfeit to the State Authority.

(6) Where temporary possession is taken by the Land Administrator under paragraph (c) of sub-section (4) or paragraph (b) of subsection (5), the following provisions shall apply-

(a) the State Authority or any person or body appointed by it shall have power to remedy the breach at its or the person's or body's own expense in any manner or form the State Authority considers appropriate;

(b) upon completion of effecting the remedy or within such period as the State Authority considers appropriate after effecting such remedy, possession shall be returned to the proprietor with the requirement that the land be maintained in a satisfactory state in view of the remedy and that the State Authority, person or body concerned be reimbursed for the whole or part of the expenses incurred in carrying out such remedy either in one sum or in instalments; and

- (c) if any of the requirements under paragraph (b) does not appear to have been complied with, the Land Administrator shall report to the State Authority, and if the State Authority is satisfied that the land is not maintained as required it shall then make an order declaring the land forfeit to the State Authority.

DIVISION III
ALIENATED LANDS; INCIDENTS AND REGISTRATION OF TITLE
PART EIGHT
FORFEITURE

130. Forfeiture to take effect upon notification in the Gazette.

(1) As soon as may be after the making of an order under section 100 or 129 with respect to any land (that is to say, an order declaring the land forfeit to the State Authority for non-payment of rent or the breach of any condition), the Land Administrator shall publish in the *Gazette* a notification of forfeiture in Form 8A; and upon such publication, the forfeiture shall take effect as mentioned in section 131.

(2) Copies of any notification published under sub-section (1) shall be published in accordance with the provisions of section 433, and the Land Administrator shall, as soon as may be after the notification is published, register or cause to be registered a memorial thereof upon the register document of title to the land in question.

131. Effects of forfeiture.

Upon the taking effect in relation to any land of any forfeiture under this Act-

- (a) the land shall revert to, and vest in, the State Authority as State land, freed and discharged from all titles and interests subsisting or capable of arising immediately before the forfeiture took effect;
- (b) there shall also vest in the State Authority, to the extent specified in section 47 and without payment of compensation, any buildings then existing on the land; and
- (c) any item of land revenue then due to the State Authority in respect of the land shall be extinguished.

132. Land not to be re-alienated, etc., during period for appeal against forfeiture.

(1) Where any land has reverted to the State Authority by reason of the taking effect of any forfeiture under this Act, the State Authority, subject to sub-section (2), shall not re-alienate or otherwise dispose of it at any time before-

- (a) the expiry of the period of three months during which (under section 418) an appeal lies to the Court against the order of the Land Administrator under section 100 or 129, as the case may be; or
- (b) if such an appeal is lodged during that period, the determination of the appeal and of any proceedings consequent thereon.

(2) The provisions of sub-section (1)-

(a) shall be without prejudice to the power of the State Authority under sub-section (2) of section 133 to annul the forfeiture at any time on a petition in that behalf by the person or body who was the proprietor of the land immediately before the forfeiture took effect; and

(b) shall not prevent the State Authority from re-alienating the land to that person or body at any time as mentioned in sub-section (3) of section 133.

(3) So long as the provisions of sub-section (1) apply to any land, no issue document of title thereto which may have been surrendered to, or otherwise obtained by, the Land Administrator shall be destroyed.

133. Power of State Authority to annul forfeiture, or re-alienate to previous proprietor on new terms, etc.

(1) Any person or body who was the proprietor of any alienated land immediately before its forfeiture under this Act may at any time apply to the State Authority for the annulment of the forfeiture.

(2) The State Authority may in its absolute discretion refuse or allow any petition under this section, and, if it allows the petition, may do so conditionally upon payment by the petitioner-

(a) if the forfeiture was for non-payment of rent, of such penalty, not exceeding six times the sum which he was required to pay by the notice of demand served on him under section 97, as the State Authority may think fit to impose;

(b) if the forfeiture was for breach of any condition, of such amount as the State Authority may determine in respect of the expenses occasioned by the forfeiture.

(3) The refusal of any petition under this section shall not be taken to prejudice the power of the State Authority to re-alienate the land to the previous proprietor at any time, and, for the purposes of any such re-alienation, the State Authority shall, at the time when it gives approval thereto, re-determine as it may consider appropriate the various matters specified in sub-section (2) of section 79.

134. Appeals against forfeiture.

(1) The validity of any forfeiture under this Act shall not be challenged in any court except by means of, or in proceedings consequent upon, an appeal under section 418 against the order of the Land Administrator under section 100 or, as the case may be, 129; and, notwithstanding anything in any other written law, no such appeal shall be commenced after the expiry of the period of three months allowed for the bringing thereof by the said section 418.

(2) No order of the Land Administrator under section 100 or 129 shall be set aside by any court except upon the grounds of its having been made contrary to the provisions of this Act, or of there having been a failure on the part of the Land Administrator to comply with the requirements of any such provision; and no such order shall be set aside by reason only of any irregularity in the form or service of any notice under Chapter 2 of Part Six or, as the

case may be, Chapter 5 of Part Seven unless, in the opinion of the court, the irregularity was of a significant nature.

(3) In any such appeal or other proceedings as are mentioned in subsection (1), it shall be presumed until the contrary is proved that all notices required to be served under Chapter 2 of Part Six or, as the case may be, Chapter 5 of Part Seven were duly and regularly served.

(4) The provisions of sub-section (1) shall not affect the right of any person or body to bring an action of damages against the State Authority, or (subject to the provisions of section 22) against any officer appointed by the State Authority, in respect of any act or thing wrongfully done, or ordered to be done or omitted to be done, in connection with any forfeiture under this Act.

PART NINE
SUB-DIVISION, PARTITION AND AMALGAMATION
CHAPTER 1
SUB-DIVISION OF LANDS

135. Power of proprietor to sub-divide with approval of State Director or Land Administrator.

(1) The proprietor of any alienated land held under Registry or Land Office title may, with the approval under this Chapter of the State Director or Land Administrator, as provided by sub-section (2), subdivide the land into two or more portions (in this Chapter referred to as "sub-divisional portions") to be held by him under separate titles.

[Am. Act A1104 - Prior text read - "(1) The proprietor of any alienated land held under Registry or Land Office title or qualified title in continuation of final title may, with the approval under this Chapter of the State Director or Land Administrator, as provided by sub-section (2), subdivide the land into two or more portions (in this Chapter referred to as "sub-divisional portions") to be held by him under separate titles."]

(2) In the absence of any direction to the contrary by the State Authority, the approval required by sub-section (1) shall be given_

- (a) by the State Director in the case of the land held under Registry title, and
- (b) by the Land Administrator in the case of land held under Land Office title.

136. Conditions for approval of sub-division.

(1) No sub-division shall be approved by the State Director or, as the case may be, Land Administrator unless the following conditions are satisfied_

- (a) that the sub-division would not contravene any restriction in interest to which the land is for the time being subject;
- (b) that the sub-division would not be contrary to the provisions of any written law for the time being in force, and that any requirements imposed with respect thereto by or under any such law have been complied with;
- (c) without prejudice to the generality of paragraph (b)_
 - (i) that any necessary approval of any planning authority has been obtained, and

- (ii) that the sub-division would not be contrary to any plan approved by the State Authority for the development of the area in which the land is situated, or to any decision of any planning authority for that area, and
 - (iii) if the case falls within any direction in that behalf given by the State Authority, that the sub-division has the consent of any body or authority specified in, or appointed by, the direction;
- (ca) that the proprietor has agreed in his application that as a consequence of the subdivision, the land described therein which has been approved by any planning authority or body or authority specified in paragraph (c) to be used for public purpose be surrendered for such purpose in accordance with section 197;
- [Ins. Act A1333]*
- (d) that no item of land revenue is outstanding in respect of the land;
 - (e) that every person or body who, at the time when the approval was applied for, was entitled to the benefit of-
 - (i) a charge of the land,
 - (ii) a lease of the whole or any part thereof, other than a part corresponding precisely to one of the proposed sub-divisional portions,
 - (iii) a charge of such a lease, or
 - (iv) a lien over the land or any such lease, has consented in writing to the making of the application;
 - (f) that the area of any sub-divisional portion-
 - (i) in the case of land subject to the category "agriculture", or to any condition requiring its use for an agriculture purpose, will not be less than two-fifths of a hectare, and
 - (ii) in any other case, will not be less than the minimum area appropriate for land of the class or description in question, as determined for the purposes of this subparagraph by the planning authority for the area in which the land is situated or (if there is no such authority) by the State Authority;
 - (g) that the shape of each sub-divisional portion will, in his opinion, be suitable for the purposes for which it is intended to be used;
 - (h) that, except in the case of any sub-divisional portion from which there will be direct access thereto, a satisfactory means of access will be available as of right from each such portion either to a road, a river, a part of the foreshore or a railway station, or to a point within the land from which such a means of access will be available or be capable of being obtained by application to the Land Administrator under Part Twenty-eight.
- (2) The requirements of paragraph (h) of sub-section (1) shall be taken to be satisfied with respect to any sub-divisional portion if, but only if-
- (a) in the case of land situated in any area designated by the State Authority for the purposes of this subsection, or any class or description of land in that area specified in the designation, the proprietor has agreed in his application-

- (i) that he will provide the necessary means of access by making up a road to a standard specified in the designation, and
 - (ii) that the land occupied by the road shall, as from the issue of title to the sub-divisional portions, be deemed to have been surrendered to the State Authority;
- (b) in any other case, the proprietor has-
- (i) agreed in his application that land described therein shall be deemed to have been surrendered as aforesaid for the purpose of enabling such a means of access to be established thereover as State land, or
 - (ii) included in his application a proposal for providing such a means of access by means of a private road over land in respect of which a separate title is to be issued to him, or
 - (iii) included in his application his consent to the provision thereof by the creation of a Land Administrator's right of way.

137. Applications for approval.

(1) Any application by a proprietor for approval of the sub-division of any land shall be made in writing to the Land Administrator in Form 9A, and shall be accompanied by-

- (a) such fee as may be prescribed;
- (b) a pre-computation plan of the land showing the details of the sub-division, together with such number of copies thereof as may be prescribed or, in the absence of any such prescription, as the Land Administrator may require;
- (c) if it is so prescribed or, in the absence of any such prescription, if the Land Administrator so requires, a copy of any approval or consent required under paragraph (c) of sub-section (1) of section 136; and
- (d) all such written consents to the making of the application as are required under paragraph (e) of that sub-section:

Provided that, in a case where paragraphs (c) and (e) of subsection (1) of section 136 are not applicable and the land is held under Land Office title, the Land Administrator may if he thinks fit accept an application in any form.

(2) Upon receiving any application under sub-section (1), the Land Administrator shall endorse, or cause to be endorsed, a note thereof on the register document of title to the land to which it relates.

(3) Where the application relates to estate land-

- (a) the Land Administrator shall refer it to the Estate Land Board established under section 214A; and
- (b) the Secretary of the Estate Land Board shall convey its recommendations as expeditiously as possible to the Land Administrator.

[Ins. Act A1104]

138. Powers of Land Administrator or State Director in relation to applications.

(1) Where any application under sub-section (1) of section 137 relates to land the sub-division of which is required to be approved by the State Director, the Land Administrator shall refer the application to the State Director together with his recommendations thereon.

(2) If on any application under the said sub-section (1) it appears to the Land Administrator or, in a case referred to him as aforesaid, the State Director-

(a) that the conditions for approval of the sub-division specified in subsection (1) of section 136 are satisfied, or

(b) that those conditions would be satisfied if the proposals in the application were modified in one or more minor respects,

the Land Administrator or, as the case may be, State Director shall approve the sub-division in accordance with the said proposals, modified where necessary as mentioned in paragraph (b).

(3) In any other case, the Land Administrator or, as the case may be, State Director shall reject the application.

(4) On approving, or being informed by the State Director that he has approved, the sub-division of any land, the Land Administrator shall notify the proprietor of the approval, and of any modifications subject to which it is given, and shall by such notification call upon the proprietor to pay to him within a specified time-

(a) in a case where the sub-divisional portions are to be surveyed by a Survey Officer, the amount, or estimated amount, of the fees chargeable in respect of the survey;

(b) in every case, the fees chargeable in connection with the preparation and registration of final documents of title to the several sub-divisional portions.

(5) On rejecting, or being informed by the State Director that he has rejected, any application, the Land Administrator shall notify the proprietor, and shall cancel, or cause to be cancelled, the note endorsed on the register document of title pursuant to sub-section (2) of section 137.

139. Issue of title to sub-divisional portions.

(1) Notwithstanding that the sub-division of any land has been approved under this Chapter, final documents of title to the sub-divisional portions shall not be registered or issued until each such portion has been surveyed in accordance with the provisions of section 396.

(2) Where the survey of the sub-divisional portions is completed without the proprietor having applied for qualified title to those portions, the procedure subsequent to the survey shall be that specified in the relevant provisions of Chapter 3 of Part Ten.

(3) Where, as permitted under Chapter 3 of Part Eleven, the proprietor does apply for qualified title to the sub-divisional portions before their survey has been completed, the procedure shall be that specified in the relevant provisions of that Chapter.

CHAPTER 2
PARTITION OF LANDS

140. Powers of co-proprietors to partition with approval of State Director Land Administrator or State Authority.

[Am. Act A1333]

(1) Any alienated land which is held under Registry or Land Office title by two or more persons as co-proprietors may, by agreement between those persons and with the approval under this Chapter of the State Director or Land Administrator, as provided by sub-section (2), be partitioned-

[Am. Act A1104 - Prior text read - "(1) Any alienated land which is held under Registry or Land Office title or qualified title in continuation of final title by two or more persons as co-proprietors may, by agreement between those persons and with the approval under this Chapter of the State Director or Land Administrator, as provided by sub-section (2), be partitioned-"]

- (a) so as to vest in each of them, under a separate title, a portion of the land of an area proportionate as nearly as may be to his undivided share in the whole; or
- (b) where two or more of them are to continue as co-proprietors, so as to vest-
 - (i) in the remaining co-proprietor or, as the case may be, each of such co-proprietors, under a separate title, a portion of the land of an area proportionate as nearly as may be to his undivided share in the whole; and
 - (ii) in the continuing co-proprietors the remainder of the land under a separate title.

(2) In the absence of any direction to the contrary by the State Authority, the approval required by sub-section (1) shall be given-

- (a) by the State Director in the case of land held under Registry title and
- (b) by the Land Administrator in the case of land held under Land Office title

(3) If the alienated land referred to in subsection (1) is subject to the category of "agriculture" or to any condition requiring its use for an agricultural purpose and is-

- (i) two-fifths of a hectare; or
- (ii) less than two-fifths of a hectare; the co-proprietors referred to in that subsection may, by agreement between them and with the approval of the State Authority as provided by section 143a, partition the land."

[Ins. Act A1333]

141. Conditions for approval of partition.

(1) No partition shall be approved by the State Director or, as the case may be, Land Administrator unless-

- (a) each of the co-proprietors has either joined in, or consented to the making of, the application for its approval;
- (b) in the opinion of the State Director or, as the case may be, the Land Administrator, the area to be vested-

- (i) in each co-proprietor pursuant to paragraph (a), or subparagraph (i) of paragraph (b), of sub-section (1) of section 140 is as nearly as may be proportionate to his undivided share in the whole; or
- (ii) in the continuing co-proprietors pursuant to subparagraph (ii) of paragraph (b) of subsection (1) of section 140 is as nearly as may be proportionate to the total of their undivided shares in the whole; and
- (c) the conditions specified in sub-section (1) of section 136 for approval of the subdivision of land are, *mutatis mutandis*, with the omission of paragraph (ca) and subparagraph (f)(i) of that subsection, satisfied.

[Am. Act A1333]

(2) Sub-section (2) of section 135 shall, in cases of partition, apply with respect to the condition specified in paragraph (h) of sub-section (1) of that section with the omission therefrom of sub-paragraph (ii) of paragraph (b).

(3) The State Director or, as the case may be, Land Administrator may, in the case of an application for approval of the partition of any land subject to the category "agriculture" waive the condition specified in paragraph (h) of sub-section (1) of section 136.

141A. Application for partition by any co-proprietor.

. Notwithstanding the provisions of sections 140 and 141, any co-proprietor where other co-proprietors neither join in nor consent to the making of the application may apply for approval to partition the land.

[Subs. Act A1333]

Notwithstanding the provisions of sections 140 and 141, a co-proprietor or co-proprietors holding the majority share in the land may apply for approval to partition the said land.

142. Applications for approval.

(1) Any application for approval of the partition of any land shall be made in writing to the Land Administrator in Form 9B, and shall be accompanied by-

- (a) such fee as may be prescribed;
- (b) a plan of the land on a scale sufficient to satisfy the Land Administrator of all details of the partition, together with such number of copies thereof as may be prescribed or, in the absence of any such prescription, as the Land Administrator may require;
- (c) if it is so prescribed or, in the absence of any such prescription, if the Land Administrator so requires, a copy of any approval or consent required under paragraph (c) of sub-section (1) of section 136 (as applied by section 141);
- (d) all such written consents to the making of the application as are required under paragraph (e) of the said sub-section as so applied; and
- (e) the written consent to the making of the application of any co-proprietor who has not joined therein, provided that in the case of an application made under section 141A, such consent be dispensed with.

(2) Upon receiving any application under sub-section (1), the Land Administrator endorse, or cause to be endorsed, a note thereof on the register document of title to the land to which it relates.

(3) In the case of an application made under section 141A the Land Administrator shall notify the other co-proprietors of the proposed partition, requiring them to submit in writing within a period of twenty-eight days from the date of service of the notice, any objection setting out fully the grounds on which the objection is based.

(4) Upon expiry of the period specified in sub-section (3), the Land Administrator-

(a) where there are objections, shall notify the applicant and the remaining co-proprietors and hold an enquiry at the specified time and place, and-

(i) if satisfied that good grounds exist, shall reject the application or in the case of an application, relating to land the partition of which requires the approval of the State Director, shall, recommend that the application be rejected; or

(ii) in any other case, may approve the application or (as the case may be), recommend to the State Director that the application be approved; and

(b) where there are no objections, after due consideration, may approve the application or (as the case may be), recommend to the State Director that the application be approved.

(5) When the Land Administrator is satisfied that any application for partition of land is subject to-

(a) the category "agriculture" or to any condition requiring its use for an agricultural purpose; and

(b) the said land is two-fifths of a hectare or less than two-fifths of a hectare, he shall refer the application to be approved by the State Authority.

[Ins. Act A1333]

143. Powers of Land Administrator or State Director in relation to applications.

(1) Where any application under sub-section (1) of section 142 relates to land the partition of which is required to be approved by the State Director, the Land Administrator shall refer the application to the State Director together with his recommendations thereon.

(2) If on any application under the said sub-section (1) it appears to the Land Administrator or, in a case referred to him as aforesaid, the State Director-

(a) that the conditions for approval of the partition specified or referred to in paragraphs (a) to (c) of sub-section (1) of section 141 are satisfied, or

(b) that those conditions would be satisfied if the proposals in the application were modified in one or more minor respects,

the Land Administrator or, as the case may be, State Director shall approve the partition in accordance with the said proposals, modified where necessary as mentioned in paragraph (b).

(3) In any other case, the Land Administrator or, as the case may be, State Director shall reject the application.

(4) On approving, or being informed by the State Director that he has approved, the partition of any land, the Land Administrator shall notify each of the co-proprietors of the approval, and of any modifications subject to which it is given, and shall in each such notification specify, and call upon the co-proprietors as a whole to pay to him within a specified time-

(a) in a case where the individual portions are to be surveyed by a Survey Officer, the amount, or estimated amount, of the fees chargeable for the survey of each portion, and

(b) in every case, the fees chargeable in connection with the preparation and registration of final documents of title to each portion.

(5) On rejecting, or being informed by the State Director that he has rejected, any application, the Land Administrator shall notify the co-proprietors, and shall cancel, or cause to be cancelled, the note endorsed on the register document of title pursuant to sub-section (2) of section 142.

143A. Power of State Authority in relation to application for partition of land subject to the category "agriculture".

(1) The State Authority may, upon giving due consideration to the application referred to it pursuant to subsection 142(5) and in the case of an application made under section 141a, on being satisfied that subsections 142(3) and (4) have been complied with, approve the application subject to such conditions and modifications or reject the application if it thinks fit.

(2) Upon approval by the State Authority, the Land Administrator shall notify each of the co-proprietors of such approval subject to any condition or modification subject to which the approval is given.

(3) The Land Administrator shall call upon the co-proprietor who applies to partition the said land to pay to him within a specified time-

(a) in a case where the individual portions are to be surveyed by a Survey Officer, the amount, or estimated amount, of the fees chargeable for the survey of each portion; and

(b) the fees chargeable in connection with the preparation and registration of final documents of title to each portion.

(4) Where the State Authority rejects an application, the Land Administrator shall notify the co-proprietors and shall cancel, or cause to be cancelled, the note endorsed on the register document of title pursuant to subsection 142(2).

[Ins. Act A1333]

144. Issue of title to individual portions.

The provisions of section 139 shall have effect, *mutatis mutandis*, where the partition of any land has been approved under this Chapter as they have effect where the sub-division of any land has been approved under Chapter 1.

145. Power of Court to facilitate termination of co-proprietorship.

(1) Where, in the case of any land vested in co-proprietors-

- (a) any of the co-proprietors will neither join in, nor consent to the making of, an application for partition under this Chapter, or
- (b) by reason of the operation of paragraph (f) of subsection (1) of section 136 (as applied by section 141), partition of the land between all of the co-proprietors is incapable of being approved under this Chapter,

the Court, subject to and in accordance with the provisions of any law for the time being in force relating to civil procedure, may, on the application of any of the co-proprietors, make such order as it may think just for the purpose of enabling the co-proprietorship to be terminated.

(2) Without prejudice to the generality of the power conferred by subsection (1), the Court may on any application under that subsection order-

- (a) that, subject to the making between the co-proprietors of such payments as the Court may consider equitable having regard to the comparative values of the individual portions thereby proposed, any application for partition made by one or more of the co-proprietors in the terms specified in the order shall be deemed for the purposes of this Chapter to have been made by them all;
- (b) that the undivided share of any of the co-proprietors be transferred on the terms specified in the order to the other co-proprietors, or to any of them; or
- (c) that the land be sold.

CHAPTER 3

AMALGAMATION OF LANDS

146. Power of proprietor to amalgamate contiguous lots with approval of State Director or Land Administrator.

(1) Any person in whom two or more contiguous lots of alienated land are vested under separate Registry or Land Office titles may, with the approval under this Chapter of the State Director or Land Administrator, as provided by sub-section (2), amalgamate those lots into one, to be held by him under a single title:

[Am. Act A1104 - Prior text read - "(1) Any person in whom two or more contiguous lots of alienated land are vested under separate Registry or Land Office titles or qualified titles in continuation of final titles may, with the approval under this Chapter of the State Director or Land Administrator, as provided by sub-section (2), amalgamate those lots into one, to be held by him under a single title:"]

Provided that nothing in this Chapter shall authorise the amalgamation of any lots which are not situated in the same mukim, town or village.

(2) In the absence of any direction to the contrary by the State Authority, the approval required by sub-section (1) shall be given by the Land Administrator where the lots to be amalgamated are all held under Land Office title, and their combined area will not exceed four hectares, and by the State Director in every other case.

(3) For the purposes of sub-section (1), any two or more lots shall be taken to be contiguous if each of them shares one boundary at least in common with another of them.

147. Conditions for approval of amalgamation.

(1) No amalgamation shall be approved by the State Director or, as the case may be, Land Administrator unless the conditions specified in paragraphs (a) to (g) of sub-section (1) of section 136 for approval of the subdivision of land are, *mutatis mutandis*, and with the omission of sub-paragraph and paragraph (ca) of that sub-section, satisfied; and, in any of the circumstances specified in sub-section (2), the sanction of the State Authority shall also be necessary before any amalgamation can be so approved.

[Am. Act A1333]

(2) The said circumstances are as follows-

- (a) where the lots to be amalgamated are all held under Land Office title, and their combined area will exceed four hectares;
- (b) where the said lots are held partly under Registry title and partly under Land Office title;
- (c) where any dissimilarity exists between any of the said lots in any of the following respects-
 - (i) the periods for which they are held;
 - (ii) the rates at which rent is payable;
 - (iii) the categories of land use, conditions and restrictions in interest to which they are subject.

(3) The sanction of the State Authority to any amalgamation shall, in a case falling within paragraph (a) or (b) of sub-section (2), constitute its approval to the holding of the combined area under Registry title (or, if first applied for, the corresponding form of qualified title); and, so far as it may be necessary to do so by reason of any dissimilarity existing as mentioned in paragraph (c) of that sub-section, the State Authority shall, on sanctioning any amalgamation, give such directions as it may think fit as to the period for which the combined area is to be held, the rate at which rent is to be paid in respect thereof, and the category of land use, conditions and restrictions in interest to be endorsed on any document of title thereto.

(4) Where by any direction under sub-section (3) the State Authority extends the period for which any lot would otherwise have been held, it may require the payment by the proprietor, in consideration of the extension, of a premium of such amount as may be specified in the direction.

(5) As from the date on which any land becomes subject by virtue of such a direction to any category of land use to which it was not previously subject, there shall cease to apply to the land all conditions to which it was previously subject other than those implied by section 114.

148. Applications for approval.

(1) Any application for approval of the amalgamation of any lots shall be made in writing to the Land Administrator in Form 9C, and shall be accompanied by-

- (a) such fee as may be prescribed;
- (b) a plan showing the lots to be amalgamated, together with such number of copies thereof as may be prescribed or, in the absence of any such prescription, as the Land Administrator may require;
- (c) if it is so prescribed or, in the absence of any such prescription if the Land Administrator so requires, a copy of any approval required under paragraph (c) of sub-section (1) of section 136 (as applied by subsection (1) of section 147); and
- (d) all such written consents to the making of the application as are required under paragraph (e) of the said sub-section as so applied.

(2) Upon receiving any application under sub-section (1) the Land Administration shall endorse, or cause to be endorsed, a note thereof on the register documents of title to each of the lots to which the application relates.

149. Powers of Land Administrator or State Director in relation to applications.

(1) Where any application under sub-section (1) of section 148 relates to lots the amalgamation of which is required to be approved by the State Director, the Land Administrator shall refer the application to the State Director together with his recommendations thereon.

(2) If on any application under the said sub-section (1) it appears to the Land Administrator or, in a case referred to him as aforesaid, the State Director that the conditions for approval of the amalgamation specified in paragraphs (a) to (g) of sub-section (1) of section 136 (as applied by sub-section (1) of section 147) are not satisfied, he shall reject the application.

(3) If on any such application it appears to the Land Administrator or, as the case may be, State Director that the said conditions are satisfied, he shall-

- (a) approve the amalgamation, or
- (b) in a case where the sanction of the State Authority is first required, submit the application to the State Authority together with his recommendations thereon, and thereafter approve the amalgamation or reject the application as the State Authority may direct.

(4) On approving, or being informed by the State Director that he has approved, the amalgamation of any lots, the Land Administrator shall notify the proprietor of the approval, and of the terms of any direction given by the State Authority under subsection (3) of section 147, and shall by such notification call upon the proprietor to pay to him within a specified time-

- (a) in a case where the combined area is to be surveyed by a Survey Officer, the amount, or estimated amount, of the fees chargeable in respect of the survey.

(b) in every case, the fees chargeable in connection with the preparation and registration of final documents of title to the combined area, and

(c) the amount of any premium chargeable by virtue of any such direction.

(5) On rejecting, or being informed by the State Director that he has rejected, any application, the Land Administrator shall notify the proprietor, and shall cancel, or cause to be cancelled, the notes endorsed on the register documents of title pursuant to sub-section (2) of section 148.

150. Issue of title to combined area.

The provisions of section 139 shall have effect, *mutatis mutandis*, where the amalgamation of any lots has been approved under this Chapter as they have effect where the sub-division of any land has been approved under Chapter 1.

CHAPTER 4

SUB-DIVISION OF BUILDINGS

151 - 157. (Repealed).

[Repealed by Act 318]

DIVISION III

ALIENATED LANDS; INCIDENTS AND REGISTRATION OF TITLE

PART NINE (A)

POWERS OF ATTORNEY

157A. Application by donee of a power of attorney.

(1) An application under Division III may be made by a donee of a power of attorney from the proprietor of the alienated land whereby the proprietor confers on the donee the power to make such application on behalf of the proprietor.

(2) An application by a donee of a power of attorney under sub-section (1) shall be accompanied by-

(a) an office copy thereof within the meaning of section 10 of the Powers of Attorney Act, 1949, or in the case of a power to which sub-section (4) of section 4 of that Act applies the original thereof; and

(b) a copy thereof for filing by the Registrar.

(3) The donee of a power of attorney under sub-section (1) shall, notwithstanding anything contained in the power of attorney, have the power to do all such acts or things as may be necessary or required under this Act in relation to the application, and the proprietor shall be bound by all such acts or things done by the donee in the same manner as the proprietor would be bound if done by the proprietor personally.

(4) The Land Administrator may require from the donee of a power of attorney under sub-section (1) or the donor thereof a statutory declaration or other evidence upon oath or affirmation, that the power of attorney was, at the material time, still in force.

157B. Procedure in respect of filing of copy of power of attorney.

Where, pursuant to paragraph (b) of sub-section (2) of section 157A, an application is accompanied by a copy of a power of attorney for filing by the Registrar, the Registrar shall-

- (a) compare that copy with the office copy or, as the case may be, original power of attorney sent pursuant to paragraph (a) of that sub-section; and
- (b) (i) file the compared copy;
- (ii) note the existence of the compared copy, and the reference under which it is filed, both on the application and on the office copy or the original power of attorney; and
- (iii) return the office copy or original power of attorney to the person or body by whom it was sent.

PART TEN

PREPARATION AND MAINTENANCE OF REGISTERS ON FINAL TITLE

CHAPTER 1

THE REGISTERS

158. Registry title- the register of grants and the register of State leases.

(1) The Registrar shall open for the purposes of this Act two series of books, to be known respectively as-

- (a) the register of grants, and
- (b) the register of State leases;

and every grant and State lease registered by him under this Act, whether on the alienation of land thereunder or in continuation of title or in replacement of register document of title under Chapter 4, shall be bound up in a book of the appropriate series and serially numbered therein:

Provided that where it is appropriate to issue a title in continuation in the form of multileaf title, the Registrar shall open two new series of books to be known respectively as:

- (a) the register of multileaf grants, and
- (b) the register of multileaf State leases.

(2) The reference in sub-section (1) to the registration of grants and State leases in continuation of title is a reference to their registration pursuant to-

- (a) Chapter 3 of this Part (that is to say, in continuation of an existing final title), or
- (b) Chapter 4 of Part Eleven (that is to say, on the conversion of qualified title into final title).

159. Land Office title _ the Mukim Registers.

(1) In respect of each mukim within his district, every Land Administrator shall open for the purposes of this Act, and maintain at the Land Office, two series of books, to be known collectively as the Mukim Register.

(2) One series of books opened under this section shall relate to Mukim grants, and another to Mukim leases; and every Mukim grant and Mukim lease prepared by the Land Administrator for registration under this Act, whether on the alienation of land thereunder or in continuation of title (as defined in sub-section (2) of section 158) or in replacement of

register document of title under Chapter 4, shall be bound up in a book of the appropriate series and serially numbered therein:

Provided that where it is appropriate to issue a title in continuation in the form of multileaf title, the Land Administrator shall open two new series of books to be known collectively as the Mukim Register, one series relating to multileaf Mukim grants and another series relating to multileaf Mukim leases.

160. Saving for existing registers.

Every register of title subsisting at the commencement of this Act shall be retained by the Registrar or, as the case may be, Land Administrator, and, notwithstanding that it may not thereafter be used for the preparation or binding up of any document of title, shall, so far as the titles therein have not been continued into or replaced by any other register, continue in use for all other purposes of this Act.

160A. Definition of "new district".

In this Part "new district" means one of the districts into which the territory of the State has been divided by notification in the *Gazette* under paragraph (a) of section 11 by the State Authority on or after the first day of January 1966.

160B. Powers of Land Administrator of new district in respect of registers.

(1) The Land Administrator of a new district shall have jurisdiction over land within the boundaries of the new district.

(2) The Land Administrator shall, as soon as possible, make a note in every register document of title of alienated land within the boundaries of the district to the effect that the title shall form part of the registers of titles of the new district for land within a mukim, town or village from the date of the notification in the *Gazette* under paragraph (a) of section 11.

(3) Upon the entry of the note under sub-section (2) the document of title shall be deemed to form part of the registers of title of the new district for the purposes of sections 159 and 160 and they shall be referred to as former registers:

Provided that it shall not be necessary for any amendment to be made to the title number in any former register and the said number shall not be taken into consideration in determining the title serial number of a new document of title for the new district.

(4) The Land Administrator of the new district shall, as soon as possible, call upon the proprietor of the land affected by the note under sub-section (2) to produce the issue document of title for the purpose of entering therein a copy of the said note and, upon completing the entry, shall return the same to the proprietor.

(5) No register document of title which contains a note under subsection (2) shall be removed from the Registry.

160C. Issue of title in continuation.

The Land Administrator shall as soon as possible after taking action under sub-section (2) of section 160B, cause a title in continuation to be issued in accordance with paragraph (j) of sub-section (1) of section 166.

CHAPTER 2

The Subsidiary Register

161-163. (Repealed).

[Repealed by Act 318.]

CHAPTER 3

FINAL TITLE IN CONTINUATION OF FINAL TITLE

INTRODUCTORY

164. When title in continuation may be issued under this Chapter.

(1) The issue of title in continuation under this Chapter shall consist of the preparation, registration and issue thereunder of final documents of title in continuation of the final documents for the time being relating to any alienated land; and title in continuation may be so issued-

- (a) to the land as a whole;
- (b) to the individual portions into which the land is to be sub-divided pursuant to Chapter 1 or 2 of Part Nine; or
- (c) to the combined area to be formed by the amalgamation of the land with any other land pursuant to Chapter 3 of that Part.

(2) The circumstances in which title in continuation may be issued under this Chapter to any land as whole are those specified in section 166; and the procedure for its issue in those circumstances shall be that specified in section 167 to 170.

(3) The circumstances in which title in continuation may be issued under this Chapter in cases of sub-division, partition and amalgamation are where the survey of the individual portions or combined area has been completed without the proprietor having applied for qualified title thereto; and the procedure for its issue in those circumstances shall be that specified in section 171 to 173.

(4) Where the title to be continued refers to two or more surveyed lots a new document of title shall be prepared, registered and issued in respect of each such lot and for the purposes of determination of annual rent the provisions of sub-section (3) of section 171 shall apply.

165. General provisions with respect to documents in continuation.

(1) The preparation, registration and issue of documents in continuation under this Chapter shall be effected-

- (a) by the Registrar in the case of grants and State leases, the issue documents appropriate thereto, and documents, relating to parcels held under subsidiary title; and

- (b) by the Land Administrator in the case of Mukim grants and Mukim leases and the issue documents appropriate thereto and documents relating to parcels held under subsidiary title:

Provided that in the case of a title in continuation of any land covering more than one surveyed lot the Registrar or the Land Administrator shall register and issue a new title in respect of each surveyed lot.

(2) The registration of register documents of title prepared under this Chapter shall consist of their authentication under the hand and seal of the Registrar or Land Administrator, as the case may be; and the date of registration shall be inscribed on every such document by the Registrar or Land Administrator.

(3) The provisions of sections 89 to 91 shall apply to documents in continuation prepared under this Chapter as they apply to documents of final title prepared on alienation under Chapter 3 of Part Five:

Provided that, where the land to which the documents in continuation relate is subject to a charge or lien, nothing in section 90 shall be taken to authorise the issue of the issue documents to the proprietor of the land.

CONTINUATION OF TITLE TO LAND AS A WHOLE

166. Circumstances in which title in continuation may be issued to land as a whole.

(1) The circumstances in which title in continuation may be issued under this Chapter to any land as a whole are as follows-

- (a) where the Registrar or Land Administrator decides with respect to the register document of title thereto-
 - (i) at the time when he makes any entry thereon, that there is insufficient space for the making of further entries, or
 - (ii) at any time, that the document can, by reason of its physical condition, no longer be used;
- (b) where, on its production to him for any purpose, the Registrar or Land Administrator makes a similar decision with respect to the issue document of title thereto;
- (c) where, by a notice or notices under section 15, the Registrar or Land Administrator has called upon the proprietor and any chargee, lienholder or other person or body whom he may have reason to believe to be in possession thereof, to produce the issue document of title, and notice or notices have not been complied with;
- (d) where an application therefor has been made by any person or body in accordance with the provisions of sub-sections (2) and (3), on the grounds that the issue document of title has been lost, or wholly or partially destroyed, or is being improperly or wrongfully withheld;
- (e) where, on a partial surrender of land or on the re-survey of a natural boundary, the Registrar is required by sub-section (3) of section 202 or sub-section (3) of section 354 to issue title in continuation to land as a whole;
- (f) where any alienated land has been partially affected by encroachment by the sea or any river;

- (g) where a document of title relates to more than one lot;
- (h) where only part of a piece of land has been acquired by the State and the part left unacquired has been resurveyed;
- (i) where the Registrar or Land Administrator decides that a multileaf title is required to be issued; and
- (j) where action has been taken under sub-section (2) of section 160B.

(2) An application under paragraph (d) of sub-section (1) may be made by the proprietor of the land in question, or by any person or body claiming through the proprietor.

(3) Every such application shall be made in writing to the Registrar or, in the case of land held under Land Office title, the Land Administrator, and shall be supported by such evidence of the loss, destruction or withholding therein alleged as the Registrar or Land Administrator may require.

167. Preliminary procedure in circumstances described in section 166(1)(a) or (e).

Where the Registrar or Land Administrator proposes to issue title in continuation in the circumstances described in paragraph (a) or (e) of subsection (1) of section 166, and the issue document of title to the land is not at the time in his issue document of title to the land is not at the time in his hands, he shall-

- (a) call for its production as mentioned in paragraph (c) of that subsection, and
- (b) if it is not produced, take the further steps required by section 168 for cases falling within the said paragraph (c).

168. Preliminary procedure in circumstances described in section 166 (1)(c) or (d).

Before issuing title in continuation in the circumstances described in paragraph (c) or (d) of sub-section (1) of section 166, the Registrar or Land Administrator shall-

- (a) cause notice of his intention to do so to be published in the *Gazette* in Form 10D, and
- (b) cause copies of the notice to be served on every person or body having a registered interest in the land, and to be published in accordance with the provisions of section 433.

169. Costs of issuing title in continuation to land as a whole.

(1) The fees chargeable in connection with the issue of title in continuation under this Chapter to any land as a whole shall be payable-

- (a) where it is issued on the application of any person or body under paragraph (d) of sub-section (1) of section 166, by the applicant;
- (b) in any other case, by the proprietor.

(2) In a case falling within paragraph (a) of sub-section (1), the said fees shall be paid before title in continuation is issued; and in any other case they shall, if not sooner paid, be added to, and deemed for all the purposes of this Act to form part of, the rent next due in respect of the land.

(3) Where title in continuation has been issued by reason of the failure of any chargee or lien-holder to produce the issue document of title to the land, or by reason of the improper or wrongful withholding of that document by any other person or body, the proprietor shall be entitled to recover any fees paid by him under this section from that chargee, or lien-holder, may do so by deducting the amount thereof from any payments subsequently falling due under the charge or lien.

170. Form and content of documents in continuation of title to land as a whole.

(1) For the purpose of the issue of title in continuation under this Chapter to any land as a whole-

- (a) the register document of title to be prepared shall consist-
 - (i) in the case of land held under Registry title, of a grant or State lease, according as the land is held in perpetuity or for a term of years,
 - (ii) in the case of land held under Land Office title, of a Mukim grant or Mukim lease, according as the land is held in perpetuity or for a term of years, and
 - (iii) in the case of any parcel of a building held under subsidiary title, of a document in Form 4 in the First Schedule to the Strata Titles, Act 1985; and
- (b) the issue document of title to be prepared shall be in the form appropriate under this Act to the register document in question.

(2) Every such document of title-

- (a) shall be prepared in the name of the person or body last registered as proprietor in the subsisting register document of title;
- (b) shall specify-
 - (i) in the case of land held under Registry or Land Office title, the date on which it was first alienated, the title number originally allotted thereto and (if different) the number of the subsisting register document; and
 - (ii) in the case of any parcel of a building held under subsidiary title, the number of the subsisting register document; and
- (c) shall contain, except in so far as they relate to matters which have ceased to be effective, the like memorials, endorsements and other entries as are contained in the subsisting register document (but, where that document is a certificate of title issued under any previous land law, setting out in full any conditions and restrictions in interest therein referred to).

CONTINUATION OF TITLE ON SUB-DIVISION, ETC.

171. Preliminary procedure in cases of sub-division.

(1) Where title in continuation is to be issued under this Chapter on the sub-division of any alienated land, the Land Administrator shall-

- (a) determine in accordance with the provisions of subsection (3) the rent to be paid in respect of each sub-divisional portion;
- (b) notify the proprietor of the rents so determined;
- (c) request the proprietor to deliver to him the issue document of title to the land; and

- (d) if any amount has been underpaid or overpaid in respect of survey fees under paragraph (a) of subsection (4) of section 138, call upon the proprietor to pay the deficit or, as the case may be, refund to the proprietor the excess.
- (2) Title in continuation shall not be so issued until the proprietor has paid all amounts demanded of him under paragraph (b) of the said subsection (4) or paragraph (d) of the preceding subsection; and if the proprietor fails to deliver up the issue document of title as requested, the Registrar or Land Administrator as the case may be shall not issue title in continuation until he has-
- (a) by a notice or notices under section 15, called for its production by any chargee, lienholder or other person or body whom he may have reason to believe to be in possession thereof; and
 - (b) if it is not produced, taken the further steps specified in section 168;
- (3) The rent determined pursuant to paragraph (a) of sub-section (1) in respect of any sub-divisional portion shall be an amount computed by reference to-
- (a) the area of the portion as established on its survey, and
 - (b) the rate per hectare at which rent is currently payable in respect of the whole land;
- and where the rate referred to in paragraph (b) is not otherwise ascertainable, it shall be calculated by dividing the total rent payable in respect of the whole by the total area thereof, for which purpose the provisions of subsection (1) of section 96 relating to fractions of a hectare shall apply to the area of the whole as they apply to the area of the portion.
- (4) The rent determined as aforesaid in respect of any sub-divisional portion shall become payable as from the beginning of the calendar year first commencing after the date on which a register document of title thereto is registered under this Chapter.

172. Preliminary procedure in cases of partition and amalgamation.

Where title in continuation is to be issued under this Chapter on the partition or amalgamation of any alienated land or lands the provisions of section 171 shall apply, *mutatis mutandis*, as they apply where it is to be so issued on any sub-division:

Provided that, in cases of amalgamation, the rent determined in respect of the combined area pursuant to paragraph (a) of sub-section (1) of that section shall, where the rates at which rent was paid in respect of the component lots were dissimilar, be an amount computed by reference to such new rate as the State Authority may have directed under sub-section (3) of section 147.

173. Form and content of documents in cases of sub-division, partition and amalgamation.

- (1) For the purpose of the issue of title in continuation under this Chapter on the sub-division, partition or amalgamation of any alienated land or lands-
- (a) the register document or documents of title to be prepared shall consist of one or more grants, State leases, Mukim grants or Mukim leases, according as the land or

lands in question are held under Registry or Land Office title, and in perpetuity or for a term of years; and

(b) the issue document or documents to be so prepared shall be in the form appropriate under this Act to the register document or documents in question:

Provided that, in the cases of amalgamation specified in paragraphs (a) and (b) of sub-section (2) of section 147, a grant or State lease shall be prepared notwithstanding that some or all of the lands in question were formerly held under Land Office title.

(2) The provisions of sub-section (2) of section 170 shall apply, *mutatis mutandis*, with respect to the contents of any documents of title so prepared:

Provided that in complying with paragraph (c) of the said sub-section (2) the Registrar or Land Administrator, as the case may be-

- (i) shall make such modifications with respect to any entry on the subsisting register document or documents of title as may be necessitated by the circumstances;
- (ii) in cases of sub-division and partition, shall omit any entry relating to a matter which is incapable of affecting the portion in question; and
- (iii) in cases of amalgamation, shall give effect also to any direction given by the State Authority under sub-section (3) of section 147:

And provided further that the Registrar or Land Administrator, as the case may be, shall vary the express conditions or rent to suit the use of the portion as approved in the sub-divisional plan.

PROCEDURE AFTER ISSUE OF TITLE IN CONTINUATION

174. Cancellation, etc., of subsisting documents of title.

(1) On the registration of any register document of title under this Chapter-

- (a) there shall be endorsed across the face of the subsisting register document or documents a statement to the effect that the title or titles in question have been continued in the first mentioned document (specifying the serial number thereof), and
- (b) the subsisting issue document or documents shall if they have been delivered up, be destroyed.

(2) On the making of any endorsement under paragraph (a) of subsection (1), the subsisting register document or documents, and any subsisting issue document which has not been destroyed pursuant to paragraph (b) of that sub-section, shall be deemed to have been cancelled; and no entry shall thereafter be made thereon.

(3) In cases of sub-division, partition and amalgamation, the Land Administrator shall, where appropriate, transmit to the Registrar, for destruction under this section, any issue document delivered to him pursuant to a request under paragraph (c) of subsection (1) of section 171, or, as the case may be, that paragraph as applied by section 172.

ISSUE OF DUPLICATE ISSUE DOCUMENT ONLY

175. Power to issue duplicate issue document only where register document not in need of renewal.

(1) Where the Registrar or Land Administrator is empowered to issue title in continuation to any land as a whole by reason of the circumstances described in paragraph (b), (c) or (d) of subsection (1) of section 166, but-

(a) the register document of title to the land does not, in his opinion, require replacement, and

(b) the issue document was issued under this Act,

he may, instead of issuing title in continuation, issue a duplicate issue document only.

(2) Where the circumstances in which the Registrar or Land Administrator proposes to issue a duplicate issue document under this section are those described in paragraph (c) or (d) of subsection (1) of section 166, the provisions of section 168 shall apply, *mutatis mutandis*, as they would if he proposed to issue title in continuation in the like circumstances.

(3) The provisions of section 169 shall apply with respect to the fees payable in connection with the issue of duplicate issue documents as they apply with respect to the fees payable in connection with the continuation of title to land as a whole.

(4) Any duplicate issue document issued under this section shall have the like validity and effect in all respects as that which it is intended to replace.

(5) On issuing any such document, the Registrar or Land Administrator shall make a memorial thereof on the register document of title to the land, showing the date of issue and the reasons therefor; and the former issue document shall thereupon be deemed to have been cancelled for all purposes, and shall, if in his hands, be destroyed forthwith.

CHAPTER 4

REPLACEMENT OF REGISTER DOCUMENT OF FINAL TITLE

175A. Power to replace register document of title where the register is lost, etc.

(1) Where any register document of final title (including the subsidiary register) is lost, or wholly or partially destroyed or any entry therein is wholly or partially illegible (in this Chapter referred to as "the original register"), the Registrar or Land Administrator shall as soon as may be after being satisfied of such loss, destruction or illegibility-

(a) cause a notice to be published in the *Gazette* in Form 10E; and

(b) cause copies of the notice to be served on every person or body, if known, having a registered interest in the land registered in the original register, and to be published in accordance with the provisions of section 433.

(2) Upon publication in the *Gazette* of the notice under sub-section (1) no Registrar or Land Administrator shall-

(a) accept for registration any instrument of dealings affecting, or

(b) enter any private caveat or lien-holder's caveat under section 322 or 330 in respect of,

land registered in the original register until the provisional register document of title relating to the land has been authenticated under section 175F.

175B. Application for registration as a proprietor of land or of interest in the present register.

(1) Within three months from the date of publication in the *Gazette* of the notice in accordance with sub-section (1) of section 175A-

- (a) the proprietor of land registered in the original register or his representative and any person or body having a registrable interest in the land or being holder of lien over the land or over any lease or sub-lease thereof, may apply to the Registrar or Land Administrator Form 10F that the name of the proprietor and any registered interest be entered in a provisional register document of title;
- (b) any person or body who is in possession of the issue document of title to the land registered in the original register, shall deliver the same to the Registrar or Land Administrator.

(2) The Registrar or Land Administrator shall retain any issue document of title delivered to him pursuant to sub-section (1) and shall acknowledge receipt thereof in Form 10G.

175C. Preparation of provisional register document of title.

(1) From the issue document of title delivered to him, if any, pursuant to section 175B and from other records available in the Registry or Land Office, or from any other official records, the Registrar or Land Administrator shall prepare in the manner as provided in subsection (2) and (3), a provisional register document of title.

(2) The provisional register document of title to be prepared under sub-section (1) shall-

- (a) in the case of land held under Registry title, consist of a Grant or State Lease, according as the land is held in perpetuity or for a term of years,
- (b) in the case of land held under Land Office Title, consist of a Mukim Grant or Mukim Lease, according as the land is held in perpetuity or for a term of years, and
- (c) in the case of any parcel of building held under subsidiary title, consist of a document in Form 4 in the First Schedule to the Strata Titles, Act 1985.

(3) The provisional register document of title shall bear an endorsement of the word "provisional" in a prominent form and shall contain-

- (a) except insofar as they relate to matters which have ceased to be effective, the like memorials endorsements and other entries as are contained in the original register, of they are legible (but, where the document is a certificate of title issued under any previous land law, setting out in full any conditions and restrictions in interest therein referred to); and
- (b) such entries relating to the name of proprietor, the name of any person or body having a registrable interest in the land, the nature and extent of such interest, as may be applied to be made therein under paragraph (a) of sub-section (1) of section 175B.

(4) Upon the completion of the preparation of the provisional register document of title, the Registrar or Land Administrator shall sign, seal and date the said register document of title.

175D. Provisional register document of title to be opened for inspection.

(1) As soon as may be after the completion of the provisional register document of title the Registrar or Land Administrator shall-

- (a) cause a notice in Form 10H to be published in the *Gazette*;
- (b) cause copies of the notice to be served on every person or body who applied under paragraph (a) of sub-section (1) of section 175B, and to be published in accordance with the provisions of section 433; and
- (c) cause the provisional register document of title to be opened for public inspection without payment at any time during normal office hours of the Registry or Land Office, as the case may be.

(2) A note of the publication in the *Gazette* of the notice under sub-section (1) shall be endorsed by the Registrar or Land Administrator on the provisional register document of title.

175E. Objection.

(1) Any person or body who-

- (a) has an interest in the land to which the provisional register document of title relates; and
- (b) wishes to object to any entry therein or to any omission thereof,

may do so within a period of three months from the date of publication in the *Gazette* of the notice in accordance with paragraph (a) of sub-section (1) of section 175D by lodging with the Registrar or Land Administrator a notice of objection in Form 101.

(2) The Registrar or Land Administrator shall as soon as may be after the expiry of the period specified in sub-section (1), hold an enquiry into any objection and the provision of Chapter 4 of Part Two shall have effect in relation to such enquiry with the omission of section 27 (which relates to the advertisement of enquiries), and no persons or bodies other than-

- (a) the proprietor and the person or body having registrable interest in the provisional register document of title pursuant to paragraph (b) of sub-section (3) of section 175C; and
- (b) the persons or bodies who lodged an objection under sub-section (1),

shall be entitled to be heard or to adduce evidence at such enquiry (and accordingly the persons and bodies mentioned in paragraphs (a) and (b) shall be the only persons or bodies entitled to apply for a postponement or change of venue under sub-section (2) of section 28, or to receive notice under sub-section (4) of that section of any cancellation, postponement or change of venue).

175F. Authentication of the provisional register document and the effect of such authentication.

(1) If after the expiration of three months from the date of publication in the *Gazette* of the notice in accordance with sub-section (1) of section 175D there has been no objection under sub-section (1) of section 175E, the Registrar or Land Administrator shall authenticate the provisional register document of title under his hand and seal by deleting the word "provisional".

(2) If there has been an objection under sub-section (1) of section 175E, the Registrar or Land Administrator shall after the final decision thereon give effect to the decision and authenticate the provisional register document under his hand and seal by deleting the word "provisional".

(3) The provisional register document of title authenticated under subsection (1) or (2) shall be deemed to be register document of title prepared under Chapter 3.

(4) For the purpose of the issue of title under this Chapter, the issue document shall be in the form appropriate under this Act to the register document in question.

(5) The provisions of sections 89 to 91 shall apply to documents prepared under this Chapter as they apply to documents of final title prepared on alienation under Chapter 3 of Part Five: Provided that where the land to which the documents prepared under this Chapter relate is subject to a charge or lien, nothing in section 90 shall be taken to authorise the issue of the issue documents of title to the proprietor of the land.

(6) On issuing any issue documents of title under this Chapter, the Registrar or Land Administrator shall make a memorial thereof on the register document of title to the land authenticated under this section, showing the date of issue.

(6A) The former issue document of title shall thereupon be stamped with the word "CANCELLED", signed and sealed and-

- (a) shall be destroyed on the expiry of one year after issuance of the issue document of title under this Chapter; or
- (b) shall be retained by the Registrar or the Director General of Lands and Mines for the purposes of research; or
- (c) shall be kept in any archive, library or museum.

(7) In this section "final decision" means the decision of the Registrar or Land Administrator in case where there is no appeal or the decision of the Court in case where there is an appeal under section 418.

PART ELEVEN
FINAL TITLE AND QUALIFIED TITLE
CHAPTER 1
INTRODUCTORY

176. Purposes and effect of qualified title.

(1) The purposes of qualified title are-

- (a) to enable land to be alienated in advance of survey;



- (b) to enable title to be issued in advance of survey-
 - (i) to the individual portions into which any alienated land is to be sub-divided or partitioned pursuant to Chapter 1 or 2 of Part Nine, or
 - (ii) to the combined area to be formed by the amalgamation of any such lands pursuant to Chapter 3 of that Part.
- (2) Qualified title shall confer on the proprietor the like rights in every respect as those conferred (as mentioned in section 92) by final title, save that-
 - (a) the boundaries of the land shown on the document of title thereto shall be provisional only except so far as any of them may have been established by any earlier survey, and
 - (b) unless otherwise provided for under this Act, the land shall not be capable of being sub-divided or partitioned, or included in any amalgamation, nor shall any building thereon be capable of subdivisions.
- (3) The alienation of land under qualified title, and the issue of qualified title in cases of sub-division, partition and amalgamation, shall be effected in accordance with the provisions of Chapters 2 and 3 respectively; and qualified title may be converted into final title in accordance with the provisions of Chapter 4.

177. Forms of qualified title, and documents of title appropriate thereto.

- (1) There shall be two forms of qualified title, that is to say-
 - (a) a form corresponding to Registry title, and
 - (b) a form corresponding to Land Office title:Provided that where it is appropriate to issue a title in continuation in the form of a multileaf title, a multileaf register of qualified titles shall be opened.
- (2) Documents of qualified title shall consist of-
 - (a) a register document of title which shall be in Form 11A or 11B, according as the land in question is to be held under the form of qualified title corresponding to Registry title or that corresponding to Land Office title; and
 - (b) an issue document of title which shall be a copy of the register document.

178. Preparation, registration and issue of documents of qualified title.

- (1) Documents of qualified title shall be prepared, registered and issued by the Registrar in the case of the form of qualified title corresponding to Registry title, and by the Land Administrator in the case of that corresponding to Land Office title.
- (2) The registration of register documents of qualified title shall consist of their authentication under the hand and seal of the Registrar or Land Administrator, as the case may be; and the date of registration shall be inscribed on every such document by the Registrar or Land Administrator.
- (3) The provisions of sections 89 to 91 shall apply to documents of qualified title as they apply to documents of final title:

Provided that, where any issue document of qualified title is prepared in respect of land subject to a lien or charge, nothing in section 90 shall be taken to authorise the issue thereof to the proprietor of that land.

179. Registers of qualified title.

(1) Registers of qualified title shall be prepared and maintained for the purposes of this Act by the Registrar and every Land Administrator.

(2) In the case of the Registrar-

- (a) a separate register shall be prepared and maintained in respect of each district within the State;
- (b) every such register shall consist of a series of books relating to land within the district held under the form of qualified title corresponding to Registry title; and
- (c) every register document of title in Form 11A prepared by him for registration under this Act (whether on the alienation of land thereunder or in continuation of title) shall be prepared on a separate folio, serially numbered, in a book of the appropriate register.

(3) In the case of any Land Administrator-

- (a) a separate register shall be prepared and maintained in respect of each mukim within his district;
- (b) every such register shall consist of a series of books relating to land within the mukim held under the form of qualified title corresponding to Land Office title; and
- (c) every register document of title in Form 11B prepared by him for registration under this Act (whether on the alienation of land thereunder or in continuation of title) shall be prepared on a separate folio, serially numbered, in a book of the appropriate register.

(4) The references in sub-sections (2) and (3) to the preparation of register documents in continuation of title are references to their preparation in any of the circumstances described in Chapter 3.

CHAPTER 2

ALIENATION UNDER QUALIFIED TITLE

180. Qualified title to be registered and issued upon approval of alienation.

(1) Where approval of the State Authority to alienation of any land whether under this Act or under the provisions of any previous land law has been given, subject to sub-section (3) of section 80, documents of qualified title shall be prepared, registered and issued by the Land Administrator or Registrar, as the case may be.

(2) Before the registration of qualified title under sub-section (1) all items of land revenue specified in paragraphs (a) to (d) of sub-section (1) of section 81 shall be paid in respect of the land.

(3) *(Deleted)*



181. Procedure prior to registration and issue of qualified title.

(1) Before the registration and issue of the documents of qualified title under section 180 in respect of any land, the Land Administrator shall-

- (a) unless it has already been done to his satisfaction, or is in his opinion impracticable, cause the boundaries of the land to be provisionally demarcated on the surface of the ground in accordance with the plan and description by reference to which the approval of the State Authority to its alienation was given;
- (b) prepare a plan of the land for the purpose of its being copied onto the document or documents of qualified title to be prepared in respect thereof;
- (c) in the case of land ultimately to be held under Land Office title, issue, in accordance with the provisions of sections 177 and 178, qualified title thereto in the form corresponding to Land Office title;
- (ca) cause a requisition for survey to be prepared and sent to the Director of Survey and Mapping;
- (d) in the case of land ultimately to be held under Registry title, send the plan prepared under paragraph (b) to the Registrar, for the purpose of the issue by him, in accordance with the said provisions, of qualified title in the form corresponding to Registry title.

(2) Where qualified title is issued under this Chapter to any land in respect of which an entry subsisted at the commencement of this Act in any register of approved occupation, the Land Administrator shall cancel the entry and make a note on the register to the effect that qualified title has been so issued.

182. Rent to be paid on basis of approved area.

The rent falling due in respect of any land at any time after it has been alienated under qualified title and before the issue of final title thereto pursuant to Chapter 4 shall be computed on the basis of the area provisionally approved for alienation by the State Authority.

CHAPTER 3

QUALIFIED TITLE IN CONTINUATION

ON SUB-DIVISION, PARTITION AND AMALGAMATION OF LANDS HELD UNDER FINAL TITLE

183. Sub-division.

(1) The proprietor of any alienated land the sub-division of which has been approved under Chapter 1 of Part Nine may at any time thereafter apply in writing to the Land Administrator for the issue to him of qualified title to the sub-divisional portions in continuation of the existing final title to the land.

(2) Every such application shall be accompanied by the fee for the time being prescribed and, unless the proprietor alleges that it is for any reason incapable of production, the issue document of title to the land:

Provided that, where the proprietor is unable to produce the issue document because it is in the hands of any person or body as chargee of lienholder, the application shall be



accompanied instead by a copy of a request by the proprietor, served on that person or body under sub-section (2) of section 244 or, as the case may be, sub-section (4) of section 281, for the production of the document at the Land Office within fourteen days of the date thereof.

(3) No such application shall be entertained unless and until the sums demanded under sub-section (4) of section 138 have been duly paid.

(4) On receiving any such application, the Land Administrator (subject to sub-section (3)) shall-

- (a) determine as mentioned in sub-section (5) the rent to be paid in respect of each sub-divisional portion so long as it remains held under qualified title;
- (b) notify the proprietor of the rent so determined;
- (ba) if the survey is to be done by a Survey Officer, cause a requisition for survey to be prepared and sent to the Director of Survey and Mapping;
- (c) prepare plans of the sub-divisional portions for the purpose of their being copied onto the documents of qualified title to be prepared in respect thereof;
- (d) if the land is held under Land Office title, issue, in accordance with the provisions of sections 177 and 178, qualified title to the sub-divisional portions in the form corresponding to Land Office title;
- (e) if the land is held under Registry title, send the plans prepared under paragraph (c) and (if delivered up) the issue document of title to the Registrar for the issue by him, in accordance with the said provisions, of qualified title to the sub-divisional portions in the form corresponding to Registry title:

Provided that, in any case where the issue document of title to the land has not been delivered up, the Registrar or Land Administrator, as the case may be, shall not issue qualified title until he has either secured its production by a notice under section 15 or, if unable to do so, taken the steps specified in section 168.

(5) The rent determined pursuant to paragraph (a) of sub-section (4) in respect of any sub-divisional portion-

- (a) shall be an amount computed on the basis of the area of the portion as estimated in the application for approval of the sub-division, but otherwise in the like manner as that specified in sub-section (3) of section 171;
- (b) shall become payable as from the beginning of the calendar year first commencing after the date on which a register document of qualified title is first registered in respect thereof.

183A. Power of Registrar or Land Administrator relating to the issuance of final title upon subdivision.

Notwithstanding that an application made under sub-section (1) of section 183 is for the issue of qualified title in continuation of existing final title, the Registrar or the Land Administrator, as the case may be, may, where it appears just and expedient, prepare, register and issue final title in respect of the sub-divisional portion.

[Ins. Act A1104]



184. Partition.

The provisions of section 183 shall have effect, with the necessary modifications, for the purpose of enabling qualified title to be applied for and issued in respect of the individual portions into which any alienated land is to be partitioned pursuant to Chapter 2 of Part Nine.

184A. Power of Registrar or Land Administrator relating to the issuance of final title upon partition.

Notwithstanding that an application made under section 184 is for qualified title, the Registrar or the Land Administrator, as the case may be, may, where it appears just and expedient, prepare, register and issue final title in respect of the individual portion.

[Ins. Act A1104]

185. Amalgamation.

(1) The provisions of section 183 shall likewise have effect, with the necessary modifications, for the purpose of enabling qualified title to be applied for and issued in respect of the combined area to be formed by the amalgamation of two or more lots of alienated land pursuant to Chapter 3 of Part Nine.

(2) The said modifications shall include the following-

- (a) that, in the cases specified in paragraphs (a) and (b) of subsection (2) of section 147, the form of qualified title to be issued shall be that corresponding to Registry title, notwithstanding that some or all of the lands comprised in the combined area are held under Land Office title; and
- (b) that the factors by reference to which the rent of the combined area is to be determined shall be-
 - (i) the aggregate area of the component lots, and
 - (ii) the rate at which rent is currently payable in respect of those lots or, where those rates are dissimilar, such new rate as the State Authority may have directed under sub-section (3) of section 147.

185A. Power of Registrar or Land Administrator relating to the issuance of final title upon amalgamation.

Notwithstanding that an application made under sub-section (1) of section 185 is for qualified title, the Registrar or the Land Administrator, as the case may be, may, where it appears just and expedient, prepare, register and issue final title in respect of the combined area.

[Ins. Act A1104]



186. Contents of documents prepared on sub-division, partition of amalgamation.

(1) Every document of qualified title prepared on the sub-division, partition or amalgamation of any alienated land or lands-

- (a) shall be prepared in the name of the person or body last registered as proprietor in the subsisting register document or documents (or, in cases of partition, in the name of such one of those persons or bodies as may be appropriate);
- (b) shall specify the date or dates on which the land or lands in question were first alienated, the title number or numbers originally allotted thereto and (if different) the number or numbers of the subsisting register document or documents; and
- (c) subject to the provisions of sub-sections (2) and (3), shall contain, except in so far as they relate to matters which have ceased to be effective, the like memorials, endorsements and other entries as are contained in the subsisting register document or documents.

(2) In cases of sub-division and partition, paragraph (c) of sub-section (1) shall not be taken to require the setting out in full of any conditions or restrictions in interest endorsed on, or referred to in, the subsisting register document; but the document of qualified title shall refer to those conditions and restrictions, and shall state that the land to which it relates is subject to them so far as they are capable of applying thereto and subject to any modifications which may be necessitated by the circumstances:

Provided that in cases of sub-division, the Registrar or Land Administrator, as the case may be, shall vary the express conditions or rent to suit the use of the portion as approved in the sub-divisional plan.

(3) In complying with paragraph (c) of sub-section (1) in cases of amalgamation-

- (a) any conditions or restrictions in interest which are merely referred to in the subsisting register documents shall be set out in full;
- (b) such modifications may be made with respect to any entry as may be necessitated by the circumstances; and
- (c) effect shall be given to any direction given by the State Authority under sub-section (3) of section 147.

WHERE REGISTER DOCUMENT OF QUALIFIED TITLE REQUIRES REPLACEMENT

187. Power to issue title in continuation where register document full up, etc.

(1) Where, in the case of any land held under qualified title, it appears to the Registrar or Land Administrator-

- (a) at the time when he makes any entry on the register document of title thereto, that there is insufficient space thereon for the making of further entries, or
- (b) at any time, that the register document of title can, by reason of its physical condition, no longer be used,

he shall prepare and register a new register document in the like form or in the multileaf form (and, if an issue document of title exists in respect of the land, prepare and issue a new



issue document also) which shall be in continuation of the subsisting document or documents.

(2) Before preparing title in continuation under this section in a case where an issue document of title exists in respect of the land but is not in his hands, the Registrar or Land Administrator shall-

(a) call for its production as mentioned in paragraph (c) of subsection (1) of section 166, and

(b) if it is not produced, take the further steps specified in section 168.

(3) Every document of qualified title prepared pursuant to this section-

(c) shall be prepared in the name of the person or body last registered as proprietor in the subsisting register document of title;

(d) shall specify the date on which the land in question was first alienated, the title number originally allotted thereto and (if different) the number of the subsisting register document; and

(e) shall contain, except in so far as they relate to matters which have ceased to be effective, the like memorials, endorsements and other entries as are contained in the subsisting register document.

(4) The fees chargeable in connection with the issue of title in continuation under this section shall be payable by the proprietor and, if not sooner paid, shall be added to, and deemed for all the purposes of this Act to form part of, the rent next due in respect of the land.

187A. Power to replace register document of qualified title where the register is lost, etc.

Where the register document of title to any land held under qualified title is lost, or wholly or partially destroyed or any entry therein is wholly or partially illegible, the provisions of sections 175A to 175F shall apply *mutatis mutandis* as they apply in the case where any register document of final title is lost or wholly or partially destroyed or any entry therein is wholly or partially illegible.

187AA. Power to issue title in continuation upon creation of a new district under section 160A.

Where the register document of title to any land held under qualified title comes under the jurisdiction of the Land Administrator of a new district following a notification in the *Gazette* under paragraph (a) of section 11, the provisions of sections 160B and 160C shall apply *mutatis mutandis* as they apply in the case where any register document of final title to any land comes within the boundaries of a new district.

ISSUE OF A DUPLICATE ISSUE DOCUMENT OF QUALIFIED TITLE

187B. Power to issue duplicate issue document of qualified title only where register document not in need of renewal.

(1) Where, in the case of any land held under qualified title-



- (a) the Registrar or Land Administrator by a notice or notices under section 15, has called upon the proprietor, and any chargee, lienholder or other person or body whom he may have reason to believe to be in possession thereof, to produce the issue document of title, and the notice or notices have not been complied with; or
- (b) an application has been made by any person or body in accordance with the provisions of sub-sections (2) and (3), on the grounds that the issue document of qualified title has been lost, or wholly or partially destroyed, or is being improperly or wrongfully withheld,

and the Registrar or Land Administrator is of the opinion that the register document of title to the land does not require replacement, he may subject to sub-section (4) issue a duplicate issue document.

(2) An application under paragraph (b) of sub-section (1) may be made by the proprietor of the land in question, or by any person or body claiming through the proprietor.

(3) Every such application shall be made in writing to the Registrar or, in the case of land held under Land Office Title, the Land Administrator, and shall be supported by such evidence of the loss, destruction or withholding therein alleged as the Registrar or Land Administrator may require.

(4) Before issuing a duplicate issue document under this section, the Registrar or Land Administrator shall-

- (a) cause notice of his intention to do so to be published in the *Gazette* in Form 11c; and
- (b) cause copies of the notice to be served on every person or body having a registered interest in the land, and to be published in accordance with the provisions of section 433.

(5) The fees chargeable in connection with the issue of duplicate issue document under this section shall be payable by the proprietor and if not sooner paid, shall be added to, and deemed for all the purposes of this Act to form part of the rent next due in respect of the land.

(6) Where a duplicate issue document has been issued by reason of the failure or any chargee or lien-holder to produce the issue document of title to the land, or by reason of the improper or wrongful withholding of that document by any other person or body, the proprietor shall be entitled to recover any fees paid by him under this section from that chargee, lien-holder or other person or body and, in the case of chargee or lien-holder, may do so by deducting the amount thereof from any payments subsequently falling due under the charge or lien.

(7) The provisions of sub-sections (4) and (5) of section 175 shall apply to any duplicate issue document issued under this section as they apply to any duplicate issue document issued under that section.

PROCEDURE AFTER ISSUE OF TITLE IN CONTINUATION

188. Cancellation, etc., of subsisting documents of title.

The provisions of sub-sections (1) and (2) of section 174 with respect to the cancellation and destruction of subsisting documents of title shall have effect, *mutatis mutandis*, where title



in continuation has been issued under this Chapter as they have effect where it has been issued under Chapter 3 of Part Ten.

CHAPTER 4

CONVERSION OF QUALIFIED TITLE INTO FINAL TITLE

189. Conversion to take place after survey.

Where any land held under qualified title has been duly surveyed in accordance with the provisions of section 396, final title may be issued in continuation of the qualified title in accordance with the following provisions of this Chapter.

190. Procedure in case of land alienated under qualified title.

(1) In the case of land which became held under qualified title upon alienation-

- (a) the provisions of section 83 shall apply to its survey for the purposes of the issue of final title;
- (b) on completion of the survey, all items of land revenue previously paid in respect thereof which were computed on the basis of the area provisionally approved for alienation shall be recomputed on the basis of the actual area of the land as established by the survey; and
- (c) any amounts underpaid or overpaid in respect of any such item, or in respect of survey fees, shall become payable to or by the State Authority and, in the case of amounts underpaid, shall be paid before final title is issued.

(2) For the purposes of paragraph (b) of sub-section (1), the provisions of sub-sections (1) and (2) of section 96 shall apply to the computation of premiums as they apply to the computation of rents.

191. Procedure in case of land held under qualified title on sub-division etc.

In the case of land which became held under qualified title on a sub-division, partition or amalgamation-

- (a) on completion of the survey for the purposes of the issue of final title, the rent payable in respect thereof shall be recomputed on the basis of the actual area of the land as established by the survey; and
- (b) any amounts underpaid or overpaid by way of rent in respect of the period during which the land was held under qualified title, or in respect of survey fees, shall become payable to or by the State Authority and, in the case of amounts underpaid, shall be paid before final title is issued.

192. Preparation, registration and issue of documents of final title.

(1) The documents of final title to be prepared, registered and issued in respect of any land under this Chapter shall consist of

- (a) a register document in the form of a grant, State lease, Mukim grant or Mukim lease, according as the land is held under the form of qualified title corresponding to



Registry title or that corresponding to Land Office title, and in perpetuity or for a term of years; and

(b) an issue document in the form appropriate under this Act to the register document in question.

(2) Where an issue document of qualified title exists in respect of the land, the Registrar or Land Administrator, as the case may be, shall, before issuing final title under this Chapter-

(a) call for its production as mentioned in paragraph (c) of subsection (1) of section 166, and

(b) if it is not produced, take the further steps specified in section 168.

(3) The registration of register documents of title prepared under this Chapter shall consist of their authentication under the hand and seal of the Registrar or Land Administrator, as the case may be; and the date of registration shall be inscribed on every such document by the Registrar or Land Administrator.

(4) The provisions of sections 89 to 91 shall apply to documents of final title prepared under this Chapter as they apply to documents of final title prepared under Chapter 3 of Part Five. Provided that where the land to which any such documents relate is subject to a charge or lien, nothing in section 90 shall be taken to authorise the issue of the issue document to the proprietor of the land.

193. Contents of documents of title.

Every document of title prepared under this Chapter-

(a) shall be prepared in the name of the person or body last registered as proprietor in the subsisting register document of title;

(b) shall specify the date on which the land in question was first alienated, the title number originally allotted thereto and (if different) the number of the subsisting register document; and

(c) shall contain, except in so far as they relate to matters which have ceased to be effective, the like memorials, endorsements and other entries as are contained in the subsisting register document (but, where that document merely refers to any conditions or restrictions in interest, setting them out in full).

194. Cancellation, etc. of subsisting documents of title.

The provisions of sub-sections (1) and (2) of section 174 with respect to the cancellation and destruction of subsisting documents of title shall have effect, *mutatis mutandis*, where final title has been issued under this Chapter as they have effect where it has been issued under Chapter 3 of Part Ten.



PART TWELVE
SURRENDER OF TITLE
POWER TO SURRENDER

195. Power to surrender whole or part with approval of State Director or Land Administrator.

(1) The proprietor of any alienated land held under Registry title, Land Office title or qualified title may, with the approval of the State Director or Land Administrator as provided by subsection (2), surrender to the State Authority the whole or part thereof.

(2) In the absence of any direction to the contrary by the State Authority, the approval required by sub-section (1) shall be given-

- (a) by the State Director in the case of land held under Registry title, or the form of qualified title corresponding to Registry title, and
- (b) by the Land Administrator in the case of land held under Land Office title, or the form of qualified title corresponding to Land Office title.

196. Conditions for approval of surrender.

(1) No surrender, whether of the whole or a part only of any alienated land, shall be approved by the State Director or, as the case may be, Land Administrator unless the following conditions are satisfied-

- (a) that no item of land revenue is outstanding in respect of the land;
- (aa) that the land will not create or cause any liabilities to the State Authority.
- (b) that the land is not under attachment by any court; and
- (c) that every person or body specified in sub-section (2) has consented in writing to the making of the application.

(2) The said persons and bodies are-

- (a) any person or body who, at the time when the approval was applied for, was entitled to the benefit of any registered interest affecting the land or, as the case may be, the part to be surrendered (including a charge of any lease or sub-lease);
- (b) any person or body having at that time a lien over the said land or part, or over any lease or sub-lease thereof;
- (c) any person or body entitled at that time to the benefit of any tenancy exempt from registration affecting the said land or part, being a tenancy protected by an endorsement on the register document of title; and
- (d) any person or body having at that time a claim protected by caveat affecting the said land or part or any interest therein.

(3) No surrender of a part only of any alienated land shall be approved if, in the opinion of the State Director or, as the case may be, Land Administrator, the area of the part is such that a sub-division of the land ought first to be effected.



197. Applications for approval of surrender of whole.

(1) Any application for approval by a proprietor wishing to surrender the whole of the land comprised in his title shall be made in writing to the Land Administrator in Form 12A, and shall be accompanied by-

- (a) such fee as may be prescribed;
- (b) all such written consents to the making thereof as are required under paragraph (c) of sub-section (1) of section 196; and
- (c) unless the proprietor alleges that it is for any reason incapable of production, the issue document of title to the land,

(2) Where the proprietor is unable to produce the issue document of title because it is in the hands of any person or body as chargee or lien-holder, the application shall be accompanied instead by a copy of a request by the proprietor, served on that person or body under sub-section (2) of section 244 or, as the case may be, sub-section (4) of section 281, for the production of the document at the Land Office within fourteen days of the date thereof.

(3) Upon receipt of the application, the Land Administrator shall endorse or cause to be endorsed, a note thereof on the register document of title to the land.

(4) Where the application relates to estate land-

- (a) the Land Administrator shall refer it to the Estate Land Board established under section 214A for its recommendations; and
- (b) the Secretary of the Estate Land Board shall convey its recommendations as expeditiously as possible to the Land Administrator.

[Ins. Act A1104]

198. Procedure on applications.

(1) Where any application under sub-section (1) of section 197 relates to land the surrender of which requires the approval of the State Director, the Land Administrator shall refer the application to him, together with a statement whether any item of land revenue is then outstanding in respect of the land.

(2) If on any application under the said sub-section it appears to the Land Administrator or, in a case referred to him as aforesaid, the State Director that the conditions specified in sub-section (1) of section 196 are satisfied, he shall approve the surrender.

(3) In any other case, the Land Administrator or, as the case may be, State Director shall reject the application.

(4) On approving, or being informed by the State Director that he has approved the surrender, the Land Administrator shall-

- (a) notify the proprietor; and
- (b) make, or cause to be made, a memorial of the surrender on the register document of title to the land.

(5) On rejecting, or being informed by the State Director that he has rejected, the application, the Land Administrator shall-

- (a) notify the proprietor; and

- (b) cancel, or cause to be cancelled, the note endorsed on the register document of title pursuant to subsection (3) of section 197.

199. Re-vesting of land: destruction of issue document: Gazette notification.

(1) Upon the making of any memorial pursuant to sub-section (4) of section 198, the land to which it relates shall revert to and vest in the State Authority as State land; and the provisions of section 131 shall apply as if the land had reverted pursuant to a forfeiture.

(2) The issue document of title to any land which has reverted to the State Authority pursuant to this section shall, where possible, be destroyed; and accordingly, if in a case falling within sub-section (2) of section 197 that document is not produced pursuant to the request therein referred to, its production shall be demanded under section 15.

200. Applications for approval of surrender of part.

(1) Any application for approval by a proprietor wishing to surrender a part only of the land comprised in his title shall be made in writing to the Land Administrator in Form 12B, and shall be accompanied by-

- (a) such fee as may be prescribed;
- (b) a plan showing the details of the proposal, together with such number of copies thereof as may be prescribed or, in the absence of any such prescription, as the Land Administrator may require;
- (c) all such written consents to the making of the application as are required under paragraph (c) of sub-section (1) of section 196; and
- (d) subject to sub-section (3), the issue document of title to the land.

(2) Upon receiving any such application, the Land Administrator shall endorse, or cause to be endorsed, a note thereof on the register document of title to the land.

(3) An application under sub-section (1) may be submitted without the issue document of title if that document is in the hands of any person as chargee, or has been deposited with any person as security for a loan; but in any such case, the application shall be accompanied instead by a copy of a request by the proprietor, served on that person under sub-section (2) of section 244 or, as the case may be, sub-section (4) of section 281, for the production of the document at the Land Office within fourteen days of the date thereof.

(4) In a case falling within sub-section (3), no action shall be taken on the application until the issue document, or a replacement thereof, is in the hands of the Land Administrator; and accordingly, if the document is not produced pursuant to the request referred to in that sub-section, or to any notice served under section 15 on default in compliance with the request, title in continuation (or, where appropriate, a duplicate issue document only) shall be prepared under Chapter 3 of Part Ten as if the circumstances were as specified in paragraph (c) of sub-section (1) of section 166.



201. Procedure on applications.

(1) Where any application under sub-section (1) of section 200 relates to land the surrender of which requires the approval of the State Director, the Land Administrator shall refer the application to him, together with his recommendations thereon.

(2) If on any application under the said sub-section the Land Administrator or, in a case referred to him as aforesaid, State Director is satisfied-

(a) *(a)(Deleted by Act A832)*

(b) that the conditions specified in sub-section (1) of section 196 are fulfilled, and

(c) that approval ought not to be withheld on the grounds specified in sub-section (3) of that section.

he shall approve the surrender.

(3) In any other case, the Land Administrator or, as the case may be, State Director shall reject the application.

(4) On approving, or being informed by the State Director that he has approved, the surrender, the Land Administrator shall-

(a) revise (by reference to the estimated area of the part to be retained) the rent payable by the proprietor;

(b) notify the proprietor of the approval and the revised rent; and

(c) make, or cause to be made, a memorial of the surrender on the register and issue documents of title to the land.

(5) On rejecting, or being informed by the State Director that he has rejected, the application, the Land Administrator shall-

(a) notify the proprietor; and

(b) cancel, or cause to be cancelled, the note endorsed on the register document of title pursuant to subsection (2) of section 200.

202. Re-vesting of part surrendered, and re-survey of part retained.

(1) Upon the making of any memorial pursuant to sub-section (4) of section 201, the part in question shall revert to and vest in the State Authority as State land; and the provisions of paragraphs (a) and (b) of section 131 shall apply as if the part had reverted pursuant to a forfeiture.

(2) The revised rent referred to in the said sub-section (4) shall be payable by the proprietor as from the beginning of the calendar year first commencing after the date on which the memorial is made.

(3) As soon as may be after the making of the memorial, the part retained by the proprietor shall, in the case of land held under Registry title or Land Office title, be re-surveyed in accordance with the provisions of section 396; and, on completion of the survey-

(a) the Registrar or Land Administrator shall issue title in continuation to the part so retained as if he were issuing title in continuation to land as a whole; and

(b) the said revised rent shall be re-calculated by reference to the actual area of the part as established by the survey.



(4) Where the part retained by the proprietor is held under qualified title, the Registrar or Land Administrator shall correct the boundaries shown on the register document of title and, if it exists and is in his hands, on the issue document of title.

203. Applications for surrender and re-alienation, and procedure thereon.

(1) In the special circumstances specified in sub-section (2), the Land Administrator may approve the surrender of any two or more contiguous lots held by same proprietor under Land Office title on the terms that the land comprised therein be immediately re-alienated to the proprietor in different units, each of less than four hectares, and each under the form of qualified title corresponding to Land Office title.

(2) The said circumstances are as follows-

- (a) that the lots in question are all situated in the same mukim, town or village;
- (b) that no dissimilarity exists between any of the lots as respects the periods for which they are held, the rates at which rent is payable, or the categories of land use, conditions and restriction in interest to which they are subject;
- (c) that the combined area of the lots exceeds four hectares; and
- (d) that none of the lots is subject to any registered interest or tenancy exempt from registration protected by endorsement on the register document of title.

(3) Any proprietor wishing to apply for an approval pursuant to this section shall do so in Form 12C; and the provisions of sections 197 to 199 shall apply to the application subject to the modifications specified in subsection (4), and to such other modifications as may be necessary.

(4) The said modifications are as follows-

- (a) that the matters to be sent with the application shall include a plan showing the details of the existing lots and the proposed new units, together with such number of copies thereof as may be prescribed or, in the absence of any such prescription, as the Land Administrator may require; and
- (b) that the Land Administrator shall not approve the application unless he is satisfied, not only that conditions specified in subsection (1), paragraphs (b) and (d) of sub-section (2) and sub-section (3) of section 196 are fulfilled, but also that the circumstances are as stated in sub-section (2) of this section, and that the area of each of the proposed new units is less than four hectares.

204. Procedure for re-alienation.

(1) Where any application for surrender has been approved in the circumstances specified in section 203, documents of qualified title in the form corresponding to Land Office title shall be registered in respect of each of the proposed new units immediately after the making of the memorials of surrender required by sub-section (4) of section 198.

(2) Each such document shall state that it relates to land re-alienated on surrender, and shall specify the date on which the land was first alienated, the title number or numbers

originally allotted thereto and (if different) the title number or numbers under which it was held immediately before the surrender took effect.

(3) The rent payable in respect of any land re-alienated on surrender shall be calculated by reference to the rate at which rent was formerly payable in respect thereof, and the area thereof as estimated for the purposes of the application for surrender.

(4) Land re-alienated on surrender shall be expressed in the document of qualified title to be subject to the like category of land use, and the like express conditions and restrictions in interest, as those (if any) applicable thereto immediately before the surrender; and such land shall, notwithstanding the surrender, continue subject to any implied condition to which it was formerly subject under section 53 or 55, or the Second or Third Schedule, and to any notification under section 54 previously in force with respect thereto.

(5) The procedure for converting the title to any such land from qualified title to final title shall be that specified in section 191, and not that specified in section 190.

204A. Declaration as to continued operation of section 124 and Chapters 1 and 3 of Part Nine.

The provisions of this Part shall not be construed as affecting the continued operation of the provisions of section 124 and Chapters 1 and 3 of Part Nine, or the rights of a proprietor of alienated land to make an application under those provisions and to have his application considered and determined in accordance therewith.

204B. Power to approve surrender and re-alienation.

The State Authority may approve the surrender of any one or more contiguous alienated lands held under final title or qualified title or a combination thereof held by the same proprietor on the terms that certain portions of the land comprised therein be immediately re-alienated to the proprietor in different portions and units or in different units.

[Am. Act A1104 - Prior text read - "The State Authority may approve the surrender of any lot or any two or more contiguous lots held by the same proprietor on the terms that certain portions of the land comprised therein be immediately re-alienated to the proprietor in different portions and units or in different units."]

204C. Conditions for approval of surrender and re-alienation.

(1) No surrender and re-alienation under this Part shall be approved by the State Authority unless the following conditions are satisfied-

- (a) that the portions and units of the land to be re-alienated conform in shape, area, measurements, location and intended use with a layout plan approved by the appropriate authority;
- (b) that no item of land revenue is outstanding in respect of the land;
- (c) that the land is not under attachment by any court;
- (d) that there are no registered interests in the land; and

(e) that every person or body specified in sub-section (2) has consented in writing to the making of the application.

(2) The said persons and bodies are-

- (a) any person or body having at that time a lien over the said land or part thereof; and
- (b) any person or body having at that time a claim protected by caveat affecting the said land or part thereof.

204D. Applications for approval of surrender and re-alienation.

(1) Any application for approval by a proprietor wishing to surrender his title or titles under this Part shall be made in writing to the Land Administrator in Form 12D and shall be accompanied by-

- (a) such fees as may be prescribed;
- (b) all such written consents to the making thereof as are required under paragraph (e) of sub-section (1) of section 204C;
- (c) a plan showing the lot or lots to be surrendered and a pre-computation plan showing the details of the portions and the units to be re-alienated, together with such number of copies thereof as may be prescribed or, in the absence of any such prescription, as the Land Administrator may require;
- (d) a copy of the layout plan, as approved by the appropriate authority, in respect of the said lot or lots, showing the portions and units to be re-alienated; and
- (e) the issue document of title to the land, unless the proprietor declares that it is for any reason incapable of production.

(2) Where the proprietor is unable to produce the issue document of title for the reason that it is in the possession or control of any person or body, the application shall be accompanied by a sworn statement of the proprietor to that effect, and there shall be exhibited thereto a copy of a notice by the proprietor to that person or body requiring the production of the said document to the Land Administrator within fourteen days of the date of the service thereof on such person or body, and also the proof of service of such notice.

(3) Upon receipt of the application, the Land Administrator shall endorse, or cause to be endorsed, a note thereof on the register document of title to the land.

204E. Procedure on applications.

(1) The approval or rejection of an application under sub-section (1) of section 204D shall be at the discretion of the State Authority, but the State Authority shall not approve any such application unless it is satisfied that the conditions specified in sub-section (1) of section 204C are fulfilled.

(2) Before deciding on an application, the State Authority may require the proprietor to amend the application or the plan mentioned in paragraph (c) of sub-section (1) of section 204D by omitting from the application or the plan any portion or unit to be re-alienated or by altering the shape, area, measurements, location or intended use of any such portion or unit.

(3) If the State Authority decides to approve the application, whether as originally submitted or as amended pursuant to sub-section (2), the State Authority shall proceed to determine, in respect of each portion or unit to be re-alienated, the matters specified in sub-section (2) of section 79, as if the land comprised in the unit had already become State land:

Provided that where the original title is a title in perpetuity, the period for which the land is to be re-alienated shall also be in perpetuity, and where the original title is for a period of years, the period for which the land is to be re-alienated shall not be less than the remainder of the period of the lease for which the land was held under the original title.

(4) On approving an application under sub-section (1) of section 204D and determining the matters specified in sub-section (2) of section 79, the State Authority shall notify the proprietor of the approval and of its determination of the said matters and require the proprietor to state whether he accepts the determination.

(5) On rejecting such application, the State Authority shall-

(a) notify the proprietor; and

(b) cause to be cancelled the note endorsed on the register document of title pursuant to sub-section (3) of section 204D.

204F. Reconsideration under section 79(2) and withdrawal of application.

(1) The proprietor may request the State Authority to reconsider its determination of the matters specified in sub-section (2), of section 79 and may, on being notified of the determination of those matters, whether as originally made or after reconsideration, withdraw his application under section 204D.

(2) On being notified of the withdrawal, the State Authority shall cancel the approval granted under section 204E and shall cause to be cancelled the note endorsed on the register document of title pursuant to sub-section (3) of section 204D.

204G. Reversion of land and destruction of issue document.

(1) On being notified by the proprietor of his acceptance of the matters specified in sub-section (2) of section 79, the State Authority shall cause to be made a memorial of the surrender of the land to which his application under section 204D relates in the register document of title to the land.

(2) Upon the making of any memorial pursuant to sub-section (1), the land to which it relates shall revert to and vest in the State Authority as State land but the land shall be treated as being subject to the approval under section 204E of the re-alienation of the portions or units in question.

(3) The issue document of title to any land which has reverted to the State Authority pursuant to this section shall, where possible, be destroyed; and accordingly if in a case falling within sub-section (2) of section 204D that document is not produced pursuant to the notice therein referred to, its production shall be demanded under section 15.

204GA. Land subject to charge.

(1) Notwithstanding paragraph (d) of sub-section (1) of section 204C, any person or body having a charge over the land may give his consent in writing to the making of the application under sub-section (1) of section 204D and the Land Administrator shall endorse or cause to be endorsed, a note thereof on the register documents of title to the land.

(1A) Where the proprietor withdraws his application, or the State Authority rejects the application or where the approval of the State Authority is not accepted by the proprietor, the Land Administrator shall cancel or cause to be cancelled the note endorsed on the register document of title pursuant to subsection (1).

[Ins. Act A1333]

(2) Upon the approval of the application by the State Authority under sub-section (3) of section 204E and the acceptance of the approval by the proprietor under sub-section (4) of section 204E, a like memorial shall be endorsed on the register documents of title to the land.

[Ins. Act A1104]

204H. Application of Act to re-alienation as to alienation.

The provisions of this Act shall apply to all questions, matters and procedures relating to a portion or unit approved for re-alienation under this Part and arising after the land in which it is comprised has reverted to the State Authority pursuant to sub-section (2) of section 204G as they apply to the alienation of State land under this Act.

DIVISION IV

ALIENATED LANDS: DEALINGS

PART THIRTEEN

GENERAL

205. Dealings capable of being effected, and persons capable of taking thereunder.

(1) The dealings capable of being effected under this Act with respect to alienated lands and interests therein shall be those specified in Parts Fourteen to Seventeen, and no others.

(2) The persons and bodies in whose favour such dealings are capable of being effected shall be those, and only those, to whom, under section 43, State land is capable of being alienated.

(3) Subject to sub-section (4), no dealing in respect of any alienated land subject to the category "agriculture" or to any condition requiring its use for any agricultural purpose shall be effected if such dealing would have the effect of creating any undivided share of such size that, if the land is to be partitioned in proportion to the several shares, the area of any resulting individual portion would be less than two-fifths of a hectare.

(4) The prohibition imposed by sub-section (3) shall not apply to those cases where upon the coming into force of the said subsection, any alienated land or held by any person or body, is less than two-fifths of a hectare, or an undivided share in any alienated land held by any person or body represents a portion of less than two-fifths of a hectare, and dealings

shall be capable of being effected in respect of such alienated land or undivided share therein:

Provided that-

- (i) any such dealing shall be in respect of the whole of the alienated land and shall be in favour of only one person or body; or
- (ii) any such dealing shall be in respect of the whole of any undivided share in any alienated land and shall be in favour of only one person or body, or one or more co-proprietors of the said land.

(5) Nothing contained in sub-section (3) and (4) shall render invalid any instrument effecting any dealing in any alienated land or any undivided share therein executed under this part before the commencement of this section.

206. Need for proper instrument of dealing duly registered.

(1) Subject to the following provisions of this section-

- (a) every dealing under this Act shall be effected by an instrument complying with the requirements of sections 207 to 212; and
- (b) no instrument effecting any such dealing shall operate to transfer the title to any alienated land or, as the case may be, to create, transfer or otherwise affect any interest therein, until it has been registered under Part Eighteen.

(2) The provisions of sub-section (1) shall not apply to-

- (a) the creation of, or other dealings affecting, tenancies exempt from registration (which may be effected, instead, as mentioned in subsection (2) of section 213); or
- (b) the creation of liens (which may be created, instead, as mentioned in section 281).

(3) Nothing in sub-section (1) shall affect the contractual operation of any transaction relating to alienated land or any interest therein.

207. Form of instruments of dealing.

(1) Every instrument effecting any dealing under this Act shall be in such of the forms in the First Schedule as is specified in relation to the dealing in question in the appropriate Part of this Division:

Provided that the form so specified for any dealing may, so long as the variation is not in a matter of substance, be used in any particular case with such adaptations, alterations or additions as may be rendered necessary by the character of the parties or other circumstances of the case.

(2) The Headings and Schedules to be inserted in instruments of dealing as indicated by the relevant forms in the First Schedule shall, except where otherwise indicated in any particular form, be those shown in Form 13A.

(3) The provisions of section 211 shall have effect with respect to the inclusion of attestation clauses in instruments of dealing, and the form of such clauses.

208. Instruments to contain description, etc., of parties.

- (1) Every instrument effecting any dealing under this Act shall specify-
- (a) the full name and address, and (where appropriate) the occupation or conjugal status, of every person or body claiming thereunder;
 - (b) in the case of any person or body whose address specified therein pursuant to paragraph (a) is outside the Federation, an address within the Federation for the service of notices under this Act; and
 - (c) where the effect of the instrument is to transfer any land to two or more persons or bodies as co-proprietors, the shares in which the land is to be held.
- (2) *(Deleted)*.

209. Instruments to contain proper description of land affected.

- (1) Subject to sub-section (2), every instrument effecting any dealing under this Act shall describe the land to which, or to any share or interest in which, it relates by reference to-
- (a) the administrative area in which the land is situated.
 - (b) the lot number of the land or, in the case of land held under qualified title, its Land Office number; and
 - (c) the title number of the land.
- (2) Where the land referred to in sub-section (1) consists of a parcel of a building held under subsidiary title, the instrument shall describe the parcel by reference to the administrative area of the lot of which it forms part and the parcel number and the title number of the parcel.
- (3) Where any instrument of dealing relates to a share or interest in land, it shall state the fractional value of the share or, as the case may be, the registered number of the interest.
- (4) In this section "administrative area" means town, village or mukim.

210. Execution of instruments of dealing.

- (1) Every instrument effecting any dealing under this Act shall be executed in accordance with the following provisions of this section by each of the parties and the parties consenting thereto or, in the case of any particular party, by a person acting on his behalf under a valid power of attorney or on the authority of any written law (including this Act) or the order of any court.
- (2) The execution of any such instrument by a natural person shall consist of his signing it or affixing his thumbprint thereto.
- (3) The execution of any such instrument by a corporation (whether aggregate or sole) shall be effected in such manner as is authorised by its constitution, or by any law for the time being in force:
- Provided that, without prejudice to the power of corporations aggregate to adopt any other manner of execution authorised as aforesaid, any such instrument bearing-
- (i) the seal of such corporation, and

(ii) a statement, signed by the secretary or other permanent officer thereof, or his deputy, and by a member of the board of directors, council or other governing body, to the effect that the seal was affixed thereto in their presence, shall, in favour of any purchaser, be deemed conclusively to have been duly executed by that corporation.

(4) In this section "signing" does not include making a mark.

211. Attestation of instruments of dealing.

(1) Every execution by a natural person of any instrument effecting any dealing under this Act shall be attested in accordance with the following provisions of this section by one of the officers or other persons specified in that behalf in the Fifth Schedule.

Provided that this requirement shall not apply to the execution of any such instrument by-

- (i) the State Director,
- (ii) the Registrar,
- (iii) any Land Administrator,
- (iv) any officer of the Court, or
- (v) the Official Administrator.

(2) The attestation clause to be used in any case shall be that shown in Form 13B; and the position thereof in the instrument shall be immediately after the execution to which it relates.

(3) The officer or other person attesting any execution pursuant to this section shall sign the attestation clause and, if he has a seal of office, authenticate his signature with that seal.

212. Inclusion in one instrument of dealings affecting different lands.

No instrument shall be capable of effecting dealings under this Act with respect to more lands than one unless-

- (a) the dealings in question are all of the like nature, and are all effected by the same person or body in favour of the same person or body; and
- (b) the register documents of title to the lands in question are all kept in the same Registry or Land Office.

213. Special provisions with respect to tenancies exempt from registration.

(1) In this Act "tenancy exempt from registration" means-

- (a) any tenancy or sub-tenancy for a term not exceeding three years granted pursuant to section 223; and
- (b) any tenancy or sub-tenancy for a term not exceeding one year granted pursuant to the provisions of any previous land law.

(2) As provided in sub-section (2) of section 206, the provisions of sub-section (1) of that section shall not apply to the creation of, or dealings affecting, tenancies exempt from registration, and accordingly-

- (a) any such transaction shall be valid whether effected in writing or by word of mouth only;
 - (b) where any such transaction is effected in writing, the instrument in question need not comply with the requirements of sections 207 to 212, and shall neither require, nor be capable of, registration under this Act.
- (3) Notwithstanding the provisions of sub-section (2), no tenancy exempt from registration granted after the commencement of this Act shall be binding on-
- (a) any person or body to whom the grantor subsequently transfers the reversion expectant thereon, or to whom he subsequently grants any lease, sub-lease, tenancy or charge, or in whose favour any lien over that reversion is subsequently created; or
 - (b) any person or body claiming through or under such a person or body,
- unless, prior to the date on which the dealing referred to in paragraph (a) takes effect, the tenancy has become protected by an endorsement on the register document of title to the land pursuant to Chapter 7 of Part Eighteen.
- (4) Where any land or lease subject to a charge or lien is transferred pursuant to an order for sale under Chapter 3 of Part Sixteen, the provisions of sub-section (3) shall have effect as supplemented by sub-section (2) of section 267 or, as the case may be, by that sub-section as applied by sub-section (3) of section 281.
- (5) No tenancy exempt from registration shall be capable of being charged under this Act.

PART FOURTEEN

TRANSFERS

POWERS OF TRANSFER

214. What may be transferred, and restrictions on exercise of powers.

- (1) Subject to sub-section (2), the following shall be capable of transfer under this Act-
- (a) the whole, but not a part only, of any alienated land;
 - (b) the whole, but not a part only, of any undivided share in alienated land;
 - (c) any lease of alienated land;
 - (d) any charge; and
 - (e) any tenancy exempt from registration.
- (2) The powers conferred by sub-section (1) shall be exercisable in any particular case subject to-
- (a) any prohibition or limitation imposed by this Act or any other written law for the time being in force;
 - (b) any restriction in interest to which the land in question is for the time being subject; and
 - (c) in relation to leases, charges and tenancies exempt from registration, the provisions thereof, express or implied,
- (3) Without prejudice to paragraph (a) of sub-section (2), no lease or charge may be transferred to two or more persons or bodies otherwise than as trustees or representatives.

214A. Control of transfer of estate land.

(1) Notwithstanding anything contained in this Act, no estate land is capable of being transferred, conveyed or disposed of in any manner whatsoever unless approval of such transfer, conveyance or disposal has first been obtained from the Estate Land Board (hereinafter referred to as "the Board") established under sub-section (3).

[Am. Act A1104 - Prior text read - "(1) Notwithstanding anything contained in this Act, no estate land is capable of being transferred, conveyed or disposed of in any manner whatsoever, to two or more persons unless approval of such transfer, conveyance or disposal has first been obtained from the Estate Land Board (hereinafter referred to as "the Board") established under sub-section (3)."]

(2) The Registrar shall not register any instrument of transfer of such land under Part Eighteen of this Act unless such instrument is accompanied by a certificate of approval granted by the Board.

(3) For the purpose of this section there shall be established an Estate Land Board consisting of-

(a) the State Secretary, who shall be the Chairman;

[Am. Act A1104 - Prior text read - "(a) the State Secretary, who shall be the Chairman; and"]

(aa) the State Director, who shall be the Secretary; and

[Ins. Act A1104]

(b) not more than four members appointed by the State Authority from amongst members of the Public Service.

(4) The proprietor or any co-proprietor of any estate land desiring to transfer, convey or dispose of in any manner whatsoever such land shall, together with the person or persons to whom the land is to be transferred, conveyed or disposed of, jointly submit an application to the Secretary of the Board in Form 14D.

[Am. Act A1104 - Prior text read - "(4) The proprietor or any co-proprietor of any estate land desiring to transfer, convey or dispose of in any manner whatsoever such land to two or more persons shall together with such persons jointly submit an application to the Board in Form 14D."]

(5) The Board may approve an application made under sub-section (4) and shall have power to refuse or cancel an approval of any such application if-

(a) it is satisfied that any statement or representation made in the application is false or incorrect; or

(b) it is satisfied that the applicant fails or refuses to comply with any direction given or restrictions or conditions imposed by it; or

(c) it appears to it that the approval of the application will not be in the public interest

(6) Decision of the Board shall be by majority of votes; and in the case of equality of votes the Chairman shall have a casting vote.

(7) Before making any decision the Board may as it thinks fit call any person to give any statement before it or produce any document to be examined by it.

(7A) The decision of the Board shall be conveyed by the Secretary of the Board to the applicants referred to in sub-section (4) as expeditiously as possible.

[Ins. Act A1104]

(8) Where approval of an application under sub-section (4) is refused or cancelled by the Board, the applicant may, within 30 days after the communication to him of the Board's decision of such refusal or cancellation appeal in writing to the State Authority.

(9) The State Authority may confirm or reverse the decision of the Board:

Provided that where the decision of the Board is reversed by the State Authority, the State Authority may give such direction or impose, such restriction or condition as it may think fit.

(10) Any person who obtains or attempts to obtain approval of the Board by knowingly making or producing or causing to be made or produced any false or fraudulent declaration, certificate, application or representation, whether in writing or otherwise or who fails or refuses to comply with any direction, restriction or condition imposed on him shall be guilty of an offence and shall on conviction be liable to a fine not exceeding RM10,000 and where the offence is a continuing one shall be further liable to a fine of not exceeding RM1,000 in respect of each day the offence is committed.

(10A) (a) Any person who transfers, conveys or disposes of or attempts to transfer, convey or dispose of in any manner whatsoever, any estate land in contravention of sub-section (1), shall be guilty of an offence and shall on conviction be liable to imprisonment for a term of not less than one year and not more than three years and to a fine not exceeding ten thousand ringgit.

(b) For the purposes of this section, the execution of an agreement to convey or dispose of the whole of an estate to two or more persons, or to convey or dispose of any portion or portions of an estate land to one or more persons, without the approval of the Board, shall be conclusive proof that the estate land is conveyed or disposed of in contravention of sub-section (1); and any act to demarcate an estate land or to cause or permit the demarcation of estate land is conveyed or disposed of in contravention of sub-section (1); shall be *prima facie* proof that the person so acting, causing or permitting attempts to transfer, convey or dispose of the estate land in contravention of sub-section (1).

[Am. Act A1104 - Prior text read - "(b) For the purposes of this sub-section, the execution of an agreement to convey or dispose of the whole of an estate to two or more persons, or to convey or dispose of any portion or portions of an estate land to one or more persons, without the approval of the Board, shall be conclusive proof that the estate land is conveyed or disposed of in contravention of sub-section (1); and any act to demarcate an estate land or to cause or permit the demarcation of estate land is conveyed or disposed of in contravention of sub-section (1); shall be *prima facie* proof that the person so acting, causing or permitting attempts to transfer, convey or dispose of the estate land in contravention of sub-section (1)."]

(11) For the purpose of this Act "estate land" means any agricultural land held under one or more than one title the area or the aggregate area of which is not less than 40 hectares and the alienated lands constituting such area are contiguous.

[Am. Act A1104 - Prior text read - "(11) For the purpose of this section "estate land" means any agricultural land held under one or more than one title the area or the aggregate area of which is not less than 40 hectares and the lots constituting such area are contiguous."]

(12) For the purpose of this Act, alienated lands held under final title or qualified title or a combination thereof, shall be taken to be contiguous notwithstanding that they are separated from each other only by such land as is used, required or reserved for roads, railways or waterways.

[Subs. Act A1104 - Prior text read - "(12) For the purpose of this section, the said lots shall be taken to be contiguous if they are separated from each other only by such land as is used, required or reserved for roads, railways or waterways."]

TRANSFER OF LAND

215. Form, and effect generally, of transfer of land.

(1) The transfer under this Act of any alienated land shall be effected by an instrument in Form 14A.

(2) The title of the transferor shall pass to and vest in the transferee upon the registration of any such transfer, together also with the benefit of any registered interests then enjoyed with the land.

(3) The transferee of any alienated land shall hold the same subject to-

- (a) any lease, charge or other registered interest subsisting in respect thereof at the time the transfer is registered;
- (b) subject to sub-section (3) of section 213, any tenancy exempt from registration granted by the transferor or any predecessor in title;
- (c) all conditions and restrictions in interest then applicable thereto; and
- (d) all other matters then appearing on, or referred to in, the register document of title.

216. Additional provisions with respect to lands transferred subject to leases, charges, etc.

(1) Where, by virtue of sub-section (3) of section 215, any land is transferred subject to any lease, charge or tenancy exempt from registration-

- (a) every provision, express or implied, of the lease, charge or tenancy shall, so long as the land continues vested in the transferee, be enforceable by or against him as if he were a party thereto; and
- (b) unless the instrument of transfer otherwise provides, there shall be implied on the part of the transferee, and in favour of the transferor, an agreement with respect to those provisions in the terms set out in sub-section (2).

(2) The terms of the said agreement shall be as follows-

- (a) that the transferee will, so long as the land continues vested in him, duly perform and observe the said provisions;
- (b) that the transferee will indemnify the transferor against all claims arising in respect thereof after the transfer takes effect, and all expenses properly incurred by the transferor in connection with any such claim.

TRANSFERS OF UNDIVIDED SHARES

217. Form and effect of transfer of undivided share.

(1) The transfer under this Act of any undivided share in alienated land shall be effected by an instrument in Form 14A.

(2) The share so transferred shall pass to and vest in the transferee upon the registration of the transfer.

(2A) Where a co-proprietor of any alienated land transfers his undivided share to one or more of the other co-proprietors, the undivided share or the proportion of the undivided share transferred to a co-proprietor shall merge with the undivided share held by him and form a single undivided share.

(3) Where, at the time when any undivided share is transferred, the land in which it subsists is subject to any lease, charge or tenancy exempt from registration, the provisions of section 216 shall apply, *mutatis mutandis*, as they apply on the transfer of land subject to a lease, charge or tenancy.

TRANSFER OF LEASES AND CHARGES

218. Form of transfer of lease or charge.

(1) The transfer under this Act of any lease shall be effected by an instrument in Form 14A.

(2) The transfer under this Act of any charge shall be effected by an instrument in Form 14B.

219. Effect of transfer of lease or charge.

(1) The interest of any lessee or chargee shall pass to and vest in the transferee upon the registration of the transfer.

(2) The provisions, express or implied, of any transferred lease or charge shall, so long as it continues vested in the transferee, be enforceable by or against him as if he were a party thereto; and, unless the instrument of transfer otherwise provides, there shall be implied on the part of the transferee, and in favour of the transferor, a like agreement with respect to those provisions as the set out in sub-section (2) of section 216.

(3) Where any lease is transferred subject to any sublease, charge or tenancy exempt from registration granted by the transferor or any predecessor, the provisions of section 216 shall apply, *mutatis mutandis*, as they apply on the transfer of land subject to a lease, charge or tenancy.

(4) A chargor shall not be bound to account to any transferee of the charge unless the chargor has been notified in writing of the transfer.

TRANSFER OF EXEMPT TENANCIES

220. Form and effect of transfer of exempt tenancy.

(1) Tenancies exempt from registration may, as provided by subsection (2) of section 213, be transferred under this Act either by word of mouth or by a written instrument in any form whatsoever.

(2) The provisions of sub-sections (2) and (3) of section 219 shall apply, *mutatis mutandis*, to the transfer of tenancies exempt from registration as they apply to the transfer of leases.

(3) Nothing in this section shall authorise the transfer of a tenancy exempt from registration contrary to the terms or conditions of the tenancy.

PART FIFTEEN
LEASES AND TENANCIES
CHAPTER 1
POWERS OF LEASING, ETC.

221. Power of proprietors to lease for terms exceeding 3 years.

(1) Subject to the provisions of sections 225 and 226, the proprietor of any alienated land may grant leases of the whole or any part thereof in accordance with the following provisions of this section.

(2) Every lease granted pursuant to this section shall be for a term exceeding three years.

(3) The maximum term for which any lease may be so granted shall be-

- (a) ninety-nine years if it relates to the whole of any alienated land, and
- (b) thirty years if it relates to a part only thereof.

(4) Every such lease shall be granted by an instrument in Form 15A; and in any case where the lease relates to a part only of any alienated land, there shall be attached to the instrument a plan and description sufficient to enable the part to be accurately identified.

222. Power of lessees and sub-lessees to sub-let for terms exceeding 3 years.

(1) Subject to the provisions of sections 225 and 226, any lessee or sub-lessee for the time being of any alienated land may grant sub-leases of the whole or any part of the land comprised in his lease or sub-lease in accordance with the following provisions of this section.

(2) Every sub-lease granted pursuant to this section shall be for a term exceeding three years.

(3) Where any sub-lease so granted relates to a part only of any alienated land, the term thereof shall not exceed thirty years.

(4) Every such sub-lease shall be granted by an instrument in Form 15B; and in any case where the sub-lease relates to a part only of the land comprised in the grantors's lease or sub-lease, there shall be attached to the instrument a plan and description sufficient to enable the part to be accurately identified.

223. Power of proprietors, lessees, etc., to grant tenancies not exceeding 3 years.

(1) Subject to the provisions of sections 225 and 226, tenancies (or, as the case may be, sub-tenancies) for terms not exceeding three years may be granted as follows-

- (a) by the proprietor of any alienated land, in respect of the whole or any part thereof;
- (b) by any lessee or sub-lessee for the time being of any alienated land, in respect of the whole or any part of the land comprised in his lease or sub-lease;
- (c) by any person for the time being holding any alienated land under such a tenancy of sub-tenancy, in respect of the whole or any part of the land so held.

(2) As provided by sub-sections (1) and (2) of section 213, tenancies and sub-tenancies granted pursuant to this section shall constitute tenancies exempt from registration, and may be so granted either by word of mouth or by a written instrument in any form whatsoever.

(3) Nothing in this section shall authorise a landlord (as defined in the Padi Cultivators (Control of Rent and Security of Tenure) Ordinance, 1955) to let land for the cultivation of padi otherwise than in pursuance of that Ordinance.

224. Calculation of terms of leases and tenancies.

In determining for the purposes of this Chapter whether any term for which land is granted exceeds any specified number of years-

- (a) if the term is from week to week, month to month, year to year, or on any other periodic basis, it shall be treated as a term for a period equal to its minimum possible duration; and
- (b) if the term is for a fixed period, no account shall be taken of the fact that it is capable of renewal in pursuance of an option, or is liable to be determined before the expiry of that period by the giving of notice or the happening of any other event.

225. General restrictions on powers conferred by this Chapter.

(1) The powers conferred by this Chapter shall be exercisable in any particular case subject to-

- (a) any prohibition or limitation imposed by this Act or any other written law for the time being in force;
- (b) any restriction in interest to which the land in question is for the time being subject; and
- (c) so far as they are conferred on lessees, sub-lessees and tenants, the provisions, express or implied, of the lease, sub-lease or tenancy in question.

(2) Without prejudice to paragraph (a) of sub-section (1), no lease or tenancy may be granted to two or more persons or bodies otherwise than as trustees or representatives.

226. Additional restriction where land or lease subject to prior charge.

(1) Where any alienated land, lease or sub-lease is subject to a charge, the proprietor, lessee or sub-lessee, as the case may be, shall not be capable of granting any lease, sub-lease or tenancy under this Chapter without the consent of the chargee.

(2) Except where it is contained in the instrument of charge itself, the consent of a chargee to the granting of any lease or sub-lease shall be signified by his joining therein as indicated in Form 15A or 15B, as the case may be, and his consent to the granting of any tenancy shall be given in writing, signed by him or his lawfully authorised agent.

227. Effect of leases and tenancies.

(1) The interest of any lessee, sub-lessee or tenant shall, whether or not it takes effect in possession, vest in him on the registration of the lease or sub-lease or, as the case may be, the grant of the tenancy.

(2) The said interest shall include the benefit of all registered interests then enjoyed with the land to which it relates.

228. Options for renewal, or for purchase of reversion.

(1) Any lease, sub-lease or tenancy granted under this Chapter may confer on the lessee, sub-lessee or tenant an option, exercisable at any time before the expiry of the term thereby created or its sooner determination-

(a) to require the grant to him of a lease, sub-lease or tenancy for a further term, or

(b) to purchase the reversion expectant on the existing term.

(2) Nothing in paragraph (a) of sub-section (1) of section 216 (including that paragraph in its application to any transfer by virtue of sub-section (3) of section 219 or sub-section (2) of section 220) shall render any option conferred by any oral tenancy, whether granted before or after the commencement of this Act, enforceable against any transferee of the reversion expectant thereon.

228A. Reference to a part of any building.

For the purpose of this Chapter reference to a part of any alienated land includes a reference to a part of any building on such land.

CHAPTER 2

EXPRESS AND IMPLIED PROVISIONS

229. Incorporation of agreements set out in Schedule 6.

(1) Any of the agreements on the part of a lessee set out in the Sixth Schedule may be incorporated in any lease granted under Chapter 1 by a reference to the appropriate paragraph of that Schedule.

(2) Any of the said agreements may also be incorporated as aforesaid in any sub-lease so granted; and in that event, references therein to the lessor and the lessee shall be construed as references respectively to the sub-lessor and the sub-lessee.

(3) The incorporation of any of the said agreements in any lease or sublease may be expressed to be subject to such modifications as the parties think fit.

230. Agreements implied in all leases and sub-leases.

(1) In every lease or sub-lease granted under Chapter 1 there shall be implied on the part of the lessee or sub-lessee an agreement that he will pay the rent thereby reserved at the times and in the manner therein specified and will duly observe and perform all conditions, express or implied, to which the land is subject.

(2) In every lease so granted there shall be implied on the part of the lessor an agreement to pay all rent due, or falling due, to the State Authority in respect of the demised property or, as the case may be, the land of which that property forms part.

(3) In every sub-lease so granted there shall be implied on the part of the sub-lessor an agreement-

- (a) that he will pay the rent reserved by the lease or sub-lease under which he holds;
and
- (b) that if the sub-lessee pays any of the said rent, he shall be entitled to set off the sum so paid against the rent payable by him under the sub-lease.

231. Agreements by lessees and sub-lessees implied in absence of contrary intention.

(1) The following agreements on the part of the lessee shall be implied in every lease granted under Chapter 1 in the absence of any express provision therein to the contrary-

- (a) to pay all rates, taxes and other outgoings falling due in respect of the demised property during the continuance of the lease, with the exception of-
 - (i) rent due to the State Authority, and
 - (ii) any other outgoing which, by virtue of any written law for the time being in force, is payable exclusively by the lessor;
- (b) to keep the demised property (including all boundary marks thereon) in repair or, in the case of a lease relating to part of a building only, to keep the demised property in repair with the exception of the roof, the main walls and drains, and any common passages or installations;
- (c) to permit the lessor or his agent, at all convenient times and after reasonable notice, to enter upon the demised property (with or without workmen or others) and examine its condition;
- (d) not to transfer or charge the lease, or sub-let or otherwise part with the possession of the demised property, without the prior consent in writing of the lessor (which consent shall not be unreasonably withheld).

(2) The like agreements shall be implied in every sub-lease so granted, in the absence of any express provision therein to the contrary, and subject to the necessary modifications.

232. Agreements by lessors and sub-lessors implied in absence of contrary intention.

(1) The following agreements on the part of the lessor shall be implied in every lease granted under Chapter 1 in the absence of any express provision therein to the contrary-

- (a) that, so long as the lessee duly observes and performs the provisions thereof, express and implied, he shall and may peaceably and quietly possess and enjoy the demised property during the term thereby granted, without any interruption or disturbance from or by the lessor or any person lawfully claiming through or under him:



- (b) where the lease relates to a part only of any building, that the lessor will keep in repair the roof, the main walls and main drains, and any common passages or installations.
- (c) that if at any time during the continuance of the term thereby granted the demised property or any part thereof is rendered wholly or partially unfit for occupation or use by any event not attributable to the negligence of the lessee, his servants or agents, or any person lawfully claiming through or under him-
 - (i) the rent thereby reserved, or a just proportion thereof according to the nature and extent of the damage sustained, shall cease to be payable until the property or part has been rendered fit for occupation or use, and
 - (ii) if the property or part is not rendered fit for occupation or use within six months, the lessee may determine the lease by the giving of one month's notice in writing.

(2) The like agreements shall be implied in every sub-lease so granted, in the absence of any express provision therein to the contrary, and subject to the necessary modifications.

233. Construction of implied agreements to keep "in repair".

In the absence of any express provision therein to the contrary, any agreement to keep any building or part of a building "in repair" implied in any lease or sub-lease (whether granted before or after the commencement of this Act)-

- (a) shall be construed in accordance with the definition of that expression contained in section 5, but
- (b) shall not be taken to require the building or part in question to be put into a better state of repair than that in which it was at the commencement of the lease or sub-lease.

CHAPTER 3
FORFEITURE

234. Power of forfeiture.

(1) Every lease, sub-lease or tenancy exempt from registration, whether granted before or after the commencement of this Act, shall, subject to any express provision therein to the contrary, be liable to forfeiture if the lessee, sub-lessee or tenant for the time being-

- (a) breaches any of the provisions thereof, express or implied;
- (b) is adjudicated bankrupt; or
- (c) being a company, goes into liquidation.

(2) The forfeiture of any lease, sub-lease or tenancy may be enforced by the person or body for the time being entitled to the reversion thereon either by re-entry onto the land or by action in the Court, but subject in the former case to the provisions of any other written law for the time being in force.

(3) Where any lease, sub-lease or tenancy has become liable to forfeiture for breach of any of the provisions thereof, the acceptance by the person or body for the time being entitled to the reversion thereon of any rent falling due after the date of the breach, or the doing by

that person or body of any other act shewing an intention to treat the lease, sub-lease or tenancy as still subsisting, shall, unless that person or body was not at the time aware of the breach, and could not by reasonable diligence have been so aware, constitute a waiver of the right of forfeiture:

Provided that this sub-section shall not apply to anything done after the commencement of any action for forfeiture.

235. Notice before forfeiture.

Notwithstanding anything to the contrary contained therein, no person or body shall be entitled to enforce, by action or otherwise, the forfeiture of any lease, sub-lease or tenancy for breach of any of the provisions thereof unless and until that person or body has served on the lessee, sub-lessee or tenant for the time being a notice in writing-

- (a) specifying the particular breach complained of;
- (b) if the breach is capable of remedy, requiring him to remedy it, and
- (c) in any case other than non-payment of rent requiring him to make compensation in money for the breach,

and the lessee, sub-lessee or tenant on whom the notice is served has failed, within a reasonable time thereafter, to remedy the breach (if it is capable of remedy) and to make reasonable compensation in money therefor to the satisfaction of that person or body.

236. Effect of forfeiture.

The forfeiture of any lease, sublease or tenancy shall extinguish also all interests dependent thereon, that is to extinguish also all interests dependent thereon, that is to say-

- (a) any charge thereof,
- (b) any derivative sub-lease or tenancy, and
- (c) any charge of any derivative sub-lease, but without prejudice to the revival of those interests in the event of the forfeiture being subsequently set aside by the Court on any grounds.

237. Relief against forfeiture.

(1) Any lessee, sub-lessee or tenant against whom any person or body is proceeding to enforce a forfeiture may apply to the Court for relief against the forfeiture; and the Court-

- (a) may grant or refuse relief as it thinks fit, having regard to all the circumstances of the case (including, if the case is one to which the provisions of section 235 applied, the proceedings and conduct of the parties under that section); and
- (b) if it grants relief, may do so on such terms as it thinks fit.

(2) The provisions of sub-section (1) shall have effect notwithstanding any provision to the contrary in the lease, sub-lease or tenancy in question.

238. Relief to persons and bodies having dependent interests.

(1) At any time when any person or body is proceeding to enforce the forfeiture of any lease, sub-lease or tenancy, or at any time after such a forfeiture has been effected, any person or body entitled or, as the case may be, entitled before the forfeiture took effect to any interest dependent thereon (that is to say, to any of the interests specified in paragraphs (a) to (c) of section 236) may apply to the Court for an order under this section.

(2) On any such application the Court may if it thinks it just to do so in all the circumstances of the case, and on such terms as it thinks fit, order any person or body to grant to the applicant a lease, sub-lease or tenancy (as appropriate) of the whole or any part of the land held, or formerly held, by the applicant or the applicant's chargor, as the case may be, for a period not exceeding that for which the land is or was so held.

CHAPTER 4

DETERMINATION OF LEASES AND TENANCIES

239. Surrender.

(1) Any lease, sub-lease or tenancy exempt from registration (whether granted before or after the commencement of this Act) may, with the agreement of the person or body for the time being entitled to the reversion expectant thereon, be surrendered to that person or body in accordance with the following provisions of this section.

(2) The surrender of any lease or sub-lease shall be effected by an instrument in Form 15C, and the interest of the lessee or sub-lessee, as the case may be, shall determine as from the date on which the instrument is registered.

(3) The surrender of any tenancy exempt from registration may (as provided by sub-section (2) of section 213) be effected either by word of mouth or by a written instrument in any form whatsoever; and the person or body in whose favour the surrender is effected may, if the tenancy was protected by an endorsement on the register document of title pursuant to Chapter 7 of Part Eighteen, apply under that Chapter for the cancellation of the endorsement.

(4) The surrender of any lease, sub-lease or tenancy shall require the consent also of any chargee thereof, or of the reversion expectant thereon; and the consent of any such chargee shall be signified-

(a) in the case of a lease or sub-lease, by his joining in the instrument of surrender, as indicated in Form 15C; and

(b) in the case of a tenancy, in writing signed by him or his lawfully authorised agent.

(5) The surrender of any lease, sub-lease or tenancy shall not extinguish any sub-lease or tenancy granted thereout, but any such sub-lease or tenancy shall thereafter have effect, and be construed in all respects, as if it had been granted in the first instance by the person or body in whose favour the surrender is effected.

240. Determination otherwise than by surrender.

(1) Where any lease or sub-lease (whether granted before or after the commencement of this Act) has been determined otherwise than by its surrender under section 239, the registration may be cancelled by the Registrar under section 313.

(2) Where any tenancy exempt from registration has been so determined, any endorsement made on the register document of title to the land pursuant to Chapter 7 of Part Eighteen may be cancelled in accordance with the provisions of that Chapter.

PART SIXTEEN

CHARGES AND LIENS

CHAPTER 1

CREATION OF CHARGES, AND GENERAL PROVISIONS RELATING THERETO

241. Powers of charging.

(1) Subject to sub-section (3)-

- (a) the whole, but not a part only, of any alienated land;
- (b) the whole, but not a part only, of any undivided share in alienated land; and
- (c) any lease of alienated land,

may be charged under this Act with-

- (aa) the repayment of any debt, or the payment of any sum other than a debt; or
- (bb) the payment of any annuity or other periodic sum.

(2) The powers conferred by sub-section (1) shall include power to create second and subsequent charges.

(3) The said powers shall be exercisable in any particular case subject to-

- (a) any prohibition or limitation imposed by this Act or any other written law for the time being in force;
- (b) any restriction in interest to which the land in question is for the time being subject; and
- (c) in relation to leases, the provision thereof, express or implied.

(4) Without prejudice to paragraph (a) of sub-section (3), no charge may be granted to two or more persons or bodies otherwise than as trustees or representatives.

242. Form of charges.

(1) Every charge to secure the repayment of a debt, or the payment of any sum other than a debt, (in either case, whether the amount in question is to be paid as a lump sum or by instalments) shall be effected by an instrument in Form 16A.

(2) Every charge to secure the payment of an annuity or other periodic sum-

- (a) shall be effected by an instrument in Form 16B; and
- (b) may if the parties think fit include provision whereby, in the event of the chargee exercising his power of sale, the proceeds of sale (so far as available for the purpose) are to be utilised in or towards the satisfaction of payments subsequently falling due.

(3) The provision included in any charge pursuant to paragraph (b) of sub-section (2) may be provision for-

- (a) the setting aside, for the purpose of meeting the said payments, of any sum on investment, or
- (b) the retention by the chargee of the capitalised value of the said payments, or such other, or additional, provision as the parties think fit.

243. Effect of charges.

Every charge created under this Act shall take effect upon registration so as to render the land or lease in question liable as security in accordance with the provisions thereof, express or implied.

244. Custody of issue document of title or duplicate lease.

(1) A first chargee of any land or lease shall, as between himself and the proprietor or lessee for the time being, and subject to any agreement to the contrary, be entitled to the custody of the issue document of title to the land or, as the case may be, duplicate lease so long as any liability subsists under the charge.

(2) A chargee having the custody of any issue document of title or duplicate lease shall, on the written request of the proprietor or lessee, and within such reasonable period as is specified in the request, produce the same at any Registry or Land Office so specified for any purpose for which it is required under any provision of this Act.

(3) The costs properly incurred by any chargee in complying with any such request shall be payable by the proprietor or lessee on demand and, if demanded in writing and not sooner paid, shall be added to, and deemed for all the purposes of this Act to form part of, the first payment due under the charge after the date of the demand.

245. Restriction on consolidation.

In the absence of any express provision therein to the contrary, a person seeking to discharge any charge may do so without making any payment in or towards the discharge of any other charge created by him, or any person through whom he claims, on property other than that comprised in the first-mentioned charge.

246. Tacking of further advances.

(1) Notwithstanding any other provision of this Act, any chargee may, in the circumstances specified in paragraph (a) or (b) of sub-section (2), make further advances (including, where appropriate, advances consisting of the giving of additional credit) to rank in priority to any subsequent charge of the same land or lease.

(2) The said circumstances are-

- (a) where the making of the advance or advances in question is expressly authorised by the prior charge, or the purpose of that charge is to secure the balance from time to time due to the chargee under any current or continuing account; or

- (b) where the advance or advances in question are made with the consent of the person entitled to the benefit of the subsequent charge.
- (3) For the purposes of paragraph (b) of sub-section (2), any advance made by a chargee at any time before he is notified in writing of the registration of a subsequent charge shall be deemed to have been made with the consent of the person entitled to the benefit of that charge.
- (4) Except as provided by this section, the right to tack shall not apply to any charge.

247. Postponement of charges.

- (1) Any charge may be postponed to any subsequent charge by an instrument in Form 16C.
- (2) The charges to which any instrument of postponement relates shall rank, as between each other, in the order therein specified as from the date on which the instrument is registered.

248. Application of this Part to existing charges.

- (1) The provisions of sections 244 to 247 and Chapters 3 to 5 shall apply both to charges created under this Act and to those created under the provisions of any previous land law.
- (2) References in any of the said provisions to the chargor or the chargee shall be construed in relation to any charge as references to the person or body in whom the charged land or lease is for the time being vested or, as the case may be, the person or body for the time being entitled to the benefit of the charge.

CHAPTER 2
IMPLIED PROVISIONS

249. Agreements by chargor implied in all charges.

- (1) In every charge created under this Act, there shall be implied on the part of the chargor-
- (a) an agreement that he will comply with the provisions thereof as to payment of the sum or sums thereby secured, and with any provision for the payment of interest thereon, if any; and
 - (b) an additional agreement in the terms set out in subsection (2) or (3), according as the subject-matter of the charge is land or a lease.
- (2) The additional agreement by the chargor in the case of a charge of land shall be an agreement that he will during the continuance of the charge-
- (a) pay all rent falling due to the State Authority in respect of the land, and all rates, taxes and other outgoings relating thereto, and
 - (b) duly observe and perform all conditions, express or implied, to which the land is subject.
- (3) The additional agreement by the chargor in the case of a charge of any lease shall be an agreement that he will during the continuance of the charge pay the rent reserved by the lease, and duly observe and perform all other provisions thereof, express or implied.

250. Agreements by chargor implied in absence of contrary intention.

In every charge created under this Act the following agreements on the part of the chargor shall be implied in the absence of any express provision to the contrary-

- (a) that he will keep in repair all buildings on the land thereby charged or, where it is a lease that is charged, any building or part of a building comprised in, or forming the subject-matter of, the lease;
- (b) that he will keep every such building or part insured to its full value against loss or damage by fire, in the joint names of himself and the chargee, and with insurers approved by the latter;
- (c) that he will permit the chargee or his agent, at all convenient times and after giving reasonable notice (being, in the case of country land, not less than two clear days' notice)-
 - (i) to enter, and inspect the state of repair of, any such building or part, or
 - (ii) to enter, and inspect the state of maintenance or cultivation of, the charged land or, as the case may be, the land comprised in the charged lease; and
- (d) that in the event of his failing to comply with any of the provisions thereof, express or implied, other than the agreement specified in paragraph (a) of sub-section (1) of section 249-
 - (i) the chargee may (without prejudice to any other remedy available to him under this Act) take such action as is necessary to remedy the breach, and
 - (ii) the costs properly incurred by the chargee in that behalf shall, if demanded in writing and not sooner paid, be added to, and deemed for all the purposes of this Act to form part of, the first payment due under the charge after the date of the demand.

251. Implied agreement by chargee as to consent to leases, etc.

In every charge created under this Act, there shall, in the absence of any express provision therein to the contrary, be implied on the part of the chargee an agreement that he will not without reasonable cause withhold his consent to the granting by the chargor of any lease or tenancy.

252. Construction of implied agreements to keep "in repair".

The provisions of section 233 as to the construction of agreements to keep buildings, or parts of buildings, "in repair" shall apply, *mutatis mutandis*, to agreements implied in charges (whether by this Act or any previous land law) as they apply to agreements implied in leases and sub-leases.

CHAPTER 3
REMEDIES OF CHARGEES: SALE
INTRODUCTORY

253. Purpose and scope of this Chapter.

(1) The provisions of this Chapter shall have effect for the purpose of enabling any chargee to obtain the sale of the land or lease to which his charge relates in the event of a breach by the chargor of any of the agreements on his part expressed or implied therein.

(2) The powers conferred by this Chapter shall be additional to those conferred by Chapter 4, and no chargee shall be debarred from exercising them by reason of the fact that he has already taken action under that Chapter.

(3) In this Chapter-

"bidder" means only one natural person, one corporation or one single body and does not include the chargor;

"chargee" includes a financial institution;

"financial institution" means any licensed bank, licensed finance company or licensed merchant bank as defined in the Banking and Financial Institutions Act 1989 [Act 372], a bank under the Islamic Banking Act 1983 [Act 276], any co-operative society carrying on the business of financing and any statutory body established under any Federal or State law acting as chargee under this Act; and

"purchaser" means the successful bidder.

[Ins. Act A1104]

(4) For the purposes of this Chapter, the chargor or chargee may appoint any person or body to perform his duties or take action on his behalf and notice of any such appointment shall be given in writing to the Registrar of the Court or the Land Administrator, as the case may be.

[Ins. Act A1104]

NOTICE BEFORE SALE

254. Service of default notice, and effect thereof.

(1) Where, in the case of any charge, any such breach of agreement as is mentioned in subsection (1) of section 253 has been continued for a period of at least one month or such alternative period as may be specified in the charge which shall not be less than one month, the chargee may serve on the chargor a notice in Form 16D-

(a) specifying the breach in question;

(b) requiring it to be remedied within one month of the date on which the notice is served, or such alternative period as may be specified in the charge; and

(c) warning the chargor that, if the notice is not complied with, he will take proceedings to obtain an order for sale.

(2) Where, after the service of any such notice, the charged land or lease becomes vested in any other person or body, the notice shall be as valid and effectual against that person or body as it was against the person or body on whom it was served.

(3) If at the expiry of the period specified in any such notice the breach in question has not been remedied-

(a) the whole sum secured by the charge shall (if it has not already done so) become due and payable to the chargee; and

(b) the chargee may apply for an order for sale in accordance with the following provisions of this Chapter:

Provided that paragraph (a) shall not apply to any charge to secure the payment of an annuity or other periodic sum.

255. Special provision with respect to sums payable on demand.

(1) Where the principal sum secured by any charge is payable by the chargor on demand, the chargee may make the demand by a notice in Form 16E, and in that event, if the sum in question is not paid to him within one month of the date on which the notice is served, may apply forthwith for an order for sale without being required to serve a notice in Form 16D under sub-section (1) of section 254.

(2) The provisions of sub-section (2) of section 254 shall apply to notices in Form 16E as they apply to notices in Form 16D.

***PROCEDURE - REGISTRY TITLE, QUALIFIED TITLE CORRESPONDING THERETO, AND
SUBSIDIARY TITLE***

256. Application to Court for order for sale.

(1) This section applies to land held under-

(a) Registry title;

(b) the form of qualified title corresponding to Registry title; or

(c) subsidiary title,

and to the whole of any divided share in, or any lease of, any such land.

(2) Any application for an order for sale under this Chapter by a chargee of any such land or lease shall be made to the Court in accordance with the provisions in that behalf of any law for the time being in force relating to civil procedure.

(3) On any such application, the Court shall order the sale of the land or lease to which the charge relates unless it is satisfied of the existence of cause to the contrary.

257. Matters to be dealt with by order for sale.

(1) Every order for sale made by the Court under section 256 be in Form 16H and shall-
[Am. Act A1104 - Prior text read - "(1) Every order for sale made by the Court under section 256 shall-"]

(a) provide for the sale to be by public auction;

(b) require the sale to be held on, or as soon as may be after, a date specified therein, being a date not less than one month after the date on which the order is made;

(c) specify the total amount due to the chargee at the date on which the date on which the order is made;

[Am. Act A1104 - Prior text read - "(c) specify the total amount due to the chargee at the date on which the date on which the order is made; and"]

(d) required the Registrar of the Court to fix a reserve price for the purpose of the sale, being a price equal to the estimated market value of the land or lease in question;

[Am. Act A1104 - Prior text read - "(d) required the Registrar of the Court to fix a reserve price for the purpose of the sale, being a price equal to the estimated market value of the land or lease in question."]

(e) specify that no bidder shall be allowed to bid in the sale unless the officer of the Court is satisfied that the bidder possesses, at the time of the sale, the sum equivalent to ten per centum of the reserve price specified under paragraph(d) ;

(f) specify that where the full amount of the purchase price is not paid after the fall of the hammer by the successful bidder, the sum specified in paragraph (e) shall be paid as deposit to the chargee and forthwith credited into the account of the chargor pending the settlement of the balance of the purchase price;

[Ins. Act A1104]

(g) specify that the balance of the purchase price shall be settled on a date not later than one hundred and twenty days from the date of the sale and that there shall be no extension of the period so specified; and

[Ins. Act A1104]

(h) specify that where the balance of the purchase price is not settled on a date specified under paragraph (g), the sum paid as deposit under paragraph (f) to the chargee shall be forfeited and disposed of in the manner specified under section 267A.

[Ins. Act A1104]

(2) Any such order may contain such other directions with respect to the sale as the Court may think fit, and in particular (but without prejudice to the generality of the foregoing) may, where the charge in question relates to more lands or leases than one, direct-

(a) that they be offered for sale individually, and in a specified order; and

(b) that, in the event of the price fetched by one or more of them exceeding an amount specified in the order, or to be determined by the Registrar of the Court, the other or others shall be withdrawn from the sale, and shall cease to be subject to the order.

(3) In specifying or determining any amount for the purposes of paragraph (b) of sub-section (2), the Court or the Registrar, as the case may be, shall have regard not only to the liability of the chargor under the charge, but also to any liabilities which (under section 268) will fall to be discharged out of the proceeds of sale in priority thereto.

258. Procedure prior to sale.

(1) Where any such order has been made, it shall be the duty of the Registrar of the Court-

(a) to serve a copy thereof on the chargor, and on every chargee of the land or lease in question; and

(b) to see that the sale is publicly advertised in accordance with rules of court or, in the absence of any rule in that behalf, the practice customarily adopted in the State.

- (2) The chargee on whose application the order was made shall-
- (a) prepare the conditions of sale, in accordance with the terms of the order and any determination thereunder by the Registrar of the Court;
 - (b) if the issue document of title to the land or, as the case may be, duplicate lease is in his custody, deposit the same with the Court not less than one week before the date fixed for the sale; and
 - (c) in the case of a charge of an undivided share in land effected by virtue of sub-section (6) of section 343, deposit with the Court not less than one week before the date fixed for the sale, the copy of the issue document of title issued to the co-proprietor under sub-section (3) of section 343.

259. Procedure at sale.

(1) Every sale pursuant to an order under section 256 shall take place under the direction of an officer of the Court, but this sub-section shall not prevent the Court from taking the assistance thereof of any licensed auctioneer.

(2) The officer under whose direction the sale takes place shall-

- (a) receive the bids (including any bid by or on behalf of the chargee);
- (b) settle summarily any question arising in the course of the proceedings;
- (c) in the absence of any bid at or above the reserve price, withdraw the land or lease in question from the sale, direct that it be put up for auction on a subsequent date, either at the same or at a new reserve price, and see that the subsequent sale is publicly advertised in the like manner; and sale is publicly advertised in the like manner; and

[Am. Act A1104 - Prior text read - "(c) in the absence of any bid at or above the reserve price, withdraw the land or lease in question from the sale, direct that it be put up for auction on a subsequent date, either at the same or at a reduced reserve price, and see that the subsequent sale is publicly advertised in the like manner; and sale is publicly advertised in the like manner; and"]

(d) subject to paragraph (c), declare the sale concluded in favour of the highest bidder.

(3) The purchaser at the sale shall, upon payment to the said officer of the full amount of the purchase price, be entitled to receive from him-

- (a) a certificate in Form 16F that the land or lease in question has been sold to him under the authority of this Act (which certificate shall, as provided by section 267, be registrable by the provided by section 267, be registrable by the purchaser as if it were an instrument of dealing); and
- (b) if deposited with the Court pursuant to paragraph (b) of sub-section (2) of section 258, the issue document of title to the land or, as the case may be, duplicate lease.

(3A) Notwithstanding sub-section (3) , where the chargee is a financial institution, the purchaser at the sale shall, upon payment of the full amount of the purchase price to the chargee and upon receipt of the certification in writing from the chargee not later than

fourteen days following the payment of such sum, that the balance or the full amount of the purchase price has been paid, shall be entitled to receive from the said officer of the Court-

- (a) a certificate in Form 16F that the land or lease in question has been sold to him under the authority of this Act (which certificate shall, as provided by section 267, be registrable by the purchaser as if it were an instrument of dealing) ; and
- (b) if deposited with the Court pursuant to paragraph (b) of sub-section (2) of section 258, the issue document of title to the land or, as the case may be, duplicate lease.

[Ins. Act A1104]

(4) Where the order for sale under sub-section (1) of section 257 requires the payment of any deposit by the successful bidder in any public auction and the balance to be settled on a date not later than one hundred and twenty days from the date of the sale, the provisions of section 267A shall apply.

[Ins. Act A1104]

260. Application to Land Administrator for order for sale.

(1) This section applies to land held under-

- (a) Land Office title;
- (b) the form of qualified title corresponding to Land Office title; or
- (c) subsidiary title,

and to the whole of any undivided share in, or any lease of, any such land.

(2) Any application for an order for sale under this Chapter by a chargee of any such land or lease shall be made to the Land Administrator in Form 16G.

261. Land Administrator to hold enquiry.

(1) Upon receiving any application under sub-section (2) of section 260, the Collector shall-

- (a) appoint a time and place for the holding of an enquiry with respect thereto;
- (b) notify the chargee of the time and place so appointed; and
- (c) cause a summons to be served on the chargor, requiring him to appear at the enquiry and show cause why the order should not be made.

(2) The provisions of Chapter 4 of Part Two shall have effect in relation to any enquiry held, or proposed to be held, under this section with the omission of section 27 (which relates to the advertisement of enquiries), and subject also to the provisions of section 262.

262. Provisions as to enquiry.

(1) No persons or bodies other than the chargor or chargee or in his or their absence a person or body appointed by the chargor or chargee under sub-section (4) of section 253, shall be entitled to be heard, or to adduce evidence, at any enquiry under section 261 (and accordingly, the chargor and the chargee or the person or body appointed, as the case may be, shall be entitled to apply for a postponement or change of venue under sub-section (2) of section 28, or to receive notice under sub-section (4) of that section of any cancellation, postponement or change of venue).

[Subs. Act A1104 - Prior text read - "(1) No persons or bodies other than the chargor and the chargee shall be entitled to be heard, or to adduce evidence, at any enquiry under section 261 (and accordingly, the chargor and the chargee shall be the only persons or bodies entitled to apply for a postponement or change of venue under sub-section (2) of section 28, or to receive notice under sub-section (4) of that section of any cancellation, postponement or change of venue)."]

(2) If the chargee fails to appear at the time fixed for the hearing of any such enquiry, the Land Administrator shall dismiss the application.

(3) If the chargee appears, but not the chargor, the Land Administrator-

(a) if satisfied that a summons to appear was duly served on the chargor, and in sufficient time to enable the chargor to appear and answer, shall proceed with the hearing *ex parte*;

(b) if not so satisfied, shall adjourn the hearing to a later date, and cause a fresh summons to be served.

(4) Where there are more chargees than one, and some only of them appear, or more chargors than one, and some only of them appear, the Land Administrator may at his discretion proceed with the hearing or adjourn it to a later date.

(5) The dismissal of any application pursuant to sub-section (2) shall be without prejudice to the making by the chargee of a fresh application on the same grounds; but if the chargor appeared at the time fixed for the hearing, the application shall not be entertained until the chargee has paid to the chargor the costs of that appearance, as allowed by the Land Administrator.

263. Order for sale, and matters to be dealt with thereby.

(1) At the conclusion of any enquiry under section 261, the Land Administrator shall order the sale of the land or lease to which the charge in question relates unless he is satisfied of the existence of cause to the contrary.

(2) Every such order shall be in Form 16H, and shall-

(a) provide for the sale to be by public auction;

(b) specify the date on which the sale is to be held, being a date not less than one month after the date on which the order is made;

(c) specify the amount due to the chargee at the date on which the order is made;

[Am. Act A1104 - Prior text read - "(c) specify the amount due to the chargee at the date on which the order is made; and"]

(d) fix a reserve price for the purpose of the sale, being a price equal to the market value of the land or a lease in question as estimated by the Land Administrator;

[Am. Act A1104 - Prior text read - "(d) fix a reserve price for the purpose of the sale, being a price equal to the market value of the land or a lease in question as estimated by the Land Administrator."]

(e) specify that no bidder shall be allowed to bid in the sale unless the Land Administrator is satisfied that the bidder possesses, at the time of the sale, the sum equivalent to ten per centum of the reserve price specified under paragraph (d);

[Ins. Act A1104]

(f) specify that where the full amount of the purchase price is not paid after the fall of the hammer by the successful bidder, the sum specified in paragraph (e) shall be paid to the chargee and forthwith credited into the account of the chargor pending the settlement of the balance of the purchase price;

[Ins. Act A1104]

(g) specify that the balance of the purchase price shall be settled on any date not later than one hundred and twenty days from the date of the sale and that there shall be no extension of the period so specified; and

[Ins. Act A1104]

(h) specify that where the balance of the purchase price is not settled on a date specified under paragraph (g), the sum paid as deposit under paragraph (f) to the chargee shall be forfeited and disposed of in the manner specified under section 267A.

[Ins. Act A1104]

(3) The provisions of sub-sections (2) and (3) of section 257 shall apply *mutatis mutandis*, to orders under this section as they apply to orders of the Court under section 256.

264. Procedure prior to sale.

(1) After making any order under section 263, the Land Administrator shall-

(a) serve a copy thereof on the chargor, and on every chargee of the land or lease in question; and

(b) give public notice of the sale in such manner as he may consider appropriate.

(2) The chargee on whose application the order was made shall deposit with the Land Administrator, not less than seven days before the date fixed for the sale-

(a) the duplicate charge; and

(b) if in his custody, the issue document of title to the land or, as the case may be, duplicate lease.

(3) The Land Administrator may, if he thinks it expedient to do so, from time to time postpone any sale ordered under section 263.

(4) Notice of any such postponement shall be given to each of the persons or bodies on whom a copy of the order was served pursuant to paragraph (a) of sub-section (1), and shall be published in such manner as the Land Administrator may consider appropriate.

264A. Postponement or cancellation of an order for sale by Land Administrator.

(1) An order for sale made under section 263 may be postponed only once for a period not exceeding three months or cancelled by the Land Administrator upon an application of the

chargee with the concurrence of the chargor in Form 16O and shall be accompanied by such fee as may be prescribed:

[Ins. Act A1333]

Provided that such application shall be submitted to the Land Administrator not less than seven days before the date of the sale.

(2) Upon receiving an application made under sub-section (1) , the Land Administrator may approve or reject the application.

(3) Where the Land Administrator approves an application made under sub-section (1) , he shall give an order in Form 16P to each of the persons or bodies on whom a copy of the order for sale was served pursuant to paragraph (a) of sub-section (1) of section 264 and give public notice in such manner as he may consider appropriate.

(4) The rejection of any application made under sub-section (1) shall be without prejudice to the making of a fresh application by the chargee.

[Ins. Act A1104]

265. Procedure at sale.

(1) Where a sale is held pursuant to an order under section 263-

(a) the sale shall take place under the direction of the Land Administrator, who may take the assistance thereof of any licensed auctioneer; and

(b) the chargee shall be entitled to bid at the sale.

(2) If at the sale no bid is received at or above the reserve price, the land or lease in question shall be withdrawn from the sale, and the Land Administrator shall direct that it be put up for auction on a subsequent date, either at the same or at a new reserve price, and shall give such notice of the subsequent date, either at the same or at a new reserve price, and shall give such notice of the subsequent sale as he may consider appropriate.

[Am. Act A1104 - Prior text read - "(2) If at the sale no bid is received at or above the reserve price, the land or lease in question shall be withdrawn from the sale, and the Land Administrator shall direct that it be put up for auction on a subsequent date, either at the same or at a reduced reserve price, and shall give such notice of the subsequent date, either at the same or at a reduced reserve price, and shall give such notice of the subsequent sale as he may consider appropriate."]

(3) If at the subsequent sale no bid is received at or above the reserve price, the Land Administrator may-

- (a) direct that it be put up for auction at a subsequent date, either at the same or a new reserve price and shall give such notice of the subsequent sale as he may consider appropriate; or
- (b) withdraw it from the sale and refer the matter to the Court.

[Subs. Act A1104 - Prior text read - "(3) If at the subsequent sale no bid is received at or above the reserve price-

(a) the land or lease shall be withdrawn from the sale;

(b) the Land Administrator shall refer the matter to the Court; and

(c) the Court may substitute for the order of the Land Administrator an order for sale under section 256, or make such other order as it may think just."]

(3A) The Court may substitute for the order of the Land Administrator an order for sale under section 256 or make such other order as it may think just:

Provided that the Court shall not make any order to the Land Administrator to carry out the sale.

[Ins. Act A1104]

(4) The purchaser at any such sale shall, upon payment to the Land Administrator of the full amount of the purchase price, be entitled to receive from him-

- (a) a certificate in Form 16I that the land or lease in question has been sold to him under the authority of this Act (which certificate shall, as provided by section 267, be registrable by the purchaser as if it were an instrument of dealing); and
- (b) if deposited with the Land Administrator pursuant to paragraph (b) of sub-section (2) of section 264, the issue document of title to the land or, as the case may be, duplicate lease.

(4A) Notwithstanding sub-section (4) , where the chargee is a financial institution, the purchaser at the sale shall, upon payment of the full amount of the purchase price to the chargee and upon receipt of the certification in writing from the chargee not later than fourteen days following the payment of such sum, that the balance or the full amount of the purchase price has been paid, shall be entitled to receive from the Land Administrator-

- (a) a certificate in Form 16I that the land or lease in question has been sold to him under the authority of this Act (which certificate shall, as provided by section 267, be registrable by the purchaser as if it were an instrument of dealing) ; and
- (b) if deposited with the Land Administrator pursuant to paragraph (b) of sub-section (2) of section 264, the issue document of title to the land or, as the case may be, duplicate lease.

[Ins. Act A1104]

(5) Where the order for sale under sub-section (2) of section 263 requires the payment of any deposit by the successful bidder in any public auction and the balance to be settled on a date not later than one hundred and twenty days from the date of the sale, the provisions of section 267A shall apply.

[Ins. Act A1104]

GENERAL PROVISIONS

266. Right of chargor to tender payment at any time before sale.

(1) Any chargor against whom an order for sale has been made under this Chapter may, at any time before the conclusion of the sale, tender the amounts specified in sub-section (2) to the Registrar of the Court or, as the case may be, Land Administrator (or, if the tender is made on the day fixed for the sale, to the officer having the direction thereof), and the order shall thereupon cease to have effect.

(2) The amounts referred to in sub-section (1) are-

- (a) the amount shown in the order as due to the chargee at the date on which the order was made;

- (b) such further amounts (if any) as have fallen due under the charge between the date of the order and the date of the tender; and
- (c) an amount sufficient to cover all expenses incurred in connection with the making, or carrying into effect, of the order.

(3) Where any order for sale ceases to have effect by virtue of this section, the Registrar of the Court or, as the case may be, Land Administrator shall give notice thereof to every chargee of the land or lease in question.

266A. Statement of payment due.

(1) The chargee shall prepare a statement of all payments due in Form 16Q, up to the date of the sale by public auction, as follows:

- (a) any rent payable to the State Authority;
- (b) any other outgoings payable to the State Authority;
- (c) any rate payable to the local authority; and
- (d) all expenses incurred in connection with the sale by the Registrar of the Court or Land Administrator, as the case may be.

(2) The chargor and the Registrar of the Court or the Land Administrator, as the case may be, shall be notified in Form 16Q of the payments due under sub-section (1) on or after the date of the sale by public auction.

[Ins. Act A1104]

267. Effects of sale.

(1) Any certificate of sale given to a purchaser under sub-section (3) of section 259 or sub-section (4) of section 265 in respect of any charged land or lease shall be treated for all the purposes of this Act as an instrument of dealing, and shall be registrable accordingly under Part Eighteen; and, upon the registration thereof-

- (a) the title or interest of the chargor shall pass to and vest in the purchaser, freed and discharged from all liability under the charge in question and any charge subsequent thereto; and
- (b) subject to paragraph (a), and sub-section (2), the relevant provisions of Part Fourteen shall apply as if the chargor had transferred the land or lease to the purchaser in accordance with the provisions of that Part.

(2) Notwithstanding that it was granted with the consent in writing of the chargee, as required by sub-section (1) of section 226, no tenancy exempt from registration granted by the chargor after the date of registration of the charge shall be binding on the purchaser unless, prior to the date of registration of the certificate of sale, the tenancy had become protected by an endorsement on the register document of title to the land pursuant to Chapter 7 of Part Eighteen.

(3) The provisions of sub-section (2) shall have effect in addition to those of sub-section (3) of section 213, under which, by virtue of the fact that he claims through the chargee, the purchaser will not be bound by any tenancy granted by the chargor before the date of

registration of the charge unless it had become protected by endorsement prior to that date.

267A. Application of deposit upon failure to settle purchase price etc..

Where the purchaser fails to settle the balance of the purchase price within the period specified in the order for sale under section 257 or 263, the deposit shall be forfeited and shall be applied by the chargee as follows:

- (a) firstly, in the payment of all moneys due specified in paragraphs (a) and (b) of sub-section (1) of section 268; and
- (b) secondly, in the payment of the balance if any, retained in the account of the chargor for the purpose of reducing the amount due to the chargee in the order of priority specified in paragraphs (c) , (d) and (e) of sub-section (1) of section 268.

[Ins. Act A1104]

268. Application of purchase money.

- (1) The purchase money arising on any sale under this Chapter shall be applied as follows-
 - (a) firstly, in the payment of rent to the State Authority or the lessor (according as the charge was a charge of land or of a lease) and, so far as no person other than the chargor was responsible therefor, any other outgoings payable to the State Authority or any local authority;
 - (b) secondly, in the payment of the expenses (as certified by the Registrar of the Court or Land Administrator, as the case may be) incurred in connection with the making and carrying into effect, of the order for sale;
 - (c) thirdly, in the payment to the chargee of the total amount due under the charge at the time of the sale;
 - (d) fourthly, in the case of a charge to secure the payment of an annuity or other periodic sum, in accordance with any provision for the satisfaction of payments subsequently falling due included therein pursuant to paragraph (b) of sub-section (2) of section 242; and
 - (e) fifthly, in the payment off of subsequent charges, if any, in the order of their priority.
- (2) The reference in paragraph (e) of sub-section (1) to the payment off of subsequent charges is a reference-
 - (a) in the case of a charge to secure the re-payment of a debt, or the payment of any sum other than a debt, to the payment to the chargee of the principal sum thereby secured (or so much thereof as is then outstanding) together with any interest then due, if any;
 - (b) in the case of a charge to secure the payment of an annuity or other periodic sum, to the payment to the chargee of all sums then due, and the giving effect to any provision for the satisfaction of payments subsequently falling due included therein as mentioned in paragraph (d) of sub-section (1).
- (3) The residue, if any, of the purchase money shall, subject to sub-section (3) of section 339, be paid to the chargor.

268A. Application of purchase money by chargee who is a financial institution.

(1) Upon receipt of the full payment of the purchase money of the sale, the chargee who is a financial institution shall immediately certify in writing to the Registrar of the Court or the Land Administrator, as the case may be, that the full payment has been received.

(2) The chargee shall apply the purchase money in the manner specified as follows:

(a) firstly, in the payment of the moneys due specified in paragraphs (a) and (b) of sub-section (1) of section 268 not later than fourteen days from the date of the receipt of the full purchase money of the sale; and

(b) secondly, in the payment of moneys due to the persons or bodies in the order of priority specified in paragraphs (c) , (d) and (e) of sub-section (1) of section 268 not later than twenty-one days after receipt of the full amount of the purchase money.

(3) A statement of accounts of the payments received and paid out as specified in sub-section (2) shall be submitted not later than thirty days after the receipt of the full purchase money to the Registrar of the Court or the Land Administrator, as the case may be.

[Ins. Act A1104]

269. Protection of purchasers.

(1) The receipt in writing of any officer of the Court or Land Administrator or in the case of a financial institution, chargee to whom any purchase money is paid on a sale under this Chapter shall be a sufficient discharge therefor to the purchaser; and the purchaser shall not be concerned to see to the application thereof, and shall not be liable for any loss occasioned by any failure to apply it in accordance with the provisions of section 268 or 268A, as the case may be.

[Am. Act A1104 - Prior text read - "(1) The receipt in writing of any officer of the Court or Land Administrator to whom any purchase money is paid on a sale under this Chapter shall be a sufficient discharge therefor to the purchaser; and the purchaser shall not be concerned to see to the application thereof, and shall not be liable for any loss occasioned by any failure to apply it in accordance with the provisions of section 268."]

(2) The sale of any lease under this Chapter shall not constitute a breach of any provision thereof, express or implied, restricting the right of the lessee to transfer the lease or otherwise part with the possession of the demised property.

(3) Notwithstanding anything contained in this Act or any other written law, the State Authority, any local authority, any chargor or purchaser who suffers any loss or damage by reason of any act, omission, neglect, error or default arising under this Chapter shall be entitled to such compensation as may be determined by the Court.

[Ins. Act A1104]

CHAPTER 4

REMEDIES OF CHARGEES: POSSESSION

LIMITED APPLICATION OF POWERS UNDER THIS CHAPTER

270. Limitation of powers to certain lands, and to first chargees only.

(1) The powers conferred by this Chapter-

(a) shall not be exercisable in relation to any land held under Land Office title or the corresponding form of qualified title;

(aa) shall not be exercisable in the case of any charge of an undivided share in alienated land; and

(b) shall, in the case of any town or village land not falling within paragraph (a), be exercisable only in so far as the land is not occupied by the chargor.

(2) Subject to sub-section (3), the said powers shall be exercisable by first chargees only.

(3) The Minister may, by order made on the recommendation of the National Land Council, provide in any State for the exercise of the said powers by second and subsequent chargees; and any such order may modify the provisions of this Chapter to such extent, and in such manner, as may appear to the Minister and the Council necessary or desirable for the purpose.

RIGHT TO POSSESSION

271. Power of chargee to take possession on any default by chargor.

(1) Subject to section 270, any chargee may, at any time when the chargor is in breach of any agreement on his part expressed or implied in the charge, enter into possession of the whole or any part of the charged land or, as the case may be, the land comprised in the charged lease-

(a) so far as it is subject to any lease or tenancy binding on him, by receiving the rent payable to the chargor thereunder; and

(b) so far as it is not so subject, by going into occupation thereof.

(2) The exercise of his powers under this section by a chargee of any lease shall not constitute a breach of any provision thereof, express or implied, restricting the right of the lessee to part with the possession of the demised property.

272. Procedure for taking possession.

(1) A chargee intending to enter into possession of any land pursuant to section 271 shall-

(a) where he is to do so by receiving the rent payable to the chargor under any lease or tenancy, serve a notice in Form 16J on the lessee or tenant, and a copy thereof on the chargor; and

(b) where he is to do so by going into occupation, serve a notice in Form 16K on the chargor.

(2) Upon the service of a notice in Form 16J on any lessee or tenant, there shall pass to the chargee all the rights, powers and remedies of the chargor with respect to the receipt and recovery of, and the giving of discharges for, the rent in question (including any amount due, but not paid, prior to the service of the notice).

(3) Where any chargor on whom a notice in Form 16K is served fails within the period specified in that behalf in the notice to admit, or secure the admission of, the chargee into occupation of the land in question, the chargee may apply to the Court for an order for possession in accordance with the provisions of any law for the time being in force relating to civil procedure.

273. Duration of right to possession.

(1) A chargee who has entered into possession of any land pursuant to section 271 may, without prejudice to his right to relinquish possession at any earlier time, remain in possession so long as the land continues subject to any liability under the charge.

(2) A chargee in possession of any land by occupation may remain in possession either by continuing in occupation or by exercising his power under section 275 to lease the land and receive the rent payable under the lease.

(3) A chargee in possession of any land by receipt of rent may, on the determination of the lease or tenancy under which the rent is payable, remain in possession either by receiving the rent payable under a new lease granted by him pursuant to section 275, or by going into occupation, or partly in one way and partly in the other.

EFFECTS OF TAKING POSSESSION

274. Position of chargee in possession.

(1) A chargee in possession of any land by occupation shall be entitled to manage the land and take all the profits thereof, but shall be liable to the chargor for any act whereby the capital value of the land is impaired or the chargor is otherwise put to any loss.

(2) Every chargee in possession, whether by occupation or by receipt of rent, shall be accountable to the chargor not only for all sums actually received by him, but also for any additional sums which he might reasonably have been expected to receive by the prudent exercise of his powers.

275. Power of chargee in possession to grant leases and accept surrenders.

(1) In the absence of any provision in the charge to the contrary, a chargee in possession of any land may, in the name of the chargor and on his behalf-

(a) lease the whole or any part thereof in accordance with the following provisions of this section; and

(b) for the purpose of granting any such lease, accept in accordance with those provisions the surrender of any existing lease or tenancy.

(2) Subject to sub-section (8), a chargee shall not have power under this section to grant building leases.

(3) Every lease granted under this section shall be for a term exceeding three years; and, subject to sub-section (8), no such lease shall be for a term exceeding fourteen years.

(4) The date of commencement of any such lease shall be the date on which it is granted or, where it is granted in respect of land subject to an existing lease or tenancy, the date immediately following the determination thereof.

(5) Every lease or surrender under this section shall be granted or effected in accordance with the appropriate provisions of Part Fifteen, and shall be treated for all the purposes of this Act as if it had been granted or effected under that Part.

(6) Subject to sub-section (8), no lease under this section shall contain any express agreements on the part of the chargor as lessor.

(7) A chargee shall notify the chargor of any lease or surrender under this section; and, on the grant of any lease, a chargee shall serve on the lessee a notice in Form 16J, and shall thereupon become entitled to all the rights, powers and remedies of the chargor with respect to the receipt and recovery of, and the giving of discharges for, the rent payable thereunder.

(8) Any chargor may, either in the instrument of charge or by subsequent agreement in writing, extend the powers conferred by this section so as to enable the chargee-

- (a) to grant building leases thereunder; or
- (b) to grant leases thereunder for terms exceeding fourteen years; or
- (c) to include in any lease so granted any express agreement or agreements on the part of the chargor as lessor.

(9) Nothing in this section, in any instrument of charge, or in any agreement between a chargor and chargee shall authorise any chargee to grant any lease which could not have been granted by his chargor.

276. Provisions as to notices by chargees to receive rents.

(1) Any notice in Form 16J lawfully served by any chargee pursuant to sub-section (2) of section 272 or sub-section (7) of section 275 shall continue in force, and be binding on the lessee or tenant on whom it is served and any subsequent transferee of the lease or tenancy in question, until it is-

- (a) withdrawn by the chargee; or
- (b) cancelled by the chargor on the grounds that the land comprised in the lease or tenancy has ceased to be subject to any liability under the charge; or
- (c) cancelled by any purchaser of the said land on a sale under Chapter 3.

(2) The service of any such notice by any chargee shall, in favour of the lessee or tenant on whom it is served and any subsequent transferee of the lease or tenancy in question, be presumed to have been lawful until it is otherwise held by the Court; and any receipt given by or on behalf of the chargee in respect of any payment made pursuant to the notice shall remain valid notwithstanding that the notice itself is subsequently held invalid.

(3) The cancellation of any such notice pursuant to paragraph (b) or (c) of sub-section (1) shall be effected by the service on the lessee or tenant for the time being of a notice in Form 16L or 16M, as appropriate.

EFFECTS OF TAKING POSSESSION APPLICATION OF RENTS AND PROFITS

277. Application of rents and profits by chargees in possession.

(1) The sums received by a chargee of land in possession of the whole or any part thereof under this Chapter shall, subject to any express provision with respect thereto in the instrument of charge, be applied by him as follows-

- (a) firstly, in discharge of the rent payable to the State Authority in respect of the charged land and, so far as no person other than the chargor is responsible therefor, any other outgoings payable in respect thereof to the State Authority or any local authority;

- (b) secondly, in payment of the premiums due under any policy of insurance effected pursuant to the instrument of charge in respect of any buildings on the charged land;
- (c) thirdly, in carrying out any repairs reasonably necessary for the preservation of any such building, and in taking any other action necessary to comply with any condition to which the said land is subject; and
- (d) fourthly, in payment of all sums due to him under the charge;

and the residue (if any) from time to time in his hands shall be paid to the chargor.

(2) The provisions of sub-section (1) shall apply to the sums received by a chargee of any lease subject to the necessary modifications and, in particular, as if-

- (a) in paragraph (a), for the reference to rent payable to the State Authority there were substituted a reference to rent payable by the chargor as lessee; and
- (b) in paragraph (c), for the reference to any condition to which the charged land is subject there were substituted a reference to any agreement contained expressly or by implication, in the lease.

CHAPTER 5

DISCHARGE

278. Discharge otherwise than by payment.

(1) Any chargee may, by an instrument in Form 16N discharge the land or lease to which his charge relates (or, if it relates to more lands or leases than one, all or any of them) from all further liability thereunder, and the discharge shall take effect as from the date on which the instrument is registered.

(2) In the absence of express provision therein to the contrary, no instrument of discharge shall release the chargor from his personal liability under the charge.

279. Discharge by payment to Registrar in cases of death, absence or disability.

(1) Any chargor may apply to the Registrar for relief under this section on the grounds that he is entitled to pay off the charge but-

- (a) the chargee is dead, or cannot be found within the Federation, or evades or refuses to accept payment thereof, or is under a legal disability, and
- (b) he is unable to trace any person or body authorised to receive payments on the chargee's behalf.

(2) Where the grounds specified in any such application, and the precise amount due under the charge, are established to his satisfaction, the Registrar shall authorise the chargor to deposit the amount in question with him; and upon the making of the deposit, the land or lease to which the charge relates shall be discharged from all liability thereunder.

(3) The receipt of the Registrar for any monies deposited with him under this section shall, as respects the personal liability of the chargor, be a sufficient discharge therefor; and any such monies-

- (a) shall be placed by the Registrar in the custody of such public officer as he may think proper;

- (b) may be claimed by the person or body entitled thereto at any time within six years of the date of deposit; and
- (c) if not so claimed, shall thereafter be paid into the Consolidated Fund of the State.

280. Memorialisation on discharge by payment.

Where any land or lease has become discharged from liability under any charge by payment to the Registrar under section 279, the registration of the charge shall be cancelled by the Registrar pursuant to section 314; and any chargor may apply to the Registrar pursuant to section 314; and any chargee may apply to the Registrar under that section for cancellation of the registration of the charge on the grounds that a discharge has been effected by payment to the chargee.

CHAPTER 6

LIENS

281. Creation and effect, of liens.

(1) Any proprietor or lessee for the time being may deposit with any other person or body, as security for a loan, his issue document of title or, as the case may be, duplicate lease; and that person or body-

- (a) may thereupon apply under Chapter 1 of Part Nineteen for the entry of a lien-holder's caveat; and
- (b) shall, upon the entry of such a caveat, become entitled to a lien over the land or lease.

(2) Where the holder of any lien has obtained judgment for the amount due to him thereunder, he shall be entitled to apply to the Court for, and obtain forthwith, an order for the sale of the land or lease.

(3) Any such application shall be made in accordance with any law for the time being in force relating to civil procedure; and the provisions of sections 257 to 259 and section 266 to 269 shall apply, *mutatis mutandis*, where any such application has been made as they apply where a chargee applies for an order under section 256.

(4) A lien-holder shall, on the written request of the proprietor or lessee, and within such reasonable period as is specified in the request, produce the issue document of title or duplicate lease at any Registry or Land Office so specified for any purpose for which it is required under any provision of this Act.

(5) The costs properly incurred by any lien-holder in complying with any such request shall be payable by the proprietor or lessee on demand.

(6) The provisions of sub-sections (2) to (5) shall apply to all liens, whether created before or after the commencement of this Act.

PART SEVENTEEN

EASEMENTS

CHAPTER 1

CREATION

282. Meaning of "easement".

(1) In this Act "easement" means any right granted by one proprietor to another, in his capacity as such and for the beneficial enjoyment of his land, in accordance with the following provisions of this Chapter.

(2) The rights capable of being granted as easements are those specified in section 283.

(3) The land for the benefit of which any easement is granted is in this Act referred to as "the dominant land", and the land of the proprietor by whom it is granted as "the servient land":

Provided that, where on the sub-division or partition of any land the benefit or burden of any easement ceases to be attached to, or binding upon, any portion, references in this Act to "the dominant land" or, as the case may be, "the servient land" shall thereafter be construed in relation to that easement as excluding the portion in question.

283. Rights able to be granted as easements.

(1) The rights capable of being granted as easements are, subject to sub-section (2)-

- (a) any right to do something in, over or upon the servient land; and
- (b) any right that something should not be so done.

(2) The said rights do not include-

- (a) any right to take anything from the servient land; or
- (b) any right to the exclusive possession of any part thereof:

Provided that nothing in paragraph (b) shall prevent the existence as an easement of any right involving the placing and maintaining in or upon the servient land of any installations or other works.

284. Necessity for express grant.

(1) No right in the nature of an easement shall be capable of being acquired by prescription (that is to say, by any presumption of a grant from long and uninterrupted user).

(2) Except as mentioned in sub-section (3) of section 286, no such right shall be capable of being acquired by implied grant.

285. Restrictions on power to grant.

(1) The power of a proprietor to grant easements under this Chapter shall be exercisable in any particular case subject to any prohibition or limitation imposed by this Act or any other written law for the time being in force, and to any restriction in interest to which his land is for the time being subject.

(2) No easement affecting the enjoyment of land which is subject to any lease, tenancy or charge shall be capable of being granted under this Chapter without the consent of the

person or body for the time being entitled to the benefit thereof; and such consent shall be signified in the instrument by which the easement is granted, as indicated in the Forms referred to in sub-section (1) of section 286.

(3) No cross-easements of support in respect of partywall may be granted by adjacent proprietors except in respect of a wall which stands on their common boundary and is certified by the Director of Survey and Mapping to do so.

286. Form, and effect, of grants.

(1) The grant of any easement under this Chapter shall be effected by an instrument in Form 17A or, in the case of the grant by adjacent proprietors of cross-easements of support in respect of any party wall, by an instrument in Form 17B, and the easement shall come into existence on the date on which the instrument is registered.

(2) Any such grant may, so far as the interest of the grantor permits, be either in perpetuity or for any terms of years.

(3) There shall be implied in every such grant the grant of all such ancillary rights as may be reasonably necessary for the full and effective enjoyment thereof.

(4) Any such grant may contain an agreement between the proprietors of the dominant and servient lands binding either or both to pay for, or contribute towards, the cost of constructing, maintaining or repairing any way, wall, drain or other installation or work forming the subject matter of the easement.

(5) Any such agreement, and any agreement in a grant for the making of periodic payments by way of consideration therefor, shall be binding on the proprietor by whom it is entered into in respect only of the period during which his proprietorship continues to subsist, and, in respect of any subsequent period, shall be binding on his successor in title for the time being.

287. Enjoyment of easements by lessees, tenants and chargees in possession.

(1) The benefit of any easement granted under this Chapter shall be enjoyed not only by the proprietor of the dominant land and his successors in title, but also by-

(a) any lessee or tenant thereof or, so far as the nature of the easement permits, of any part thereof, and

(b) any chargee for the time being in occupation thereof or, so far as the nature of the easements permits, of any such part.

(2) Any lessee, tenant or chargee entitled to the benefit or any easement by virtue of this section may take in his own name any proceedings necessary for its enforcement.

288. Special provisions as to easements of way.

Where any easement of way granted under this Chapter is described in the instrument of grant as a "right of foot-way" or "right of carriage-way", it shall, subject to any provision therein to the contrary, be construed as authorising any person for the time being entitled to the benefit thereof, or acting with the express or implied consent of any person or body

so entitled, to pass and re-pass over the servient land at all times, and for all purposes connected with the dominant land-

- (a) in the former case, without animals or vehicles, and
- (b) in the latter case, with or without animals or vehicles.

CHAPTER 2

RELEASE, EXTINGUISHMENT AND CANCELLATION

289. Release of easement by dominant proprietor.

(1) Subject to sub-section (3), any easement granted under this Chapter may be released at any time by the proprietor of the dominant land.

(2) Any such release shall be effected by an instrument in Form 17C, and the easement shall cease to exist on the date on which the instrument is registered.

(3) The consent of any lessee, tenant or chargee for the time being entitled to the benefit of any easement by virtue of section 287 shall be necessary for its release pursuant to this section, and any such consent shall be signified in the instrument of release, as indicated in Form 17C.

290. Extinguishment of easements by unity of title and possession.

Any easement granted under this Chapter shall be extinguished by operation of law if at any time thereafter all of the following conditions are satisfied-

- (a) the dominant land and the servient land are vested in the same proprietor;
- (b) no lessee, tenant or chargee is, by virtue of section 287, entitled to the benefit thereof; and
- (c) the servient land or, as the case may be, that part thereof the enjoyment of which is affected by the easement is neither subject to any lease or tenancy nor occupied by any chargee.

291. Cancellation of easements by Registrar.

The provisions of section 315 shall have effect for the purpose of enabling the Registrar to cancel the registration of any easement on any of the following grounds-

- (a) that it has been extinguished as mentioned in section 290;
- (b) that the term for which it was granted has expired, or any event on the occurrence of which it was expressed to determine has taken place;
- (c) that it has been abandoned; or
- (d) that it is obsolete, or impedes the reasonable use of the servient land, and that its cancellation will not injure any person entitled to the benefit thereof.

PART EIGHTEEN
REGISTRATION OF DEALINGS
CHAPTER 1

PRESENTATION OF INSTRUMENTS FOR REGISTRATION

292. Instruments capable of being registered, and method of presentation therefor.

(1) The following instruments may be registered under this Part, and may be presented to the Registrar for that purpose in accordance with the provisions of sub-section (2)-

- (a) any transfer under Part Fourteen of land, of an undivided share in land, or of any lease, sub-lease or charge;
- (b) any lease, sub-lease or surrender thereof under Part Fifteen;
- (c) any charge, discharge or instrument of postponement under Part Sixteen:
- (d) any certificate of sale under Part Sixteen; and
- (e) any instrument granting or releasing any easement under Part Seventeen.

(2) Any such instrument may be so presented either by lodging it at the Registry or, as the case may be, Land Office, or by despatching it to the Registrar by pre-paid post; and the time of presentation shall, in the case of any instrument presented by post, be taken as the time at which it is withdrawn from its cover in the Registry or Land Office.

(3) The Registrar shall note the time of presentation on any such instrument forthwith.

(4) The death of any person by or on behalf of whom any instrument of dealing has been executed shall not affect the validity thereof, and any such instrument may, accordingly, be presented for registration under this Part as if the death had not occurred.

293. Fees to accompany instruments so presented.

(1) Every instrument presented for registration under this Part shall be accompanied by-

- (a) the prescribed registration fee, and
- (b) if it is presented more than three months after the date thereof, a delayed registration fee calculated in accordance with the provisions of sub-section (2);

and, subject to paragraph (b) of sub-section (3), any instrument which is not so accompanied shall, instead of being entered in the Presentation Book pursuant to section 295, be returned forthwith to the person or body by whom it was presented.

(2) The amount of the delayed registration fee payable in respect of any instrument shall be the amount of the prescribed registration fee multiplied by the number of completed periods of three months which have elapsed since the date thereof:

Provided that the said fee shall not in any case exceed five times the amount of the prescribed registration fee.

(3) The Registrar may, if he is satisfied that good grounds exist for the delayed presentation of any instrument, or that it would for any other reason be just to do so-

- (a) refund, in whole or in part, any delayed registration fee tendered to him pursuant to this section, or
- (b) direct the entry of the instrument in the Presentation Book notwithstanding that it is not accompanied by any such fee, or by the full amount thereof;

and the giving of any direction under paragraph *(b)* shall constitute a waiver of the fee in question or, as the case may be, of the amount underpaid in respect thereof.

(4) No fee paid pursuant to this section shall be refunded otherwise than in the circumstances specified in paragraph *(a)* of sub-section (3); and where any instrument which has been withdrawn under section 296, or rejected in accordance with the provisions of Chapter 2 or Part Nineteen, is again presented for registration, no credit shall be given for any fee or fees paid on its previous presentation.

294. Documents to accompany instruments so presented.

(1) Every instrument presented for registration under this Part-

(a) shall consist of a single original duly stamped in accordance with the provisions of the Stamp Ordinance, 1949, and

(b) where it is a lease, sub-lease or charge, shall, subject to sub-section (4), be accompanied by a duplicate thereof, plainly marked as such, certified as a true copy of the original by one of the officers or other persons specified in the Fifth Schedule, and duly stamped in accordance with the said provisions.

(2) Subject to sub-section (4), every such instrument, in addition to being accompanied by any duplicate which may be required under paragraph *(b)* of sub-section (1), shall be accompanied by such of the documents required in connection with its registration as are specified in the following paragraphs-

(a) the document or documents on which, under section 306, a copy of the memorial of registration is required to be made;

(b) in the case of a surrender of any lease or sub-lease, or a discharge of any charge, the duplicate of that lease, sub-lease or charge; and

(c) in the case of any certificate of sale given under sub-section (3) of section 259, the duplicate of the charge for the breach of which the sale was effected.

(3) Subject to sub-section (4)-

(a) any instrument so presented which has been executed on behalf of any person or body under a power of attorney shall be accompanied by the supporting document or documents required by section 309; and

(b) any instrument so presented which has been executed by a management corporation under the powers conferred by section 47 of the Strata Titles, Act 1985 shall be accompanied by the certificate required by paragraph *(c)* of sub-section (3) of that section.

(4) The fact that any instrument is not accompanied by the documents required by this section shall not be a bar to its entry in the Presentation Book, but, as provided in Chapter 2, the instrument shall not be registered until the missing documents have been produced or, in the case of any of the documents specified in sub-section (2), their production has been dispensed with.

295. Entry of instruments in Presentation Book.

(1) The Registrar shall maintain a book, to be called the "Presentation Book", in which, subject to the provisions of section 293, there shall be entered a short description of every instrument presented for registration under this Part, together with the name and address of the person or body by whom it was presented and the time of presentation, as noted thereon pursuant to subsection (3) of section 292.

(2) The Presentation Book shall constitute conclusive evidence as to the time of presentation of any instrument entered therein.

(3) Any entry made in the Presentation Book pursuant to this section shall continue in force until the instrument to which it relates has been withdrawn under section 296, rejected in accordance with the provisions of Chapter 2 or Part Nineteen, or duly registered.

296. Withdrawal of instruments.

(1) Any instrument presented for registration under this Part may, at any time before its registration, be withdrawn by a notice served on the Registrar by the person or body by whom it was presented.

(2) A note shall be made in the Presentation Book of the withdrawal of any instrument pursuant to this section.

CHAPTER 2

PROCEDURE GENERALLY

297. Registrar to determine fitness for registration, and register if fit and accompanied by necessary documents.

Except in the case of any such instrument which is subsequently withdrawn under section 296, it shall be the duty of the Registrar to determine in accordance with the provisions of Chapter 3 the fitness for registration of every instrument entered in the Presentation Book, and-

(a) subject to Part Nineteen, if the instrument is fit for registration, and accompanied by the documents required by section 294, to register it in the manner provided in Chapter 4;

(b) if the instrument is not fit, or is not accompanied by the necessary documents, to proceed in accordance with the provisions of section 298 or 299, as appropriate.

298. Rejected or suspension for unfitness, or absence of certain documents.

(1) Where any instrument is not fit for registration, the registrar shall reject it forthwith unless the unfitness consists solely of some formal defect or clerical error.

(2) Where any instrument-

(a) is unfit for registration solely by reason of a formal defect or clerical error, or

(b) being a lease, sub-lease or charge, is not accompanied by a duplicate thereof as required by paragraph (b) of sub-section (1) of section 294, or



(c) being an instrument to which paragraph (a) or (b) of sub-section (3) of that section applies, is not accompanied by the document or documents required by that paragraph,

the Registrar shall suspend the registration thereof for such period, not exceeding fourteen days, as he may consider necessary for enabling the defect or error to be rectified or, as the case may be, the document or documents in question to be produced, and, at the expiry of that period, shall register or reject the instrument as appropriate.

(3) On suspending the registration of any instrument pursuant to sub-section (2), the Registrar shall give notice thereof to the person or body by whom the instrument was presented, specifying therein the period of the suspension and the reasons therefor.

(4) On rejecting any instrument pursuant to sub-section (1) or (2), the Registrar shall mark it with the word "Rejected", return it to the person or body by whom it was presented together with a note of the reasons therefor, and cause a note of the rejection to be made in the Presentation Book.

299. Procedure in absence of other documents.

(1) Where any instrument is fit for registration, but is not accompanied by any document required to be submitted therewith by sub-section (2) of section 294, the Registrar shall make such enquiries with respect to the missing document, and take such action for securing its production, as he may consider appropriate in the circumstances of the case, and thereafter-

(a) if the document is produced, or he is satisfied that its production ought to be dispensed with, register the instrument;

(b) in any other case, reject it.

(2) The provisions of sub-section (4) of section 298 shall apply on the rejection of any instrument pursuant to this section as they apply in cases of rejection under that section.

300. Instruments to be dealt with in order of presentation.

(1) The Registrar shall not register, reject or suspend any instrument until-

(a) every instrument presented prior thereto, and affecting the same land or interest, has been either registered, rejected or withdrawn; and

(b) he has given effect to, or rejected, any prior application under Chapter 7 for the endorsement on the same register document of title of any tenancy exempt from registration.

(2) Where, by virtue of sub-section (2) of section 292, two or more instruments affecting the same land or interest are to be taken as having been presented at the same moment of time, they shall be treated for the purposes of this section as having been presented in such order as the Registrar may determine, being the order which, in his opinion, will best give effect to the intention of the parties.

CHAPTER 3

DETERMINATION OF FITNESS FOR REGISTRATION

301. When an instrument is fit for registration.

An instrument shall be fit for registration under this Part if, but only if, the following conditions are satisfied-

- (a) that it is one of the classes of instrument set out in sub-section (1) of section 292 as authorised to be so registered;
- (b) that it complies with-
 - (i) the provisions of Part Thirteen as to the form, content, execution and attestation of instruments of dealing generally, and the persons and bodies capable of taking thereunder, and
 - (ii) the provisions of Parts Fourteen to Seventeen with respect to instruments of the particular class in question;
- (c) that the dealing which it effects is not contrary to any prohibition or limitation imposed by this Act or any other written law for the time being in force, or to any restriction in interest to which the land in question is for the time being subject;
- (d) that it does not declare or, except as permitted by section 344, disclose the existence of any trust; and
- (e) that it is duly stamped in accordance with the provisions of the Stamp Act, 1949;

Provided that where a certificate of sale has been given to a purchaser in respect of any charged land or lease under sub-section (3) of section 259 or sub-section (4) of section 265, any requirement to obtain the consent of the State Authority relating to the restriction in interest to such land or lease in question shall not be applicable.

[Proviso inserted by Act A1104]

301A. Rents to be paid before presentation.

Any instrument which has been entered in the Presentation Book pursuant to section 295 shall not be registered if any rent due in respect of the land and, where applicable, any levy payable under sub-section (2) of section 433B have not been paid at the time of presentation.

[Am. Act A832, A941]

302. Enquiries, etc., by Registrar.

(1) Subject to sub-section (2), the Registrar may make such enquiries, and require the production of such evidence, oral or documentary, as he may consider necessary or desirable for the purpose of determining the fitness of any instrument for registration under this Part.

(2) The powers conferred by this section shall be exercisable subject to the limitations imposed by section 303 and, in the case of any instrument executed under a power of attorney, paragraph (b) of section 311.

303. Limitations on Registrar's powers.

The powers of the Registrar under section 302 shall be subject to the following limitations-

- (a) he shall not be concerned to enquire whether any transfer of a lease, or grant or transfer of a sub-lease, constitutes a breach of any agreement against assignment or sub-letting;
- (b) in the case of any lease, sub-lease or surrender granted or accepted under section 275 by a chargee in possession of any land, he shall not be concerned to enquire whether the chargee was rightfully in possession;
- (c) he shall not enquire into the validity of any certificate of sale issued by an officer of the Court under sub-section (3) of section 259; and
- (d) in the case of any dealing effected by a person or body who is registered as trustee or representative, or by the Official Assignee in his capacity as such, he shall not be concerned to enquire whether the dealing is consistent with the trusts by which the land or interest in question is affected or contrary to any prohibition or limitation in the instrument creating the trusts.

CHAPTER 4

MANNER OF REGISTRATION

304. How instruments to be registered, and time from which registration effective.

- (1) The registration of any instrument under this Part shall be effected by the Registrar in accordance with the following provisions of this section, and the time and date thereof shall be taken for all the purposes of this Act as the time and date of its presentation under Chapter 1.
- (2) The Registrar shall register any instrument by-
 - (a) making on the register document of title to the land to which, or a share or interest in which, it relates a memorial under his hand and seal in the terms set out in sub-section (3); and
 - (b) on the instrument itself, completing under his hand and seal that part of the Heading included therein pursuant to sub-section (2) of section 207 which is shown as reserved for Registry use.
- (3) The memorial required by paragraph (a) of sub-section (2) shall consist of a short description of the nature and effect of the instrument (naming the parties thereto), together with a statement of its number in the Presentation Book, the reference under which it is to be filed, and the time and date from which the registration is effective.
- (4) Every memorial of registration made pursuant to this section shall be conclusive evidence of the registration to which it refers and the effective time and date thereof.
- (5) The reference in paragraph (a) of sub-section (2) to the land which any instrument relates shall, in the case of an instrument granting or releasing any easement, be construed as a reference to both the dominant land and the servient land.
- (6) Where, on the registration of any instrument transferring a lease, or granting or transferring a sub-lease, evidence is furnished to him that the lessor or, as the case may be, sub-lessor has consented thereto, the Registrar may include a statement to that effect in the memorial of registration.

305. Other action by Registrar in connection with registration.

(1) Subject to sub-section (3), the Registrar shall, on completing the registration of any instrument in accordance with the provisions of section 304-

- (a) file the instrument;
- (b) make a copy of the memorial of registration on the document or documents specified in section 306 in relation to instruments of the class in question;
- (c) cancel-
 - (i) any memorial relating to a dealing which, by virtue of the registration, has ceased to be effective; and
 - (iii) if he is able to secure its production, any copy of the memorial on the document or documents referred to in paragraph (b);
- (ca) record the total amount of undivided shares of a coproprietor;
- (d) if the instrument is one to which the provisions of section 307 apply, make any additional endorsements or other entries required by those provisions; and
- (e) return to the person or body from whom it was obtained every issue document of title and duplicate lease, sub-lease or charge presented or produced lease, sub-lease or charge presented or produced in connection with the registration.

(2) The Registrar shall sign and seal every copy memorial and endorsement made by him pursuant to paragraph (b) or (d) of sub-section (1).

(3) Where, under section 299, the Registrar has dispensed with the production of any document with respect to which any action is required to be taken by sub-section (1), he may take that action at any subsequent time when the document in question may come into his hands.

306. Documents on which copy memorials to be made pursuant to section 305.

The document or documents on which a copy of any memorial of registration is to be made pursuant to paragraph (b) of sub-section (1) of section 305 shall be as follows-

- (a) in the case of-
 - (i) a transfer of any land or undivided share therein,
 - (ii) any lease or surrender of a lease,
 - (iii) any charge of land or discharge of such a charge, and
 - (iv) a certificate of sale of any land,the issue document of title to the land in question;
- (b) in the case of a grant or release of any easement, the issue documents of title to both the dominant land and the servient land,
- (c) in the case of any of the following dealings, the appropriate duplicate instrument or instruments, that is to say-
 - (i) in the case of a transfer or charge of any lease, a discharge of such a charge, or a certificate of sale of any lease, the duplicate lease;
 - (ii) in the case of any sub-lease or surrender thereof, the duplicate of the superior lease or sub-lease;

- (iii) in the case of a transfer or charge of any sub-lease, a discharge of such a charge, or a certificate of sale of any sub-lease, the duplicate sub-lease; and
 - (iv) in the case of a transfer of any charge, or its postponement to any other charge, the duplicate charge or, as the case may be, charges; and
- (d) in the case of a charge of an undivided share in land effected by virtue of sub-section (6) of section 343, or a discharge of such charge, the copy of the issue document of title issued to the co-proprietor under sub-section (3) of section 343 (in addition to the issue document of title to the land in question under paragraph (a)).

307. Additional endorsements to be made pursuant to section 305.

- (1) The additional endorsements and other entries referred to in paragraph (d) of sub-section (1) of section 305 are those specified in the following provisions of this section.
- (2) In the case of any lease, sub-lease or charge, the Registrar shall complete the duplicate thereof in the like manner as that required in respect of the original by paragraph (b) of sub-section (2) of section 304.
- (3) In the case of a surrender of any lease or sub-lease, the Registrar shall-
- (a) endorse the original lease or sub-lease and its duplicate with the word "Cancelled", together with a note of the reference under which the instrument of surrender is filed; and
 - (b) where the interest surrendered was itself subject to a sub-lease, endorse a reference to the sub-lease against the copy of the memorial of surrender, together with a statement to the effect that the sublease is preserved by virtue of sub-section (5) of section 239.
- (4) In the case of a discharge of any charge, the Registrar shall endorse the original charge and its duplicate with a statement that the land or interest to which the charge relates has been discharged, together with a note of the reference under which the instrument of discharge is filed.
- (5) In the case of a certificate of sale, the Registrar shall endorse the original and duplicate of the charge for the breach of which the sale was effected with a statement that the land or interest to which the charge relates has been discharged, together with a note of the reference under which the certificate of sale is filed.

308. Additional procedure where sale by chargee extinguishes subsequent charges.

Where, by virtue of sub-section (1) of section 267, the effect of registering any certificate of sale is to extinguish not only the charge for breach of which the sale was effected but also one or more charges subsequent thereto, the Registrar shall, in the case of each such subsequent charge (and in addition to cancelling the memorial and copy memorial thereof, as required by paragraph (c) of sub-section (1) of section 305) endorse the original and, if able to secure its production, the duplicate thereof in the like manner as that provided by sub-section (5) of section 307 with respect to the original and duplicate of the first mentioned charge.

CHAPTER 5
POWERS OF ATTORNEY

309. Documents to accompany instruments executed under power of attorney.

(1) Where any instrument presented for registration under this Part has been executed on behalf of any person or body under a power of attorney, it shall be accompanied by-

- (a) an office copy thereof within the meaning of section 10 of the Powers of Attorney Ordinance, 64 of 1949, or, in the case of a power to which sub-section (4) of section of that Ordinance applies; the original thereof; and
- (b) subject to sub-section (2), a copy thereof for retention by the Registrar.

(2) Where a copy of any power of attorney has once been delivered to the Registrar pursuant to paragraph (b) of sub-section (1), and filed by him in accordance with section 310, it shall not be necessary to send a further copy under that paragraph with any instrument subsequently executed under the same power.

(3) The references in sub-section (2) to paragraph (b) of sub-section (1), and section 310, shall be construed as including references to the corresponding provisions of any previous land law.

310. Procedure in respect of instruments so executed.

(1) Where, pursuant to paragraph (b) of sub-section (1) of section 309, any instrument to which that section applies is accompanied by a copy of a power of attorney for the Registrar's retention, the Registrar shall-

- (a) compare that copy with the office copy or, as the case may be, original power of attorney sent pursuant to paragraph (a) of that sub-section, and
- (b) on registering the instrument-
 - (i) file the compared copy;
 - (ii) note the existence of the compared copy, and the reference under which it is filed, both on the instrument and on the office copy or original power of attorney; and
 - (iii) return the office copy or original power of attorney to the person or body by whom it was sent.

(2) Where, in the case of any instrument to which section 309 applies, a copy of any power of attorney has, as mentioned in sub-section (2) of that section, been filed by him on some previous occasion, the Registrar shall-

- (a) on registering the instrument, note thereon the existence of that copy, and the reference under which it is filed; and
- (b) in any case where the instrument was accompanied by an office copy not previously submitted to him, make a like note thereon before returning it to the sender.

311. Enquiries, etc., by Registrar.

In determining the fitness for registration of any instrument to which section 309 applies, the Registrar-

- (a) may, without prejudice to the generality of his powers under section 302, require from the attorney or his principal a statutory declaration, or other evidence upon oath or affirmation, that the power of attorney was, at the material time, still in force; but
- (b) shall not, in the exercise of those powers, require proof of the due execution of any power of attorney where the document delivered to him pursuant to paragraph (a) of sub-section (1) of the said section 309 was an office copy thereof.

CHAPTER 6

CANCELLATION OF REGISTRATION

312. Summary of Registrar's powers of cancellation.

- (1) The powers of cancellation conferred on the Registrar by this Chapter shall be in addition to those conferred on him by paragraph (c) of sub-section (1) of section 305 with respect to dealings which have ceased to be effective by reason of the registration of some subsequent instrument.
- (2) The registration of instruments of dealing may also be cancelled by the Registrar pursuant to his powers under section 381 with respect to obsolete entries generally, but only in cases not provided for by this Chapter or the said paragraph (c).

313. Cancellation of leases and sub-leases on determination otherwise than by surrender.

- (1) The Registrar may cancel in accordance with the following provisions of this section the memorial of registration of any lease or sub-lease which has been determined by-
 - (a) the expiry of the term thereof;
 - (b) the giving of notice thereunder;
 - (c) the happening of any other event upon which it is expressed to determine; or
 - (d) its forfeiture pursuant to Chapter 3 of Part Fifteen.
- (2) The Registrar may, in a case falling within paragraph (a) of sub-section (1), cancel the memorial of his own motion, but shall not in any other case exercise his powers under this section except upon an application in that behalf by the proprietor of the land formerly affected by the lease or, as the case may be, the person or body for the time being entitled to the interest out of which the sub-lease was granted.
- (3) Any application under this section-
 - (a) shall be in Form 18A;
 - (b) shall be accompanied by the document containing the copy of the memorial of registration or, where not so accompanied, by a statement of the reason therefor; and
 - (c) shall be supported, except in a case falling within paragraph (a) of sub-section (1), by such evidence of the determination as the Registrar may require.
- (4) On cancelling any memorial of registration pursuant to this section, the Registrar shall-
 - (a) endorse against it a note of the date of the cancellation and the reason therefor; and
 - (b) cancel also, and endorse a like note on, the original lease or sub-lease.
- (5) The Registrar shall also, wherever possible, cancel, and make the like endorsements with respect to, the copy memorial of registration and the duplicate lease or sub-lease, and shall

accordingly, as soon as may be after complying with sub-section (4), take such action as may be appropriate for securing the production of the said duplicate and, if not already in his hands, the document containing the said copy memorial.

(6) Every endorsement made under sub-section (4) or (5) shall be signed and sealed.

314. Cancellation of charges discharged by payment.

(1) The Registrar-

(a) shall cancel in accordance with the following provisions of this section the memorial of registration of any charge which has been discharged by payment to him under section 279; and

(b) may, on the application of any proprietor, lessee or sub-lessee, cancel in accordance with those provisions the memorial of registration of any charge alleged therein to have been discharged by payment to the chargee.

(2) Any application under paragraph (b) of sub-section (1)-

(a) shall be in Form 18B;

(b) shall be accompanied by the document containing the copy of the memorial or, where not so accompanied, by a statement of the reason therefor; and

(c) shall either be accompanied by a certificate of payment in Form 18C or be supported by such evidence as the Registrar may require to satisfy himself that all sums secured by the charge have been duly paid.

(3) On cancelling any memorial of registration pursuant to this section, the Registrar shall endorse against it, and on the original charge, a statement that the land or interest to which the charge relates has been discharged by payment.

(4) The Registrar shall also, wherever possible, cancel the copy memorial of registration, and make the like endorsements against it and on the duplicate charge, and shall accordingly, as soon as may be after complying with sub-section (3), take such action as may be appropriate for securing the production of the said duplicate and, if not already in his hands, the document containing the said copy memorial.

(5) The cancelling of any memorial pursuant to this section shall not affect any personal liability of the chargor under the charge in question.

(6) All endorsements made under this section shall be signed, sealed and dated.

315. Cancellation of easements where extinguished by merger, time-expired, obsolete, etc.

(1) The Registrar may, in accordance with the following provisions of this section, cancel the memorials of registration of any easement on any of the following grounds-

(a) that it has been extinguished by merger of the dominant and servient lands, as mentioned in section 290;

(b) that any term for which it was granted has expired;

(c) that any event upon which it was expressed to determine has occurred;

(d) that it has been abandoned;

- (e) that it is obsolete, or impedes the reasonable use of the servient land, and that its cancellation will not injure any person entitled to the benefit thereof.
- (2) The Registrar may, in a case falling within paragraph (a) or (b) of sub-section (1), cancel the memorials of his own motion, but shall not in any other case exercise his powers under this section except upon an application by the proprietor of the servient land.
- (3) Any application under this section-
- (a) shall be in Form 18D;
 - (b) shall be accompanied by the issue document of title to the servient land or, where not so accompanied, by a statement of the reason therefor; and
 - (c) shall be supported, except in a case falling within paragraph (b) of sub-section (1), by such evidence as the Registrar may require of the grounds for cancellation alleged therein.
- (4) Where the grounds alleged in any such application are those specified in paragraph (d) or (e) of sub-section (1), the Registrar shall give notice of the application to the proprietor of the dominant land; and if, within the period of one month beginning with the date on which the notice is served on him, the proprietor of the dominant land objects to the cancellation, the Registrar shall not effect any cancellation until he has held an enquiry under Chapter 4 of Part Two.
- (5) On cancelling any memorials of registration pursuant to this section, the Registrar shall-
- (a) endorse against them a note of the date of the cancellation and the reason therefor; and
 - (b) cancel also, and endorse a like note on, the instrument by which the easement was granted.
- (6) The Registrar shall also, wherever possible, cancel, and make the like endorsements against, the copy memorials of registration, and shall accordingly, as soon as may be after complying with sub-section (5), take such action as may be appropriate for securing the production of the issue document of title to the dominant land and, if not already in his hands, the issue document of title to the servient land.
- (7) Every endorsement made under sub-section (5) or (6) shall be signed and sealed.

CHAPTER 7

ENDORSEMENT OF EXEMPT TENANCIES

316. Applications for endorsement.

- (1) Any person or body claiming to be entitled to the benefit of a tenancy exempt from registration may, for the purpose of protecting his rights thereunder against subsequent dealings, as mentioned in section 213, apply to the Registrar under this section for the endorsement of his claim on the register document of title to the land thereby affected.
- (2) Any such application-
- (a) where the tenancy claimed relates to a part only of the land comprised in the title in question, shall be accompanied by a plan and description sufficient to enable the part to be accurately identified;

(b) where, by virtue of section 226, the grant of the tenancy required the consent in writing of any chargee, shall be accompanied by that consent.

(3) Where any such application is made to the Registrar by post, it shall be treated for the purposes of this Act as having been received by him at the time at which it is withdrawn from its cover in the Registry or, as the case may be, Land Office.

317. Procedure on application.

(1) On receiving any application under section 316, the Registrar shall-

(a) note thereon the time at which it was received;

(b) make a note of the application, and the time of its receipt, in the Presentation Book; and

(c) subject to sub-sections (2) and (3) and Part Nineteen, give effect thereto by endorsing the register document of title with the words "Exempt tenancy claimed", together with a statement of the time from which the endorsement is effective (being the time of receipt of the application, as noted in the Presentation Book) and of the reference under which the application is to be filed.

(2) The Registrar shall not deal with any such application until he has finally disposed of every instrument of dealing or like application presented or received prior thereto and relating to the same register document of title.

(3) The Registrar shall reject to any such application if-

(a) by virtue of sub-section (3) of section 213 or subsection (2) of section 267 (including the said subsection (2) as applied by sub-section (3) of section 281) the tenancy claimed has already been defeated by the registration of a transfer of, or certificate of sale relating to, the reversion expectant thereon; or

(b) the applicant is unable to produce any chargee's consent necessary as mentioned in paragraph (b) of sub-section (2) of section 316.

(4) On rejecting any such application the Registrar shall return it to the applicant and note the rejection in the Presentation Book.

(5) The Registrar shall not, except as provided by sub-section (3), be concerned to enquire into the validity of any claim to the benefit of a tenancy exempt from registration, and the endorsement of any such claim pursuant to this section shall not be taken as confirming its validity in any respect.

(6) Every endorsement made under paragraph (c) of sub-section (1) shall be signed and sealed.

318. Cancellation of endorsement.

(1) The Registrar shall cancel any endorsement made pursuant to section 317 if-

(a) ordered to do so by the Court, or

(b) satisfied that the tenancy to which it relates has determined.

(2) The Registrar may, in the case of any tenancy which has determined by passage of time, cancel the endorsement of his own motion, but shall not do so in any other case except

upon an application in that behalf by the proprietor of the land formerly affected by the tenancy or, as the case may be, the person or body for the time being entitled to the interest out of which the tenancy was granted.

(3) On cancelling an endorsement in pursuance of this section, the Registrar shall endorse against the cancelled endorsement a note of the date of cancellation and the reason therefor.

(4) Every endorsement made under sub-section (3) shall be signed and sealed.

PART NINETEEN
RESTRAINTS ON DEALING
CHAPTER 1
CAVEATS
REGISTRAR'S CAVEATS

319. Nature and effect of Registrar's caveats.

(1) A caveat under this section shall be known as a "Registrar's caveat", and-

- (a) may be entered by the Registrar on the register document of title to any land in any of the circumstances specified in section 320;
- (b) subject to sub-section (3), shall, so long as it continues in force, have the effect of prohibiting the registration, endorsement or entry on that document of-
 - (i) any instrument of dealing;
 - (ii) any claim to the benefit of a tenancy exempt from registration; and
 - (iii) any lien-holder's caveat.

(2) The prohibition imposed by a Registrar's caveat shall apply to any such instrument notwithstanding that it was presented for registration before the caveat was entered, and to any such claim or lien-holder's caveat notwithstanding that the application for its endorsement or entry was received before that time.

(3) The Registrar may waive the said prohibition in any case where he is satisfied that to do so would not be inconsistent with the purpose for which the caveat was entered, but, in any case, shall reject the instrument or, as the case may be, the application for endorsement or entry.

(4) On rejecting any instrument or application for endorsement pursuant to this section, the Registrar shall take the like steps as if he had rejected it pursuant to section 298 or, as the case may be, 317.

320. Circumstances in which Registrar's caveats may be entered.

(1) Subject to sub-section (2), a Registrar's caveat may be entered in respect of any land wherever such appears to the Registrar to be necessary or desirable-

- (a) for the prevention of fraud or improper dealing; or
- (b) for protecting the interests of-
 - (i) the Federation or the State Authority, or

- (ii) any person who is in his opinion under the disability of minority, mental disorder or unsoundness of mind, or is shown to his satisfaction to be absent from the Federation; or
 - (ba) for securing that the land will be available to satisfy the whole or part of any debt due to the Federation or the State Authority, whether such debt is secured or unsecured and whether or not judgment thereon has been obtained; or
 - (c) by reason of some error appearing to him to have been made in the register or issue document of title to the land or any other instrument relating thereto.
- (2) Knowledge by the Registrar of the fact that any land or interest therein has been acquired, or is to be held, by any person or body in a fiduciary capacity shall not of itself constitute a ground for entering a Registrar's caveat in respect of that land.

321. Procedure with respect to Registrar's caveats and duration thereof.

(1) A Registrar's caveat shall be in Form 19F and the entry of a Registrar's caveat on any document of title shall be effected by the endorsement thereon, under the hand and seal of the Registrar, of the words "Registrar's Caveat Entered", together with a statement of the time of entry.

(2) As soon as may be after the entry of any such caveat, the Registrar shall serve upon the proprietor of the land and any person or body having a registered interest in the land thereby affected a notification in Form 19A.

[Am. Act A1104 - Prior text read - "(2) As soon as may be after the entry of any such caveat, the Registrar shall serve upon the proprietor of the land thereby affected a notification in Form 19A."]

(3) A Registrar's caveat shall continue in force until it is cancelled by the Registrar-

- (a) of his own motion; or
- (b) on an application in that behalf by the proprietor of the land affected; or
- (c) pursuant to any order of the Court made on an appeal under section 418 against his decision to enter the caveat, or his refusal of any application for its cancellation under paragraph (b).

(4) Where the Registrar effects a cancellation under sub-section (3), the Registrar-

- (a) if he is acting under paragraph (a) of that sub-section shall notify the proprietor of the land and any person or body having a registered interest in the land affected; and

[Am. Act A1104 - Prior text read - "(a) if he is acting under paragraph (a) of that sub-section shall notify the proprietor of the land affected; and"]

- (b) in all cases, shall make a note under his hand and seal of the date of the cancellation.

PRIVATE CAVEATS

322. Nature and effect of private caveats.

(1) A caveat under this section shall be known as a "private caveat", and-

- (a) may be entered by the Registrar on the register document of title to any land at the instance of any of the persons or bodies specified in section 323;

(b) shall have the effect specified in sub-section (2) or (3), according as it is expressed to bind the land itself or an undivided share in the land or merely a particular interest therein.

[Am. Act A1104 - Prior text read - "(b) shall have the effect specified in sub-section (2) or (3), according as it is expressed to bind the land itself or merely a particular interest therein: Provided that such a caveat shall not be capable of being entered in respect of a part of the land."]

(2) The effect of any private caveat expressed to bind the land itself or an undivided share in the land shall, subject to sub-sections (4) and (5), be to prohibit so long as it continues in force the registration, endorsement or entry on the register document of title thereto of-

[Am. Act A1104 - Prior text read - "(2) The effect of any private caveat expressed to bind the land itself shall, subject to sub-sections (4) and (5), be to prohibit so long as it continues in force the registration, endorsement or entry on the register document of title thereto of-"]

- (a) any instrument of dealing executed by or on behalf of the proprietor thereof, and any certificate of sale relating thereto;
- (b) any claim to the benefit of any tenancy exempt from registration granted by the said proprietor; and
- (c) any lien-holder's caveat in respect thereof;

Provided that where the claim is in respect of a part of the land, the caveat binds the whole land and where the claim is in respect of an undivided share in the land, the caveat binds the whole of the undivided share in the land.

[Proviso inserted by Act A1104]

(3) The effect of any private caveat expressed to bind a particular interest only shall, subject to sub-sections (4) and (5), be to prohibit the registration, endorsement or entry on the register document of title of-

- (a) any instrument of dealing directly affecting that interest (including any certificate of sale relating thereto); and
- (b) where that interest is a lease or sub-lease-
 - (i) any claim to the benefit of any tenancy exempt from registration granted directly thereout, and
 - (ii) any lien-holder's caveat in respect thereof.

(4) A private caveat shall not prohibit the registration, endorsement or entry of any instrument, claim or lien-holder's caveat where the instrument was presented, or the application for endorsement or entry received, prior to the time from which the private caveat takes effect.

(5) A private caveat shall not prohibit the registration or endorsement of any instrument or claim where-

- (a) the instrument was presented or the application for endorsement made by the person or body at whose instance the caveat was entered; or

(b) the said instrument or application was accompanied by the consent in writing of that person or body to its registration or, as the case may be, to the making of the endorsement.

(5A) No consent of the person or body at whose instance a private caveat has been entered on a part of the land, an undivided share in the land or a particular interest therein is necessary to effect any registration, endorsement or entry of any instrument on the register document of title not affecting the claim relating to that part of the land, undivided share in the land or interest therein.

[Ins. Act A1104]

(6) Where the registration of any instrument, or the endorsement or entry of any claim or lien-holder's caveat is prohibited by any private caveat, the Registrar shall reject the instrument or, as the case may be, application for endorsement or entry.

(7) On rejecting any instrument or application for endorsement pursuant to this section, the Registrar shall take the like steps as if he had rejected it pursuant to section 298 or, as the case may be, 317.

323. Applications for entry of private caveats.

(1) The persons and bodies at whose instance a private caveat may be entered are-

(a) any person or body claiming title to, or any registrable interest in, any alienated land or undivided share in any alienated land or any right to such title or interest;

[Am. Act A1104 - Prior text read - "(a) any person or body claiming title to, or any registrable interest in, any alienated land or any right to such title or interest;"]

(b) any person or body claiming to be beneficially entitled under any trust affecting any such land or interest; and

(c) the guardian or next friend of any minor claiming to be entitled as mentioned in paragraph (b)

(2) Any such person or body wishing to apply for the entry of such a caveat shall do so in Form 19B and such application shall be attested in accordance with the provisions of section 211 and shall state therein the nature of the claim on which his application is based, and whether the caveat is to be expressed to bind the land itself or an undivided share in the land or a particular interest only.

[Am. Act A1104 - Prior text read - "(2) Any such person or body wishing to apply for the entry of such a caveat shall do so in Form 19B and such application shall be attested in accordance with the provisions of section 211 and shall state therein the nature of the claim on which his application is based, and whether the caveat is to be expressed to bind the land itself or a particular interest only."]

(3) Any application under this section shall be accompanied by-

(a) the prescribed fee;

(b) the grounds giving rise to the claim thereto, verified by a statutory declaration by the applicant or his advocate and solicitor; and

(c) if relating to a part of the land, a description or a plan of the land affected, and if relating to an undivided share in the land or a part thereof, a description, which is sufficient for identification.

[Subs. Act A1104 - Prior text read - "(3) Any application under this section shall be accompanied by the prescribed fee and, so far as it sets out the claim giving rise thereto, be verified by a statutory declaration by the applicant or his advocate and solicitor."]

324. Procedure on applications.

(1) The Registrar shall note on any application under section 323 the time at which it was received (being, in the case of any application sent by post, the time at which it was withdrawn from its cover in the Registry or, as the case may be, Land Office) and, subject to sub-section (2) of section 329, shall as soon as may be thereafter (and without being concerned to enquire into the validity of the claim on which it is based) give effect thereto by entering the caveat applied for in the manner provided by subsection (2).

(2) The entry of any private caveat shall be effected by the endorsement on the register document of title, under the hand and seal of the Registrar, of the words "Private Caveat", together with a statement specifying-

(a) whether the caveat binds the land itself or an undivided share in the land, or a particular interest therein only

[Am. Act A1104 - Prior text read - "(a) whether the caveat binds the land itself, or a particular interest therein only; "]

(b) the person or body on whose application it was entered;

(c) the time from which it is effective (being the time of receipt of the application, as noted thereon pursuant to of sub-section (1)); and

(d) the reference under which the application is filed.

(3) As soon as may be after the entry of any such caveat, the Registrar shall serve a notification in Form 19A upon the proprietor of the land or an undivided share in the land bound thereby or, in the case of a caveat binding a particular interest only, upon the person or body in whom that interest is for the time being vested.

[Am. Act A1104 - Prior text read - "(3) As soon as may be after the entry of any such caveat, the Registrar shall serve a notification in Form 19A upon the proprietor of the land bound thereby or, in the case of a caveat binding a particular interest only, upon the person or body in whom that interest is for the time being vested."]

325. Withdrawal of private caveats.

(1) A private caveat may be withdrawn at any time by a notice in Form 19G accompanied by the prescribed fee and presented to the Registrar by the person or body at whose instance it was entered, or by the personal representatives of any such person.

(2) On receiving any notice of withdrawal under this section, the Registrar shall-

(a) cancel the entry of the caveat in the register document of title, noting thereon the reason for the cancellation and the date thereof; and

- (b) give notice of the withdrawal to the person or body in whom the land or an undivided share in the land or interest formerly bound by the caveat is for the time being vested.

[Am. Act A1104 - Prior text read - "(b) give notice of the withdrawal to the person or body in whom the land or interest formerly bound by the caveat is for the time being vested."]

(3) Every cancellation under paragraph (a) of sub-section (2) shall be signed and sealed.

326. Removal of private caveats by Registrar.

(1) Any person or body whose land or interest is bound by a private caveat may at any time apply in Form 19H to the Registrar for its removal, and such application shall be accompanied by the prescribed fee.

(1A) On receiving any application for removal under this section, the Registrar shall-

- (a) serve upon the person or body at whose instance the caveat was entered a notice of intended removal in Form 19C; and
- (b) make an endorsement on the register document of title that the notice in Form 19C has been served on the person or body at whose instance the caveat was entered and of the date of such service, and shall sign and seal the endorsement.

(1B) In the case in which a notice of intended removal in Form 19C has been served under sub-section (1A), the caveat shall lapse and be of no effect at the expiry of two months specified in the notice unless before the expiry of that period the Registrar shall have been served with an order of the Court extending the time provided in the said notice.

(2) The Court may, on the application of any person or body on whom such a notice has been served under sub-section (1A) (and acting, if the circumstances so require, *ex parte*), from time to time extend the said period of two months; and the Registrar, on being duly served with an order of the Court under this sub-section, shall make an endorsement on the register document of title of the date of service on him of the order and of the period of the extension, and shall sign and seal the endorsement.

(3) The Registrar shall remove any caveat pursuant to this section by cancelling the entry thereof on the register document of title, and noting thereon the reason for the cancellation and the date thereof.

(4) Every cancellation under sub-section (3) shall be signed and sealed.

327. Removal of private caveats by the Court.

(1) Any person or body aggrieved by the existence of a private caveat may at any time apply to the Court for an order for its removal, and the Court (acting, if the circumstances so require, *ex parte*) may make such order on the application as it may think just.

(2) The Registrar shall, on being duly served with any order under this section for the removal of a caveat, cancel the entry thereof on the register document of title, and note thereon the reason for cancellation and the date thereof.

(3) Every cancellation under sub-section (2) shall be signed and sealed.

328. Lapse of private caveats.

(1) A private caveat shall, if not sooner withdrawn under section 325 or lapsing pursuant to sub-section (1B) of section 326 or removed by the Registrar pursuant to an order of the Court under section 327, lapse at the expiry of six years from the time from which it took effect, and the entry thereof may be cancelled accordingly by the Registrar, either of his own motion or on an application in that behalf by any interested person or body.

(2) Every cancellation under sub-section (1) shall be signed and sealed.

329. Compensation for wrongful caveats, and limitation on repeated applications.

(1) Any person or body who, wrongfully or without reasonable cause, secures the entry of, or fails to withdraw, any private caveat shall be liable to pay compensation to any person or body who thereby suffers any damage or loss.

(2) Where the Court has ordered the removal of any private caveat under section 327, or has refused an application under subsection (2) of section 326 for an extension of time with respect to any such caveat, or where the Registrar has removed any caveat pursuant to sub-section (3) of section 326, the Registrar shall not entertain any application for the entry of a further caveat in respect of the land or interest in question it is based on the like claim as that on which the former one was based.

LIEN-HOLDERS' CAVEATS

330. Creation and effect of lien-holders' caveats.

(1) Any person or body with whom the issue document of title to any land, or any duplicate lease, has been deposited as security for a loan may, as provided in section 281, apply to the Registrar under this section for the entry of a lien-holder's caveat in respect of the land or lease in question.

(2) Any such application shall be in Form 19D, duly attested in accordance with the provisions of section 211, and shall be accompanied by the prescribed fee, and the issue document of title or, as the case may be, duplicate lease.

(3) The Registrar shall note on any such application the time at which it was received (being, in the case of any application sent by post, the time at which it was withdrawn from its cover in the Registry or, as the case may be, Land Office) and, unless he is prohibited from doing so by any Registrar's caveat, private caveat, trust caveat or prohibitory order, shall as soon as may be thereafter-

(a) enter the caveat applied for on the register document of title to the land in respect of which, or a lease of which, it is to have effect; and

(b) serve a notification in Form 19A on the proprietor of that land or, as the case may be, the person or body for the time being entitled to the benefit of the lease in question.

(4) The entry of a lien-holder's caveat on any register document shall be effected by the endorsement thereon, under the hand and seal of the Registrar, of the words "Caveat (Lien)", together with a statement specifying-

(a) whether the caveat binds the land itself, or a lease thereof only;

- (b) the person or body on whose application it was entered;
- (c) the time from which it is effective (being the time of receipt of the application, as noted thereon pursuant to sub-section (3)); and
- (d) the reference under which the application is filed.

(5) A lien-holder's caveat shall, so long as it continues in force, have the like effect as that specified in sub-section (2) to (5) of section 322 in relation to private caveats, but as if the references in the said sub-section (5) to the person or body at whose instance the caveat was entered were references to the person body for the time being entitled to the benefit of the lien; and sub-sections (6) and (7) of the said section 322 shall also apply in relation to lien-holder's caveats as they apply in relation to private ones.

331. Determination of lien-holders' caveats.

(1) A lien-holder's caveat may be withdrawn at any time by a notice in writing given to the Registrar by the person or body for the time being entitled to the benefit of the lien, and the Registrar shall cancel the entry of the caveat as soon as may be after the notice is received.

(2) Where any land or lease subject to a lien-holder's caveat is sold pursuant to an order of the Court made by virtue of sub-section (2) of section 281-

- (a) any certificate of sale presented for registration by the purchaser thereof shall be deemed for the purposes of this Chapter to have been presented with the consent of the lien-holder; and

- (b) upon the registration of the certificate, the caveat shall lapse, and the entry thereof be cancelled accordingly by the Registrar.

(3) The Registrar may cancel any lien-holder's caveat upon proof to his satisfaction that all sums due under the lien have been duly paid.

(4) Where the Court is satisfied that any lien-holder's caveat ought not to have been entered, or ought to have been withdrawn, it may order-

- (a) the cancellation thereof by the Registrar, and

- (b) if the entry or failure to withdraw has caused damage or loss to any person or body, the payment of compensation by the person or body at whose instance the entry was made or, as the case may be, by whom the withdrawal ought to have been effected.

(5) On cancelling the entry of any caveat pursuant to this section, the Registrar shall note on the register document of title the reason for the cancellation and the date thereof; and where any such entry is cancelled by reason of the withdrawal of the caveat, the Registrar shall give notice of the withdrawal to the person or body for the time being entitled to the land or lease formerly affected.

(6) Every cancellation under sub-section (5) shall be signed and sealed.

TRUST CAVEATS

332. Nature and effect of trust caveats.

(1) A caveat under this section shall be known as a "trust caveat", and may be entered by the Registrar in respect of any land or interest which (pursuant to section 344, or any

corresponding provision of any previous land law) is expressed to be held by any persons or bodies as trustees.

(2) The effect of any trust caveat shall be precisely stated therein, and may be to prohibit, either absolutely or except subject to conditions, the registration, endorsement or entry of all or any of the following-

- (a) any instrument of dealing, or class or description of instrument of dealing, directly affecting the trust property;
- (b) any claim to the benefit of any tenancy exempt from registration granted directly thereout; and
- (c) any lien-holder's caveat in respect thereof:

Provided that no such caveat shall prohibit the registration of any instrument which was presented prior to the time from which it takes effect, or the endorsement or entry of any claim or lien-holder's caveat where the application for endorsement or entry was received prior to that time.

(3) Where the registration of any instrument or the endorsement or entry of any claim or lien-holder's caveat is prohibited by any trust caveat, the Registrar shall reject the instrument or, as the case may be, the application for endorsement or entry.

(4) On rejecting any instrument or application for endorsement, the Registrar shall take the like steps as if he had rejected it pursuant to section 298 or, as the case may be, 317.

333. Creation of trust caveats and duration thereof.

(1) The registrar may enter a trust caveat on the application of-

- (a) the trustees for the time being of any land or interest; or
- (b) the person or body by whom any land or interest is first transferred to trustees; or
- (c) the person or body by whom any interest is created in favour of trustees.

Provided that no application made by virtue of paragraph (b) or (c) shall be entertained unless it is presented to the Registrar with the instrument transferring or creating the land or interest in question.

(2) Any application for the entry of a trust caveat shall be in Form 19E duly attested in accordance with the provisions of section 211, and shall be accompanied by the prescribed fee.

(3) The Registrar shall note on any such application the time at which it was received (being, in the case any application sent by post, the time at which it was withdrawn from its cover in the Registry or, as the case may be, Land Office) and, subject to the proviso to subsection (1), shall, as soon as may be thereafter, enter the caveat applied for on the register document of title to the land in respect of which, or an interest in which, it is to have effect.

(4) The entry of a trust caveat on any register document of title shall be effected by the endorsement thereon, under the hand and seal of the Registrar, of the words "Caveat (Trust)", together with a statement specifying-

- (a) whether the caveat is entered in respect of the land itself, or a particular interest only;

- (b) the precise effect thereof;
- (c) the time from which it is effective (being the time of receipt of the application for its entry, as noted on the application pursuant to sub-section (3)); and
- (d) the reference under which the application is filed.

(5) A trust caveat shall continue in force until cancelled by the Registrar on an application in that behalf by the trustees for the time being and all persons and bodies beneficially entitled under the trust.

(6) On cancelling a trust caveat pursuant to sub-section (5), the Registrar shall endorse against the cancelled caveat note of the date of cancellation.

(7) Every endorsement under sub-section (6) shall be signed and sealed.

CHAPTER 2

PROHIBITORY ORDERS

334. Meaning of "prohibitory order".

In this Chapter "prohibitory order" means, where land or an interest in land held by a judgement-debtor is to be sold in execution proceedings, an order made pursuant to rules of court by a court of competent jurisdiction prohibiting the judgement-debtor from effecting any dealing therewith or from effecting such dealing therewith as may be specified in the order.

335. Prohibitory orders in-effective until entered by Registrar.

(1) No prohibitory order shall take effect until it has been entered by the Registrar, in accordance with the provisions of this section, on the register document of title to the land to which, or an interest in which, it relates:

Provided that this section shall not apply to any such order which has been registered before the commencement of this Act under the provisions of any previous land law.

(2) When a copy of a prohibitory order is presented to the Registrar for registration, it shall be the duty of the Registrar to enter the order forthwith by endorsing on the said register document of title, under his hand and seal, the words "Prohibitory Order", together with a statement specifying-

- (a) whether the order relates to the land itself or merely a particular interest therein;
- (b) the time at which the entry was made; and
- (c) the reference under which the copy of the order is filed.

336. Effect of prohibitory orders.

(1) The effect of any prohibitory order duly entered on any register document of title and expressed to relate to the land itself shall, subject to sub-section (3) of this section and to sub-section (2) of section 337, be to prohibit so long as it continues in force the registration, endorsement or entry thereon of-

- (a) any instrument of dealing executed by or on behalf of the proprietor thereof (but not any certificate of sale relating thereto);

(b) any claim to the benefit of any tenancy exempt from registration granted by the said proprietor; and

(c) any lien-holder's caveat in respect thereof.

(2) The effect of any such order duly entered as aforesaid and expressed to relate to a particular interest only shall, subject to sub-section (3) of this section and to sub-section (2) of section 337, be to prohibit so long as it continues in force the registration, endorsement or entry on the register document of-

(a) any instrument of dealing, other than a certificate of sale, directly affecting that interest; and

(b) where that interest is a lease or sub-lease-

(i) any claim to the benefit of any tenancy exempt from registration granted directly thereout, and

(ii) any lien-holder's caveat in respect thereof.

(3) A prohibitory order shall not prohibit the registration, endorsement or entry of any instrument, claim or lien-holder's caveat where the instrument was presented, or the application for endorsement or entry received, prior to the time from which the order takes effect.

(4) Where the registration of any instrument, or the endorsement or entry of any claim or lien-holder's caveat, is prohibited by any prohibitory order, the Registrar shall reject the instrument or, as the case may be, the application for endorsement or entry.

(5) On rejecting any instrument or application for endorsement pursuant to this section, the Registrar shall take the like steps as if he had rejected it pursuant to section 298 or, as the case may be, 317.

337. Sale of land or interest subject to prohibitory order.

(1) No sale of any land or interest for the purpose of satisfying any judgement debt shall become absolute until it has been confirmed by an order made pursuant to rules of court; and any such order shall be sufficient authority for an officer of a court of competent jurisdiction to execute in favour of the purchaser at the sale the appropriate instrument of transfer under this Act in the name, and on the behalf, of the judgement-debtor.

(2) The prohibition imposed by any prohibitory order shall not apply to any such instrument of transfer.

338. Lapse of prohibitory order by expiry of time.

(1) Every prohibitory order shall, unless its duration is extended by an order made pursuant to rules of court, lapse at the expiry of six months from the date on which it was made or at the end of such other period as may be specified by rules of court.

(2) An order extending a prohibitory order shall not have effect unless a copy of the order is presented for registration before the time at which the prohibitory order to which it relates would, but for the extension, have lapsed.

(3) A note of the extension of any prohibitory order shall be endorsed by the Registrar on the register document of title; and the Registrar may of his own motion, and shall on the application of any interested person or body, cancel the entry on any register document of any prohibitory order which has lapsed by virtue of this section.

(4) Every endorsement or cancellation under sub-section (3) shall be signed and sealed.

339. Other methods of determination.

(1) Where a prohibitory order is withdrawn at any time by order of a court, the Registrar shall, on receiving a copy of the order of withdrawal, cancel the entry on the register document of title, and note thereon the reason for the cancellation and the date thereof.

(2) A prohibitory order shall cease to have effect, and the entry thereof be cancelled accordingly, on the registration of-

(a) any transfer executed by an officer of a court as mentioned in sub-section (1) of section 337; or

(b) any certificate of sale given under sub-section (3) of section 259 or sub-section (4) of section 265 and relating to the land or interest affected by the order.

(3) The Registrar shall notify the Court of any cancellation effected on the registration of any certificate of sale and, in any such case, any residual sums to which sub-section (3) of section 268 would otherwise apply shall be disposed of in accordance with rules of court.

(4) Every cancellation effected by the Registrar under this section shall be signed and sealed.

(5) References in this section to an order withdrawing a prohibitory order include references to any order cancelling a prohibitory order or otherwise causing it to cease to have effect.

DIVISION V

ALIENATED LANDS - SUPPLEMENTAL

PART TWENTY

INDEFEASIBILITY OF TITLE AND INTEREST

340. Registration to confer indefeasible title or interest, except in certain circumstances.

(1) The title or interest of any person or body for the time being registered as proprietor of any land, or in whose name any lease, charge or easement is for the time being registered, shall, subject to the following provisions of this section, be indefeasible.

(2) The title or interest of any such person or body shall not be indefeasible-

(a) in any case of fraud or misrepresentation to which the person or body, or any agent of the person or body, was a party or privy; or

(b) where registration was obtained by forgery, or by means of an insufficient or void instrument; or

(c) where the title or interest was unlawfully acquired by the person or body in the purported exercise of any power or authority conferred by any written law.

(3) Where the title or interest of any person or body is defeasible by reason of any of the circumstances specified in sub-section (2)-

- (a) it shall be liable to be set aside in the hands of any person or body to whom it may subsequently be transferred; and
- (b) any interest subsequently granted thereout shall be liable to be set aside in the hands of any person or body in whom it is for the time being vested:

Provided that nothing in this sub-section shall affect any title or interest acquired by any purchaser in good faith and for valuable consideration, or by any person or body claiming through or under such a purchaser.

(4) Nothing in this section shall prejudice or prevent-

- (a) the exercise in respect of any land or interest of any power of forfeiture or sale conferred by this Act or any other written law for the time being in force, or any power of avoidance conferred by any such law; or
- (b) the determination of any title or interest by operation of law.

341. Adverse possession not to extinguish titles or interests.

Adverse possession of land for any length of time whatsoever shall not constitute a bar to the bringing of any action for the recovery thereof by the proprietor or any person or body entitled to an interest therein, and accordingly, the Limitation Act 1953, shall in no circumstances operate to extinguish any title to, or interest in, land.

PART TWENTY-ONE
CO-PROPRIETORSHIP AND TRUSTS
CHAPTER 1
CO-PROPRIETORSHIP

342. Meaning of co-proprietorship, and when it arises.

- (1) In this Act "co-proprietorship" means the holding of alienated land by two or more persons or bodies in undivided shares.
- (2) All alienated land vested in two or more persons or bodies shall be held by them as co-proprietors unless, pursuant to section 344 or 346, or the corresponding provisions of any previous land law, they are registered as trustees or representatives.

343. Incidents of co-proprietorship.

- (1) Where any land is vested in two or more persons or bodies as co-proprietors-
 - (a) their shares therein shall be deemed to be equal unless different proportions are specified in the memorial of registration;
 - (b) they may at any time apply for the partition of the land under Chapter 2 of Part Nine, but, so long as their co-proprietorship continues, shall each be entitled to possession and enjoyment of the whole; and
 - (c) on the death of any of them or, in the case of a body, its dissolution, the share to which he or it was formerly entitled shall not pass to the other or others, but shall devolve upon his personal representatives or, as the case may be, be disposed of in the like manner as its other assets.

(2) The issue document of title to any such land shall, in the absence of agreement between the co-proprietors as to its custody, be retained by the Registrar.

(3) There may be issued to a co-proprietor of any such land upon application by him and upon payment of the prescribed fee therefor a copy of the issue document of title to the land bearing an endorsement dated and signed by the Registrar stating that the copy is issued to the co-proprietor named in the endorsement.

(4) Where an application for a copy of an issue document of title is made under sub-section (3), such copy shall not be issued unless and until the issue document of title is already in the custody of the Registrar under sub-section (2), or is surrendered to the Registrar for retention by the Registrar, or the Registrar has obtained the delivery of the issue document of title for retention by the Registrar by notice to the co-proprietor or other person in whose possession or control it is at the time of the application under sub-section (3).

(5) Upon issuing a copy of the issue document of title under subsection (3), the Registrar shall make a memorial thereof on the register document of title to the land, showing the date of issue and the co-proprietor in whose name such copy is issued.

(6) Such copy of an issue document of title may be used by the co-proprietor in whose name it is issued solely for the purpose of effecting any transfer, or creating any charge, or creating any lien under section 281, in respect of the undivided share of such co-proprietor in the same manner as an issue document of title may be used for the purpose of effecting such transfer or creating such charge or lien, and shall for such purposes be deemed to be an issue document of title in respect of the undivided share of such co-proprietor.

(7) Where such copy of an issue document of title is presented for registration of an instrument of transfer of the undivided share of such co-proprietor, or of a certificate of sale in respect of such undivided share, the Registrar shall retain such copy and cause it to be destroyed upon completion of the registration of the instrument of transfer, or the registration of the certificate of sale, as the case may be, and make a memorial on the register document of title that such copy has been destroyed by him.

CHAPTER 2

TRUSTS

344. Registration as trustee or trustees, and deposit or trust instrument.

(1) Where, by any instrument of dealing or order of the Court or Land Administrator, any alienated land or share or interest therein is transferred or transmitted to, vested in or created in favour of any person or body "as trustee", or two or more persons or bodies "as trustees", the Registrar shall so describe him, it or them in the memorial of registration.

(2) The proprietor or co-proprietors of any alienated land, and any person or body in whom any share or interest in alienated land is for the time being vested, may apply to the Registrar to be registered in respect of that land, share or interest "as trustee", or, as the case may be, "as trustees", and the Registrar shall give effect to any such application by making the appropriate addition to, or amendment of, the existing memorial of registration.

(3) Where the words "as trustee" or "as trustees" have been included in any memorial of registration pursuant to sub-section (1) or (2), or the corresponding provisions of any

previous land law, any instrument declaring the trusts to which the land, share or interest is subject may, upon payment of the prescribed fee, be deposited with the Registrar for safe custody and reference; and no instrument of dealing shall be unfit for registration by reason only of the fact that it refers to any instrument so deposited.

(4) Sub-sections (1) and (2) shall have effect subject to the provisions of section 36 of the Trustee Ordinance, 66 of 1949 (which *inter alia* provides that, except in the case of any immovable property vested in trustees for charitable, religious or public purposes, the number of trustees of any immovable property shall not exceed four).

345. Survivorship.

(1) Where, pursuant to section 344 or the corresponding provisions of any previous land law, any land, share or interest is registered in the names of two or more persons or bodies "as trustees", it shall be held by them jointly; and accordingly, on the death of any of them or, in the case of a body, its dissolution, the said land, share or interest shall vest exclusively in the other or others.

(2) Sub-section (1) shall apply in respect of any land, share or interest notwithstanding the inclusion under any previous land law of the words "no survivorship" in the memorial or registration in question; and the Registrar may accordingly, either of his own motion or on the application of any interested person or body, cancel those words on any document of title or other instrument.

PART TWENTY-TWO TRANSMISSION ON DEATH AND BANKRUPTCY DEATH

346. Registration of personal representatives.

(1) The personal representative or representatives of any deceased person may apply to the Registrar under this section to be registered as such in respect of any land, or share or interest in land, forming part of that person's estate; and the Registrar, if satisfied that any estate duty due in respect of the estate has been paid, or a postponement of payment allowed in respect of the land, share or interest in question, shall give effect to the application in accordance with the provisions of sub-sections (3) and (4).

(2) Any such application shall be accompanied by-

- (a) the grant of probate or letters of administration;
- (b) if available, the issue document of title to the land or, where the application relates to a lease or a charge, the duplicate thereof; and
- (c) such other documents or evidence as the Registrar may require, or as may be prescribed.

(3) The Registrar shall give effect to any such application by endorsing on the register document of title to the land to which, or a share or interest in which, it relates a note of the date of death of the deceased person and a memorial to the effect that the said land, share or interest is vested in the applicant or applicants "as representative" or, as the case may be, "as representatives".

(4) Every such memorial shall be signed and sealed by the Registrar, and a copy thereof shall be made on the issue document of title or, as the case may be, duplicate lease or charge, if sent with the application or subsequently obtained by him.

(5) No personal representative or representatives shall be capable of executing any instrument of dealing in respect of any land, share or interest until it has become registered in his or their name or names pursuant to this section.

347. Effects of registration.

(1) The title or interest of any personal representative or representatives registered as such pursuant to section 346 shall, without prejudice to the validity of anything done by any predecessor of his or theirs, relate back to the death of the deceased.

(2) Any land, share or interest vested in any person as trustee shall, on its transmission to a personal representative or representatives, continue subject to all trusts to which it was subject at that person's death.

(3) The provisions of sub-section (1) of section 345 shall apply where any land, share or interest is vested in two or more persons or bodies "as representatives" as it would apply if they were registered in respect thereof "as trustees".

348. Small estates distribution orders.

(1) Where any distribution order under the Small Estates (Distribution) Act 1955, has become final in accordance with the provisions of section 16 of that Act, it shall be the duty of the Registrar to give effect thereto by endorsing a memorial of any transmission thereby effected on the register document of title to the land in question or, as the case may be, the land in which the share or interest in question subsists.

(2) Every such memorial shall state the reference under which the copy of the order is filed and shall be signed and sealed by the Registrar, and a copy of the memorial shall, if he is able to secure its production, be made by him on the issue document of title to the said land or, where the memorial relates to a lease or charge, on the duplicate thereof.

(3) The reference in sub-section (1) to a distribution order under the said Act of 1955 includes a reference to any further order made pursuant to section 17 of that Act.

BANKRUPTCY

349. Registration of Official Assignee.

(1) Where the Official Assignee claims any land, or share or interest in land, under any written law for the time being in force relating to bankruptcy, he may apply to the Registrar under this section for the registration thereof in his name, and the Registrar shall give effect to the application by endorsing a memorial of the transmission on the register document of title to the land in question or, as the case may be, the land in which the share or interest in question subsists.

(2) Every such memorial shall be signed and sealed by the Registrar, and a copy thereof shall, if he is able to secure its production, be made by him on the issue document of title to the said land or, where the memorial relates to a lease or charge, on the duplicate thereof.

(3) No land, share or interest shall vest in the Official Assignee under any adjudication of bankruptcy, or order for administration in bankruptcy, until it has become registered in his name pursuant to this section.

350. Effect of disclaimer, discharge, etc.

No disclaimer by the Official Assignee, and no order for the discharge of any bankrupt or the annulment of any adjudication of bankruptcy, shall operate to divest the Official Assignee of any land, share or interest registered in his name, and any such land, share or interest shall continue vested in him until the registration of a transfer thereof, or of any vesting order made with respect thereto by the Court.

PART TWENTY-THREE

REVERSION IN ABSENCE OF PROPRIETOR

351. Reversion to or vesting in State Authority on proprietor's death without successors.

(1) Where any Land Administrator-

- (a) receives evidence from which he is satisfied that the proprietor of any alienated land (in this section referred to as "the original proprietor") has died, and
- (b) is also satisfied that no petition has been filed for a grant of representation to the estate of the original proprietor, and that no petition for the distribution of that estate has been lodged under the Small Estates (Distribution) Act 1955,

he may make, or cause to be made, an endorsement to that effect on the register document of title to the land.

(2) Any endorsement made on the register document of title to any land pursuant to the provisions of sub-section (1)-

- (a) shall have the same effect as a Registrar's caveat; and
- (b) shall cease to have effect, and be cancelled accordingly, on-
 - (i) a finding by the Land Administrator that the original proprietor is in fact still alive, or
 - (ii) the registration of any other person or body as proprietor.

(3) As soon as may be after the making of any such endorsement, the Land Administrator shall, by notice in the *Gazette* in Form 23A, declare-

- (a) that the original proprietor of the land appears to have died without successors; and
- (b) that the land will revert to the State Authority, or in the case of an undivided share in land, will become vested in the State Authority at the end of the period of one year beginning with the date on which the notice is published unless by that time one of the following requirements has been fulfilled, that is to say-
 - (i) it has been proved to his satisfaction that the original proprietor is still alive, or
 - (ii) some other person or body has been registered as proprietor of the land, or
 - (iii) a petition has been filed or lodged for a grant of representation to, or the distribution of, the original proprietor's estate.

(4) Copies of any notice under sub-section (3) shall be published in accordance with the provisions of section 433.

(5) The Land Administrator may, on an application made to him by any person before the end of the period specified in any such notice, grant such extension of that period as may appear to him reasonable.

(6) If none of the requirements specified in any such notice has been fulfilled by the end of the said period or, as the case may be, the period as so extended, the land to which the notice relates shall thereupon (but subject always to the provisions of any law for the time being in force relating to *bait-ul-mal*) revert to the State Authority as if it had been forfeited pursuant to the provisions of Part Eight, or become vested in the State Authority, as the case may be.

352. Reversion to State Authority on abandonment of title by proprietor.

(1) Where any Land Administrator is satisfied that the proprietor of any land held under Land Officer title-

(a) is not in effective occupation of the land, and

(b) has, for the past seven years, done no act or thing evidencing his title thereto.

he shall make an endorsement on the register document of title to the land to the effect that the proprietor appears to have abandoned his title thereto.

(2) Any endorsement made on the register document of title to any land pursuant to the provisions of sub-section (1)-

(a) shall have the same effect as a Registrar's caveat; and

(b) shall cease to have effect, and be cancelled accordingly, on-

(i) a finding by the Land Administrator that the proprietor has not in fact abandoned his title, or

(ii) a finding by the Land Administrator that the proprietor has died (but without prejudice to its replacement in such a case by an endorsement under sub-section (1) of section 351).

(3) As soon as may be after the making of any such endorsement, the Land Administrator shall, by notice in the *Gazette* in Form 23B, declare-

(a) that the proprietor of the land appears to have abandoned his title thereto; and

(b) that the land will revert to the State Authority at the end of the period of one year beginning with the date on which the notice is published unless by that time either of the following requirements has been fulfilled, that is to say-

(i) the proprietor has satisfied him that he has not in fact abandoned his title to the land, or

(ii) it has been proved to his satisfaction that the proprietor has died.

(4) Copies of any notice under sub-section (3) shall be published in accordance with the provisions of section 433.

(5) The Land Administrator may, on an application made to him by any person before the end of the period specified in any such notice, grant such extension of that period as may appear to him reasonable.

(6) If neither of the requirements specified in any such notice has been fulfilled by the end of the said period or, as the case may be, the period as so extended, the land to which the notice relates shall thereupon revert to the State Authority as if it had been forfeited pursuant to the provisions of Part Eight.

PART TWENTY - FOUR

RE-SURVEY OF LAND HAVING NATURAL BOUNDARIES

353. Re-survey of land alienated before commencement by reference to natural feature boundaries.

(1) Where any land alienated before the commencement of this Act is expressed in the document of title thereto to extend to a boundary or boundaries consisting of any natural feature, the Director of Survey and Mapping shall, at the request of the State Director, cause the boundary or boundaries in question to be determined by right-lines.

(2) Where the natural feature referred to in sub-section (1) consists of the foreshore, the coast-line or the sea, a river or river-bank, or any other feature the line of which is liable to alter from time to time, then, for the purposes of this section the boundary shall be taken to follow any survey traverse made for the purpose of determining the line of that feature at the time the land was alienated:

Provided that-

- (i) the traverse shall be disregarded to the extent (if any) necessary to take account of any advance of the shore-line, or of the bed of any river;
- (ii) unless the proprietor of the land would thereby become entitled to an area substantially greater than that specified in his document of title, the traverse shall also be disregarded to the extent (if any) necessary to include within the boundaries of the land any revetment, sea-wall, river-wall or other structure lawfully erected by the proprietor or any predecessor in title.

(3) Where any boundary has been determined in pursuance of subsection (1), the Director of Survey and Mapping-

- (a) shall cause such action to be taken as may be necessary to secure that it is demarcated on the surface of the land by boundary marks, or is capable of being ascertained therefrom;
- (b) shall cause the area of the land to be re-calculated;
- (c) may, if he thinks fit, assign a new lot number to the land; and
- (d) shall cause a certified plan to be prepared for his approval showing the boundaries of the land (including the boundary or boundaries so determined), the position of the boundary marks and the area and lot number.

(4) When the plan prepared under paragraph (d) of sub-section (3) has been approved by the Director of Survey and Mapping, it shall for the purposes of sub-section (2) of section

396 be deemed to be the plan approved under paragraph (e) of sub-section (1) of that section.

354. Procedure (including appeal) after re-survey, and provision as to costs.

(1) Where any boundary has been determined in pursuance of subsection (1) of section 353, the State Director shall cause notice of the fact, together with a plan showing the effect of the determination, to be served on the proprietor of the land, and on any person having a registered interest therein; and any such person may, within the period of six months beginning with the date of the notice, appeal to the State Director against the determination on the ground that it is incorrect or inequitable.

(2) Any appeal under this section shall be in writing, specifying the grounds on which it is alleged that the determination is incorrect or inequitable; and the State Director, after considering the grounds so specified and holding such enquiry as he may think fit, shall either dismiss the appeal or give such direction for the re-determination of the boundary, and with respect to matters consequential thereon, as he may consider necessary or just.

(3) At the end of the period referred to in sub-section (1) or, where any appeal is made during that period, so soon as it has been disposed of and any redetermination of the boundary effected, the State Director shall notify the Registrar or, in the case of land held under Land Office title, the Land Administrator; and the Registrar or Land Administrator, on being so notified, shall issue title in continuation to the land (in conformity with any determination or re-determination of boundaries under this Part) as if he were issuing title in continuation to land as a whole.

(4) The costs of determining any boundary under section 353 or this section shall be defrayed by the State Authority; and no fees shall be charged by the State Authority in connection with any appeal under this section or any action taken thereunder by the Registrar.

**PART TWENTY-FIVE
SUB-DIVIDED BUILDINGS**

355-374. Repealed.

[Repealed by Act 318]

**DIVISION VI
GENERAL AND MISCELLANEOUS**

**PART TWENTY-SIX
GENERAL POWERS AND DUTIES OF THE REGISTRAR**

375. Safe keeping of registers, etc.

(1) The Registrar shall be responsible for the safe keeping of-

- (a) every register of title maintained under this Act or any previous land law by him or any predecessor in office;
- (b) all instruments registered under this Act or any previous land law and filed in the Registry or Land Office in question; and

- (c) all other instruments, and all books and other records including digital data and information on any matters virtually stored in the land database of land Registry and the Disaster Recovery Centre, required by or under this Act or any previous land law to be filed or kept in that Registry or Land Office.

[Am. Act A1333]

(2) No register, instrument, book or other record including digital data and information on any matters virtually stored in the land database of land Registry and the Disaster Recovery Centre for the safe keeping of which the Registrar is responsible as aforesaid shall be removed from the Registry or Land Office except pursuant to an order of the Court or a Judge, or under the direction in writing of the State Authority or State Director.

[Am. Act A1333]

376. Supply of forms, and issue of guidance notes, etc.

(1) The Registrar may cause to be printed supplies of any of the forms set out in the First Schedule, and may make the same available for sale to the public at a reasonable price.

(2) The Registrar may also publish such notes or directions as he may consider necessary or desirable for the guidance of persons and bodies using any of the said forms.

377. Marking of instruments, and power to require thumb-prints, etc.

(1) The Registrar may mark any instrument presented or delivered to him under this Act with any distinguishing number or symbol he may consider desirable.

(2) The Registrar may, if he thinks it expedient to do so in the circumstances of any particular case, require any person or body by whom any such instrument has been executed-

(a) to affix his thumb-prints thereto; and

(b) to specify therein the number of his identity card, if any.

378. Changes of name by proprietors, etc.

The Registrar may, upon the production to him of evidence (whether in the form of a deed poll, official certificate, statutory declaration or otherwise) from which he is satisfied of a change of name on the part of any person or body in whom any alienated land or interest is for the time being vested, or at whose instance a caveat has been entered in respect of any land or interest, make a memorial of the change in the relevant register document of title and in any issue document of title or other instrument relating to the said land or interest.

379. Changes of address by proprietors, etc.

(1) Any person or body in whom any alienated land or interest is for the time being vested, or at whose instance a caveat has been entered in respect of any land or interest, shall within the prescribed time notify the Registrar in Form 26A of a change of his address, and the Registrar shall make an appropriate record thereof.

(2) Where the new address notified under sub-section (1) is an address outside the Federation, the notification shall specify also an address within the Federation, for the service on the person or body in question of notices under this Act.

(3) Any address for the service of notices supplied to the Registrar pursuant to sub-section (2) or any other provision of this Act may, by notification to the Registrar, be changed at any time to another address within the Federation, and the Registrar shall make an appropriate record of the change.

380. Correction of errors in documents of title, etc.

(1) Where the Registrar is satisfied-

- (a) that any document of title has been registered or issued in the wrong name, or contains any misdescription of land or boundaries, or other error or omission, or
- (b) that any memorial or other entry has been made in error on any document of title or other instrument relating to land, or
- (c) that any memorial or other entry made on any such document of title or instrument itself contains any error or omission,

he may, subject to sub-sections (2) and (3), make such correction on the document or interest in question as may be appropriate in the circumstances of the case.

(2) The State Director may if he thinks fit direct that, in such cases or class or classes of case as may be specified in the direction, the powers conferred by sub-section (1) shall not be exercisable in respect of land held under Land Office title, or the corresponding form of qualified title, except with his prior approval.

(3) The said powers shall not without his prior approval be exercised so as to affect any plan prepared by or on behalf of the Director of Survey and Mapping, except in cases where he has taken action under section 396A.

(4) The Registrar shall maintain for the purposes of this section a book, to be called the "Correction Note-book", in which he shall record details of all corrections made by him thereunder.

381. Cancellation of obsolete entries, and bringing of documents of title up to date.

(1) Where the Registrar is satisfied-

- (a) that any condition or restriction in interest contained in any document of title has become obsolete, or
- (b) that any memorial or entry on any document of title or other instrument relating to land relates to a matter which has ceased to be effective,

he may delete the said condition or restriction or, as the case may be, cancel the said memorial or entry:

Provided that the power conferred by paragraph (b) is a residual power only, and, where the circumstances in which any particular memorial or other entry may be cancelled are specified in any other provision of this Act, shall not be exercisable in respect of that memorial or entry.

- (2) The Registrar may, if he considers it necessary or desirable to do so-
- (a) copy onto the issue document of title to any land any memorial or entry required by this Act or any previous land law to be made on the register document of title only, or on that document and some instrument other than the issue document;
 - (b) copy onto the register and issue documents of title to any land, or either of them, any memorial of registration made pursuant to any previous land law on any other instrument relating thereto.

381A. Power of Land Administrator to standardize express conditions and restrictions in interest.

(1) The Registrar or the Land Administrator, as the case may be, may from time to time, of his own accord, for the purpose of uniformity, standardize the format of the express conditions and restrictions in interest of any alienated land on the register and issue documents of title.

(2) Any standardization made under sub-section (1) shall not affect the rights of the proprietor.

(3) The Registrar or Land Administrator, as the case may be, shall serve a notice in Form 2b on the proprietor or any chargee, lien-holder or any other person or body whom he may have reason to believe to be in possession or control of the issue document of title, to produce the issue document of title to the land in question.

(4) Every standardization made under this section shall be signed and sealed by the Registrar or the Land Administrator, as the case may be.

[Ins. Act A1104]

382. Supplementary provisions as to amendments, corrections and cancellations.

(1) On making any correction, deletion or cancellation pursuant to section 380 or 381, the Registrar shall endorse on the instrument in question a note under his hand and seal of the reason therefor and the date on which it was effected.

(2) No amendment, correction, deletion or cancellation made as aforesaid, or pursuant to any other provision of this Act, shall be made by erasing any words or figures or otherwise rendering them illegible.

382A. Memorials, cancellation of subsisting documents after advance, retreat of sea, etc.

(1) The Land Administrator shall upon being satisfied that any alienated land or part thereof has become State land under section 49, make or cause to be made a memorial to that effect in the register document of title to the land.

(2) The Registrar shall after making a memorial under sub-section (1)-

- (a) notify the proprietor thereof of the making of such memorial,
- (b) call for the production of the issue document of title in accordance with section 15, and
- (c) make the like memorial on the issue document of title or, in the case where the whole land has become State land, destroy the subsisting issue document of title.

(3) Where the whole land has become State land upon the making of any memorial under sub-section (1), the subsisting register document of title and any subsisting issue document of title which has been destroyed pursuant to paragraph (c) of sub-section (2) shall be deemed to have been cancelled and no entry shall thereafter be made therein.

383. Certified copies of documents of title, etc.

(1) The Registrar shall, upon payment of the prescribed fee, furnish to any person or body applying therefor a certified copy of any register document of title or registered instrument of dealing which is in his custody.

(2) Every such certified copy shall be signed and sealed by the Registrar, and shall be received by any Court or Judge, and any other person or body having authority under this Act or any other written law for the time being in force to enquire into or adjudicate on any matter, as *prima facie* evidence of all matters contained therein or endorsed thereon.

PART TWENTY-SEVEN

SEARCHES

384. Private searches.

Any person or body may, at any time during normal office hours of any Registry or Land Office, but subject to payment of the prescribed fee and such other conditions (if any) as may be prescribed, inspect and take notes of or extracts from-

- (a) any register of title, Presentation Book or Correction Notebook maintained by the Registrar or any predecessor in office; and
- (b) any instrument of dealing or application presented or made to, or in the custody of, the Registrar.

385. Official searches.

(1) Any person or body may apply to the Registrar for an official search in respect of any land.

(2) Any such application shall be accompanied by the prescribed fee, and the Registrar shall, as soon as may be after the receipt thereof, issue to the applicant a certificate of search under his hand and seal-

- (a) specifying the person or body for the time being registered as proprietor of the land and, if he is registered as such as trustee or as representative, indicating that fact;
- (b) summarising, so far as they relate to matters which are still effective, all memorials and other entries on the register document of title thereto;
- (ba) specifying the express conditions and restrictions in interest to which the land is subject;
- (c) indicating whether, at the time of issue of the certificate (which shall be precisely stated therein)
 - (i) any instrument of dealing has been presented for registration on the register document of title to the land;

- (ii) any application for the endorsement or entry of any matter on that document has been made under Chapter 7 of Part Eighteen, Chapter 1 of Part Nineteen, Chapter 2 of Part Twenty-one or Part Twenty-two; and
- (iii) a copy of any prohibitory or other order relating to the land or any share or interest therein has been presented to or served on the Registrar pursuant to the provisions of this Act or any other written law for the time being in force.

386. Compensation.

Any purchaser of any alienated land, or any share or interest therein, who suffers any loss or damage by reason of any error in, or omission from, any certificate of search shall be entitled to such compensation as may be agreed or determined in accordance with the provisions of section 434.

DIVISION VI
GENERAL AND MISCELLANEOUS
PART TWENTY-EIGHT
LAND ADMINISTRATOR'S RIGHTS OF WAY

387. Interpretation.

In this Part "public terminal" means the foreshore, or a river, railway station or public road.

388. Land Administrator's rights of way.

- (1) Subject to and in accordance with this Part, the Land Administrator may create rights of way over land, which shall be known as Land Administrator's right of way.
- (2) The rights conferred and obligations imposed in respect of any land by the creation of a Land Administrator's right of way shall run with the land and shall be binding on the land's proprietors and occupiers for the time being.

389. Characteristics of Land Administrator's rights of way.

- (1) A Land Administrator's right of way may be-
 - (a) a right of way created for the benefit of the State Authority or the proprietor or occupier of any alienated land (referred to in this Part as a private right of way); or
 - (b) a right of way created for the benefit of the public (referred to in this Part as a public right of way).
- (2) A private right of way created for the benefit of the State Authority shall authorise persons acting with the express or implied consent of the State Authority-
 - (a) to pass and re-pass between reserved land or a forest reserve and a public terminal;
or
 - (b) for the purpose of removing rock material from any land, to pass and re-pass between the land and a public terminal.
- (3) A private right of way created for the benefit of the proprietor or occupier of alienated land shall authorise the proprietor or occupier, as the case may be, and persons acting with



the express or implied consent of the proprietor or occupier to pass and re-pass between the land and a public terminal.

(4) A public right of way shall authorise the public to pass and re-pass between any specified area of land and a public terminal.

390. Creation of right.

(1) The State Authority or the proprietor or occupier of any alienated country land may apply to the Land Administrator in Form 28A for the creation of a private right of way.

(2) The Land Administrator, where-

- (a) he receives an application for a private right of way; or
- (b) he is of the opinion that the creation of a public right of way is or might be expedient,

shall either hold an enquiry or make such other investigation as he thinks appropriate.

(3) The Land Administrator, if on holding an enquiry or making an investigation he is satisfied that it is expedient for a private or public right of way to be created, shall make an order creating the right of way.

(4) An order made under sub-section (3) shall-

- (a) describe sufficiently for purposes of identification-
 - (i) the land and the public terminal between which the right of way is to run; and
 - (ii) the route of the right of way;
- (b) state whether or not those using the right of way may pass and re-pass with animals and vehicles; and
- (c) contain such conditions and limitations (if any) as the Land Administrator thinks appropriate.

391. Procedure on creation of right.

(1) As soon as may be after making an order for the creation of a Land Administrator's right of way, the Land Administrator shall-

- (a) cause the route of the right of way to be surveyed; and
- (b) cause to be delivered to him the issue document of title of any land affected by the right of way.

(2) The Land Administrator, on the delivery to him of the issue document of title of land affected by the creation of a Land Administrator's right of way, shall-

- (a) in the case of land held under Land Office title-
 - (i) make a memorial of the right of way in Form 28B on both the register document of title and the issue document of title; and
 - (ii) cause the route of the right of way to be shown on the issue document of title, either by means of a fresh plan or by means of an amendment of any plan already endorsed thereon;
- (b) in the case of land held under Registry title, present the issue document of title to the Registrar, together with a copy of the order creating the right of way.



(3) The Registrar, on receiving in respect of any land affected by the creation of a Land Administrator's right of way the documents mentioned in paragraph (b) of sub-section (2), shall-

- (a) make on both the register document of title and the issue document of title a memorial of the right of way, showing its route either by means of a fresh plan or by means of an amendment of any plan already endorsed thereon; and
- (b) thereafter cause the issue document of title to be returned to the person entitled thereto.

(4) In the application of this section to land held on qualified title-

- (a) references to Land Office title and Registry title shall be construed as references to the corresponding form of qualified title;
- (b) references to the issue document of title shall have effect only where such a document has been prepared; and
- (c) where no issue document of title has been prepared, the Land Administrator shall take action under subsection (2) as soon as may be after the right of way has been surveyed.

392. Cost of survey, construction, maintenance and repair.

The cost of surveying, constructing, maintaining or repairing a Land Administrator's right of way shall be borne-

- (a) in the case of a private right of way, by the authority or person for whose benefit it has been created; and
- (b) in the case of a public right of way, by the State of Authority.

393. Compensation.

(1) Subject to this section, compensation shall be payable to any person for the use of his land as a Land Administrator's right of way and for any damage suffered in respect of trees, crops or buildings to which he is entitled, as a result of the creation of the said right of way.

(2) The amount of compensation payable under this section shall be determined by the Land Administrator.

(3) Save as provided by this section, no person shall be entitled to a compensation for damage suffered as the result of the creation of a Land Administrator's right of way.

394. Sharing of right by adjacent proprietors.

(1) The proprietor or occupier of any alienated land, which abuts on or is in the proximity of land for the benefit of which a private right of way has been created, may apply to the Land Administrator in Form 28C to share the right of way.

(2) The Land Administrator, on receiving an application under subsection (1) in respect of a right of way, shall either hold an enquiry or make such other investigation as he thinks appropriate; and, if on holding the enquiry or making the investigation he is satisfied that it is expedient for the application to be granted, he shall make an order declaring that the

applicant is entitled to share in the right of way to such extent and on such conditions (including conditions as to the maintenance and repair of the right of way) as the Land Administrator thinks fit.

(3) Where on an application under sub-section (1) an order is made in respect of a right of way, the order may confer on the applicant such additional rights of way over any other alienated land as are reasonably necessary in the Land Administrator's opinion to make the order effective.

(4) Sections 391 and 395 shall apply in relation to a right of way arising under this section as they apply in relation to a right of way arising under section 390.

395. Extinction of right.

(1) The Land Administrator, where he is of the opinion that-

(a) any person has failed to comply with any condition relating to the exercise by that person of a Land Administrator's right of way; or

(b) it is inexpedient that a Land Administrator's right of way should continue to exist, may hold an enquiry and thereafter order the right of way to be extinguished.

(2) On the making of an order under sub-section (1) extinguishing a right of way, the memorials made on the creation of the right of way shall be cancelled by the Land Administrator or, in the case of land held under Registry title or the corresponding form of qualified title, by the Registrar.

DIVISION VI
GENERAL AND MISCELLANEOUS
PART TWENTY-NINE
SURVEY
CHAPTER 1
GENERAL

396. Manner in which survey is to be carried out.

(1) For the purposes of this Act, land shall not be taken to have been surveyed until-

(a) its boundaries have been determined by right-lines;

(b) its boundaries as so determined have been demarcated on the surface of the land by boundary marks or, if by reason of the configuration thereof or for any other cause the placing of boundary marks on the actual line is to any extent impossible or impracticable, boundary marks have been so placed to enable that line to be ascertained;

(c) the area enclosed by its boundaries as so determined has been calculated;

(d) *d*) a lot number has been assigned thereto by the Director of Survey and Mapping; and

(e) a certified plan, showing the situation of the land, the position of its boundaries as so determined and of the boundary marks placed thereon and the area and lot number thereof, has been approved by the Director of Survey and Mapping.

* (2) Any plan approved by the Director of Survey and Mapping under paragraph (1)(e) of shall be filed in his office, and (without prejudice to the operation of section 49 in the case of land subsequently affected by any advance of the shore-line or of the bed of any river) shall be conclusive evidence of the boundaries, boundary marks of the land to which it refers and of the area and the lot number thereof.

* (3) For the purposes of sub-section (2)-

*Applicable to Malacca and Penang only.

- (a) a plan approved under a previous land law in respect of land which was alienated before the commencement of this Act and remains alienated; or
- (b) a plan approved under a previous land law which relates to land alienated after the commencement of this Act and is adopted under paragraph (b) of subsection (2) of section 77,

shall be deemed to be a plan approved by the Director of Survey and Mapping under paragraph (e) of sub-paragraph (1).

* (4) The lot number appearing on a plan of any land approved by the Director of Survey and Mapping under paragraph (e) of sub-section (1) may be changed by or on the authority of the Director of Survey and Mapping; and on any such change being made-

- (a) the Director of Survey and Mapping shall cause the Registrar to be informed of the change;
- (b) the Registrar shall thereupon-
 - (i) take all steps open to him to secure the production of the issue document of title of the land (if any);
 - (ii) call upon the Director of Survey and Mapping to cause the change to be noted on any plan included in the register and issue documents of title to the land; and
 - (iii) cause the change to be noted where references to the lot number appear in those documents otherwise than on a plan; and
- (c) the Director of Survey and Mapping shall cause the change to be noted-
 - (i) in any deposited plan of the land (within the meaning of section 410) and in any copy of a deposited plan distributed under sub-section (2) of section 411; and
 - (ii) when called upon to do so under sub-paragraph (ii) of paragraph (b), in any plan of the kind mentioned in that sub-paragraph.

*Applicable to Malacca.

396A. Amendment of Survey plan.

(1) The Director of Survey and Mapping shall amend the plan approved by him under paragraph (e) of sub-section (1) of section 396 if-

- (a) he is satisfied that such stratum plan contains an error or omission, or
- (b) any alienated land becomes included within the boundaries of a new district, new sub-district, new mukim, new town or new village as a result of notification in the *Gazette* under section 11 or by virtue of such powers under any previous land law, or
- (c) any alienated land has ceased to be part of any town, village or mukim.



(2) The Director of Survey and Mapping shall as soon as possible after taking action under sub-section (1) amend or cause to be amended any such plan as may be included in the register or issue document of title to any land as may be necessary to correct or to bring up to date the name of the district, sub-district, mukim, town, village or any particulars of survey such as bearing and distances as may appear in the said plan.

(3) The Director of Survey and Mapping shall inform the Registrar accordingly, and the Registrar shall make an entry in the register setting out the items so corrected and shall sign and seal the said entry.

397. Control and supervision of officers.

(1) The Director of Survey and Mapping shall exercise general control and supervision over all other Survey Officers.

(2) The Director of Survey and Mapping shall be subject to the general control and supervision of the Director General of Survey, and Mapping, who shall act in accordance with such directions as to policy and as to the exercise of his powers as may be given by the Minister.

398. Powers of Director of Survey and Mapping.

(1) The Director of Survey and Mapping may carry out a survey of any land in the State for the purposes of this Act and, in connection with the Survey, may-

- (a) do preparatory work on the land or adjacent land;
- (b) mark out the boundaries of the land;
- (c) emplace boundary marks on the land or adjacent land;
- (d) alter, repair or remove any boundary mark so emplaced;
- (e) remove or destroy trees, crops, fences and other property on the land or adjacent land; and
- (f) do on the land or adjacent land all other things reasonably necessary for carrying out the survey.

(2) The Director of Survey and Mapping may emplace any survey reference mark on any land in the State, and may do on the land or adjacent land all things reasonably necessary for the establishment, protection, maintenance, repair, alteration or removal of such mark.

(3) In the exercise of the powers conferred by sub-sections (1) and (2) the Director of Survey and Mapping shall have the right of access to and entry upon any land in the State.

(4) The powers conferred on the Director of Survey and Mapping by sub-sections (1), (2) and (3)-

- (a) may be exercised on behalf of the Director of Survey and Mapping by any Survey Office or licensed land surveyor; and
- (b) may be exercised at all reasonable times and with such number of assistants as the Director of Survey and Mapping or the person acting on his behalf, as the case may be, thinks appropriate.



398A. Duty to complete survey.

(1) Where any licensed land surveyor carries out a survey of any land for the purposes of this Act, he shall complete the survey within the stipulated time and deposit all the survey plans together with the relevant field books, calculation sheets and other survey data with the Director of Survey and Mapping within such period as may be specified by the Director of Survey and Mapping.

(2) The Director of Survey and Mapping may, by a notice in Form 29D, require any licensed land surveyor who has not completed the survey to produce any document relating to the survey which is in his possession or control.

(3) Where any licensed land surveyor fails to complete any survey, without any reasonable cause, the Director of Survey and Mapping shall complete or cause to be completed the survey and recover the costs of the completion of the survey from such surveyor.

399. Duties of Director of Survey and Mapping.

(1) It shall be the duty of the Director of Survey and Mapping-

(a) to cause such computations to be made from the records of Survey Officers as may be necessary in the opinion of the Minister to prove in respect of any land surveyed the accuracy of the survey, the dimensions of the land and the accurate emplacement of boundary marks;

(b) to cause such computations or measurements to be made as shall define the geographical position of any land surveyed to the satisfaction of the Minister.

(c) to cause to be prepared plans embodying, in such form as the Minister may from time to time direct, the measurements and dimensions obtained by Survey Officers; and

(d) safely to keep all survey records including the digital cadastral database.

[Am. Act A1333]

(2) The functions of the Minister under sub-section (1) may, subject to any direction given by the Minister, be exercised on the Minister's behalf by the Surveyor-General.

400. Notice to secure attendance for purpose of pointing out boundaries, etc.

(1) A Survey Officer may cause a notice in Form 29A to be served on any person owning, occupying, applying for or otherwise interested in, or employed on or in connection with, any land which the officer is required to survey (or any land abutting thereon) calling upon that person to attend before him, at a time and place to be stated in the notice, for the purpose of-

(a) pointing out the boundaries of the land; or

(b) rendering aid in emplacing or repairing boundary marks; or

(c) affording other information or assistance for the purpose of the survey.

(2) A Survey Officer who reasonably believes that any person-

(a) can give any information respecting the boundaries of any land which the officer is required to survey; or

(b) has in his custody or under his control any document relating to boundaries of the land,

may cause to be served on that person a notice in Form 29B calling upon him to attend before the officer at a time and place to be stated in the notice for the purpose of giving the information or producing the document, as the case may be.

(3) Any person who, without reasonable excuse, fails to comply with any requirement of a notice served on him under sub-section (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred ringgit.

400A. Unauthorized survey.

Any person who, not being a Survey Officer or licensed land surveyor, carries out a survey or undertakes to carry out a survey of any land in the State for the purposes of this Act, shall be guilty of an offence, and liable on conviction to a fine not exceeding ten thousand ringgit, or imprisonment for a term not exceeding one year, or to both.

401. Notice to clear boundaries.

(1) A Survey Officer may cause a notice in Form 29C to be served on any person who is the proprietor or occupier of or an applicant for any land which the officer is required to survey calling upon that person-

(a) to clear any boundary line of the land; or

(b) to cut any line which may be necessary for the purposes of the survey.

(2) Where a person fails to carry out work which he is required to carry out by a notice served on him by a Survey Officer under sub-section (1)-

(a) the officer may himself cause the work to be carried out; and

(b) the cost of carrying out the work shall be recoverable from that person as a debt due to the State Authority.

402. Recovery of cost of boundary marks.

The cost of emplacing boundary marks on land which is surveyed for the purposes of this Act shall be defrayed by the proprietor of the land and, if not so defrayed, shall be recoverable from him as a debt due to the State Authority.

403. Penalty for interference with boundary marks and survey reference marks.

Any person who, without the authority of the Director of Survey and Mapping, wilfully destroys, damages, defaces, moves or otherwise interferes with a boundary mark or a survey reference mark shall be guilty of an offence and on conviction-

(a) shall be liable to a fine not exceeding five hundred ringgit; and

(b) may in addition to or in place of that penalty be ordered to pay to the State Authority in the case of a boundary mark, and to the Survey and Mapping Development, in the case of a survey reference mark, a sum (recoverable as a fine) not exceeding three times the

cost of repairing or re-replacing the boundary mark or survey reference mark and of making any survey rendered necessary by the act in respect of which he was convicted.

404. Removal and alteration of boundary marks.

(1) Where a person requires the temporary or permanent removal or alteration of a boundary mark, he may make written application in that behalf to the Land Administrator, stating the reasons for his application.

(2) Where the Land Administrator approves an application made under sub-section (2)-

(a) he shall inform the Director of Survey and Mapping; and

(b) the Director of Survey and Mapping shall arrange for the boundary mark to be moved or altered in accordance with the request.

(3) The cost of the removal or alteration of a boundary mark under this section shall be defrayed by the applicant and, if not so defrayed, shall be recoverable from him as a debt due to the State Authority:

Provided that if such an application is made as a result of the advance of the shoreline or the bed of any river as specified in section 49 the cost of removal or alteration of the boundary marks and the cost of survey shall not be borne by the applicant.

404A. Removal and alteration of survey reference marks.

(1) Where a person requires the temporary or permanent removal or alteration of a survey reference mark, he may make a written application in that behalf to the Director of Survey and Mapping, stating the reasons for his application.

(2) Where the Director of Survey and Mapping approves an application made under subsection (1), he shall arrange for the survey reference mark to be removed or altered in accordance with the request.

(3) The cost of the removal or alteration of a survey reference mark under this section shall be defrayed by the applicant, and if not so defrayed, shall be recoverable from him.

405. Replacement of boundary marks which are damaged, etc.

(1) It shall be the duty of every Survey Officer, Settlement Officer and Penghulu to report immediately to the Land Administrator any boundary mark which he has found to have been altered or moved or to be defaced, obliterated, injured, missing or otherwise impaired, destroyed or rendered useless.

(2) Where the Land Administrator becomes aware that a boundary mark of any land has been altered or moved or is defaced, obliterated, injured, missing or otherwise impaired, destroyed or rendered useless-

(a) he shall inform the Director of Survey and Mapping;

(b) the Director of Survey and Mapping shall cause the boundary mark to be replaced or repaired, as the circumstances may require; and

(c) the cost of the replacement or repair shall be recoverable as a debt due to the State Authority from the proprietor of the land.



405A. Replacement of survey reference marks which are damaged, etc.

(1) It shall be the duty of every Survey Officer to report immediately to the Director of Survey and Mapping any survey reference mark which he has found to have been altered, moved, defaced, obliterated, injured, missing or otherwise impaired, destroyed or rendered useless.

(2) Where the Director of Survey and Mapping becomes aware that a survey reference mark has been altered, moved, defaced, obliterated, injured, missing or otherwise impaired, destroyed or rendered useless-

(a) he shall cause the survey reference mark to be replaced or repaired as the circumstances may require; and

(b) the cost of the replacement or repair shall be recoverable from the person or body responsible for the acts abovementioned.

406. Compensation for damage.

(1) Where, in order to mark out, clear or define any boundary or other line for the purposes of a survey, it is necessary for a Survey Officer to enter on any land and remove or destroy any trees, fences, crops or other property of value, the officer shall-

(a) assess the value of the property before removing or destroying it; and

(b) pay or tender to the owner of the property the value so assessed.

(2) Any dispute regarding the sufficiency of any amount assessed, paid or tendered under sub-section (1) shall be determined by the Land Administrator, whose decision shall be final.

407. Errors in survey.

As between the Federation or the State Authority and a proprietor, no claim or suit shall arise or be maintained on account of any surplus or deficiency in the volume or measurement of any stratum lot or any parcel of a subdivided building disclosed by a survey showing a volume or measurement differing from the volume or measurement disclosed on any subsequent survey or from the area or measurement shown in the register document of title.

408. Director of Survey and Mapping's certificate as to cost of work.

A certificate purporting to be signed by the Director of Survey and Mapping and stating the cost of work done in respect of boundary marks shall be conclusive proof of the facts stated, and shall be admissible in evidence accordingly.

409. Powers of Land Administrator and Settlement Officer.

A Land Administrator and a Settlement Officer shall have and may exercise any power conferred by this Chapter on a Survey Officer (not being a power conferred expressly on the Director of Survey and Mapping).

409A. Survey by Licensed Land Surveyor.

Wherever under this Act, any survey fees are chargeable, such survey fees shall not be chargeable where the land is to be surveyed by a licensed land surveyor and a certificate from the Land Surveyors Board certifying that the survey of the land will be carried out, is furnished.

CHAPTER 2 DEPOSITED PLANS

410. Nature of deposited plan.

A plan of land shall be a deposited plan for the purposes of this Chapter if it is-

- (a) certified by the Director of Survey and Mapping as a true and correct plan of the land;
- (b) identified by a reference number allotted to it by the Director of Survey and Mapping;
- (c) dated; and
- (d) deposited in the office of the Director of Survey and Mapping.

411. Description of land by reference to deposited plan.

(1) Where-

- (a) any land is to be identified in a written law or in any instrument, notice or other document published or made under, in pursuance or for the purposes of a written law; and
- (b) there exists a deposited plan of the land,

it shall be sufficient if the land is identified in the law, instrument, notice or document by reference to the plan.

(2) Where in pursuance of sub-section (1) land is identified by reference to a deposited plan, the Minister (or an officer authorised by the Minister to act on his behalf for the purposes of this sub-section) may direct that as many copies of the plan as he thinks appropriate shall be distributed to-

- (a) the Land Office of the district in which the land is situated;
- (b) the central registry of titles to land in the State; and
- (c) such officers and authorities as may be specified in the direction.

412. Copies of deposited plans.

(1) For the purposes of this Chapter, every copy of a deposited plan shall be-

- (a) produced by photography, photo-lithography or any mechanical or other process or extracted from the digital cadastral database which in itself ensures the accuracy of the copy;

[Am. Act A1333]

- (b) made by or on behalf of the Director of Survey and Mapping in whose office the plan is deposited; and
- (c) certified by him or on his behalf to be a true and correct copy of the original.

(2) In legal proceedings, any document purporting to be a deposited plan or a copy of a deposited plan-

- (a) shall be presumed until the contrary is proved to be what it purports to be; and
- (b) while it is so presumed, shall be admissible in evidence without further proof as a true and correct plan of the land to which it refers.

413. Inspection of plans and inspection and provision of copies.

On payment of the prescribed fee (if any) any person may _

- (a) on any working day and during normal office hours _
 - (i) inspect any deposited plan in the office of the Director of Survey and Mapping;
 - (ii) inspect any copy of a deposited plan distributed under sub-section (2) of section 411 in the office to which it has been distributed;
- (b) obtain a copy of any deposited plan on application to the Director of Survey and Mapping.

DIVISION VI
GENERAL AND MISCELLANEOUS
PART THIRTY
REGISTRATION OF STATUTORY VESTING

414. Interpretation.

In this Part-

"document of entitlement" means a lease, temporary occupation licence, permit, combined licence and permit, permit to use air space or approval referred to in subsection (1) of section 416;

"registered interest in land" means any land or any interest in land, including one to which the Strata Titles Act 1985 applies, registered in the name of the transferor, and in respect of which a transfer is capable of being effected under Part Fourteen;

"registerable interest in land" means any land or any interest in land, including one to which the Strata Titles Act 1985 applies, in respect of which a transfer is capable of being effected under Part Fourteen to the transferor, and which at the time that a statutory vesting of it takes effect had not yet been presented for registration, or if so presented, had not yet been registered in favour of the transferor;

"statutory vesting" means a vesting effected by any written law-

- (a) of any registered interest in land or any registerable interest in land, whether or not under the provision effecting such vesting any instrument of transfer or any other instrument, whether specifically described or not, is required to be presented to the Registrar in order to give effect to such vesting; or
- (b) which has the effect of vesting in the transferee any other right or entitlement whatsoever in relation to any land which was the right or entitlement of the transferor, regardless of the words or expressions used in the written law in relation to such vesting, and regardless whether or not such words or expressions include the word "vesting" or "transfer";

"transferee" means the person in whose favour a statutory vesting is effected;

"transferor" means the person from whom a statutory vesting is effected in favour of a transferee.

415. Application for registration of a statutory vesting of a registered or registerable interest in land.

(1) A transferee, or a person lawfully entitled to do so on his behalf, may apply to the Registrar-

(a) in Form 30A for a statutory vesting of a registered interest in land held by the transferor to be registered in the name of the transferee; or

(b) in Form 30B for a statutory vesting of a registrable interest in land held by the transferor to be registered in the name of the transferee.

(2) Where the Registrar is satisfied that the registered interest in land in respect of which the application under paragraph (a) of subsection (1) is made has been vested in the transferee under the written law specified in the application, the Registrar shall, upon the presentation of the application-

(a) if the transferee is the State Authority or the Government of a State-

(i) make a memorial on the register document of title to the effect that the registered interest in land to which the application relates has reverted to the State; and

(ii) destroy the issue document of title if it is in his possession or he is able to secure its production;

(b) in any other case-

(i) make a memorial on the register document of title to the effect that the registered interest in land to which the application relates has been vested in the transferee; and

(ii) after making a memorial to the same effect on the issue document of title, transmit the issue document to the transferee.

(3) Where the Registrar is satisfied that the registrable interest in land in respect of which the application under paragraph (b) of subsection (1) is made has been vested in the transferee under the written law specified in the application, the Registrar shall, upon the presentation of the application, register the said registrable interest in land in the name of the transferee.

(4) The registration of the registered interest in land or the registrable interest in land, as the case may be, in the name of the transferee shall be effected under subsection (2) or (3), notwithstanding anything inconsistent therewith, or contrary thereto, contained in Part Fourteen.

416. Substitution of transferee for transferor in documents of entitlement.

(1) Any lease of reserved land or underground land below reserved land, any temporary occupation licence, any permit for the extraction, removal and transportation of rock material, or any such combined licence and permit, or any permit to use air space above

State land or reserved land, or any approval for use of underground land under Part Five (A), as the case may be, granted under this Act or under any previous land law and held by the transferor immediately before the statutory vesting took effect, shall, upon application made by the transferee in Form 30C, be amended by the Registrar by substituting therein for the name of the transferor the name of the transferee, upon the Registrar being satisfied that a statutory vesting in the transferee of the same has been effected.

(2) The substitution of the name of the transferee for that of the transferor under subsection (1) shall have effect from the date on which the statutory vesting took effect.

(3) A statutory vesting effected under this section shall have full force and effect in every respect and for every purpose, notwithstanding anything to the contrary or inconsistent therewith contained in this Act, or in the term or condition of any lease, temporary occupation licence, permit, combined licence and permit, permit to use air space or approval referred to in subsection (1).

416A. Recording of reservation of land in favour of transferee.

(1) Subject to subsection (4), any reservation of State land in favour of the transferor under this Act or under any previous land law, or by virtue of the provisions of the repealed Clause (4) of Article 166 of the Constitution, shall, upon application made by the transferee in Form 30D, be recorded as a reservation in favour of the transferee upon the Land Administrator being satisfied that the statutory vesting in the transferee of such reservation of State land has been effected.

(2) A statutory notification in Form 30E of recording made by the Land Administrator under subsection (1) shall be published in the *Gazette* and shall have effect from the date on which the Federal Government releases the land to the State and such notification shall designate the officer, employee or agent of the transferee for the time being who shall have control of the reserved land, and any such designation shall be by reference to the office of the officer, employee or agent, as the case may be.

(3) Where a notification has been published under subsection (2), the reference to "officer" in subsection (1) of section 63 shall include a reference to the officer, employee or agent of the transferee mentioned in such notification.

(4) The foregoing subsections shall not apply to any land to which Article 85 of the Constitution applies, but if the reservation of such land ceases under Clause (3) of the said Article 85, the State Authority shall, upon application by the transferee in Form 30D, make a reservation thereof in favour of the transferee by recording the land as being reserved in favour of the transferee for the statutory purposes of the transferee which shall be deemed to be public purposes, and where such recording has been made the provisions of subsections (2) and (3) shall apply as if it were a recording under subsection (1).

416B. Provisions in respect of lands falling under Article 166(3) of the Constitution.

Where any land in Malacca or Penang is occupied, used, controlled and managed by the transferor under Clause (3) of Article 166 of the Constitution immediately before a statutory

vesting takes effect, the State Authority may, by virtue of paragraph (a) of Clause (3) of Article 166, with the written consent of the Federal Government and upon application in writing by the transferee-

- (a) permit the whole or part of such land to be occupied, used, controlled and managed by the transferee on such terms and conditions as may be agreed between the Federal Government, the State Authority, and the transferee; or
- (b) alienate such land to the transferee on such terms and conditions as may be specified by the State Authority, under and in accordance with this Act, and agreed upon by the Federal Government and accepted by the transferee.

416C. Provisions as rights in whole or part of alienated land vested in the transferee.

(1) Where the whole or a part of any alienated land held by the transferor is occupied, used, controlled or managed by the transferee under any right or entitlement derived by way of a donation, gift, bequest, permission, consent, or otherwise howsoever, from the transferor or any predecessor in title of the transferor for any of the statutory purposes of the transferee immediately before the statutory vesting takes effect, the transferee's right to such occupation, use, control or management shall, upon application in writing by him to the Registrar, be endorsed on the register document of title to the land, where the Registrar is satisfied that the statutory vesting of such right or entitlement in the transferee has taken effect.

(2) The right endorsed on the register document of title under subsection (1) shall have effect from the date on which the statutory vesting took effect and shall subsist throughout the duration of that title and be binding on every subsequent proprietor of the land.

416D. Transferee to succeed to applications by transferor, and to proceedings to which transferor is a party.

Where any application under this Act made by the transferor, or any other proceedings under this Act to which the transferor is a party, is pending before the State Authority, the State Director, the Registrar, or a Land Administrator, as the case may be, immediately before the statutory vesting took effect, the transferee shall succeed to such application as the applicant, or to such proceedings as a party thereto, immediately upon the State Authority, the State Director, the Registrar, or the Land Administrator, as the case may be-

- (a) being notified of the vesting by the transferee, or the transferor, or by any other person having a direct interest in the application or the proceedings; and
- (b) being satisfied that action under section 415, 416, 416B, or 416C, as may be applicable, if any, has been completed,

and the same shall, thereafter, continue to be dealt with and proceeded to final conclusion thereof in the same manner and to the same effect as if the transferee were the transferor who made the application, or became a party to the proceedings at the same time that the transferor became a party thereto.

416E. Procedure where transferee unable to produce the issue document of title or document of entitlement.

(1) Where the Registrar is satisfied that there are good and sufficient reasons for a transferee being unable to produce the issue document of title or the relevant document of entitlement, as the case may be, for the statutory vesting to be effected in his favour, the Registrar shall-

- (a) where the statutory vesting is of a registered interest or a registerable interest in land consisting of proprietorship of the whole of the land, direct the preparation and issue to the transferee, in the manner provided in subsection (2), of a fresh issue document of title to replace the issue document of title which the transferee is unable to produce; or
- (b) where the statutory vesting is of an entitlement to which section 416 applies, direct the preparation and issue to the transferee, in the manner provided in subsection (3), of a fresh document of entitlement to replace the document of entitlement which the transferee is unable to produce.

(2) The fresh issue document of title prepared and issued under paragraph (a) of subsection (1) shall contain in it all the particulars, details, endorsements and entries contained in the register document of title and shall state that it is issued under paragraph (a) of subsection (1) and that upon its issue every previous issue document of title in respect of the said land stands cancelled and is rendered null and void.

(3) Where a fresh document of entitlement is prepared and issued under paragraph (b) of subsection (1), it shall contain all the particulars, details and entries contained in the records of the Registrar in respect of the entitlement to which it relates and shall be endorsed with a statement that it is issued under paragraph (b) of subsection (1) and that upon its issue every previous document issued in respect of the entitlement stands cancelled and is rendered null and void.

(4) Where the Registrar issues a fresh issue document of title under paragraph (a) of subsection (1) or a fresh document of entitlement under paragraph (b) of subsection (1), he shall, as soon as practicable thereafter, publish a notification in respect of such issue in the *Gazette* in Form 30F.

(5) Where the statutory vesting is in respect of a registered interest in land or a registerable interest in land consisting of an interest other than the proprietorship of the whole of the land, and the Registrar is satisfied that there are good and sufficient reasons for the transferee being unable to produce the issue document of title in respect of the land, the registration of the registered interest in the land or registerable interest in the land, as the case may be, shall be effected by making a memorial of the same on the register document of title in respect of the land, and such registration shall be valid in all respects and for all purposes, notwithstanding the absence of a similar memorial in the issue document of title or the absence of the issue document of title.

(6) Upon the making of a memorial on the register document of title under subsection (5), the Registrar shall, as soon as practicable thereafter, publish a notification thereof in the *Gazette* in Form 30G.



DIVISION VI
GENERAL AND MISCELLANEOUS
PART THIRTY-ONE
JURISDICTION OF THE COURT

417. General authority of the Court.

(1) The Court or a Judge may by order direct the Registrar or any Land Administrator to do all such things as may be necessary to give effect to any judgement or order given or made in any proceedings relating to land, and it shall be the duty of the Registrar or Land Administrator to comply with the order forthwith.

(2) Where, pursuant to any order made by virtue of this section, the Registrar or any Land Administrator-

(a) cancels any instrument relating to land, or any memorial or other entry on any such instrument, or

(b) makes any other amendment of, or addition, to, any such instrument,

he shall note thereon the reason for the cancellation, amendment or addition, and the date thereof, and shall authenticate the same by his signature and seal.

(3) Where the Registrar or Land Administrator takes action under this section in respect of any land or any share or interest therein, he shall cause notice of his action to be served upon any person or body having a claim protected by caveat affecting the land, share or interest.

418. Appeals to the Court.

(1) Any person or body aggrieved by any decision under this Act of the State Director, the Registrar or any Land Administrator may, at any time within the period of three months beginning with the date on which it was communicated to him, appeal therefrom to the Court.

(2) Any such appeal shall be made in accordance with the provisions of any written law for the time being in force relating to civil procedure; and the Court shall make such order thereon as it considers just.

(3) In this section "decision" includes any act, omission, refusal, direction or order.

419. Power of Registrar and Land Administrator to refer questions to the Court.

(1) The Registrar and, subject to sub-section (3), any Land Administrator may, if he considers it necessary or desirable to do so, refer to the Court any question arising in the exercise or performance of any power of duty conferred or imposed on him by or under this Act.

(2) Any such reference shall be made in accordance with the provisions of any written law for the time being in force relating to civil procedure; and the Court shall on any such reference either determine the question in issue or make such other order as it may consider appropriate in the particular circumstances of the case.

(3) No Collector shall refer any question to the Court pursuant to this section except with the prior approval in writing of the State Director.



420. Registration of vesting orders.

(1) Notwithstanding anything in any other written law, no order of the Court vesting any alienated land, or any share or interest therein, in any person or body shall affect the land, share or interest in question until it has been registered pursuant to this section.

(2) The Court shall, accordingly, cause a copy of any such order to be served on the Registrar or, as the case may be, Land Administrator forthwith after the making thereof; and the Registrar or Land Administrator, upon receiving any such copy, shall give effect to the order by making a memorial of the vesting on the register document of title to the land to which, or a share or interest in which, the order relates.

(3) The Registrar or Land Administrator shall sign and seal every memorial made by him pursuant to this section, and, if able to secure the production of the instrument in question, shall make a copy of the memorial on the issue document of title to the said land or, where the order relates to a lease or a charge, on the duplicate thereof.

(4) Where the Registrar or Land Administrator takes action under this section in respect of any land or any share or interest therein, he shall cause notice of his action to be served upon any person or body having a claim protected by caveat affecting the land, share or interest.

421. Taking of proceedings in name of proprietor, etc.

Any person or body in whom any alienated land, or any share or interest therein, is for the time being vested shall, on the application of any other person or body, and on receiving a proper indemnity therefor, be bound to allow the taking in his or its name of any legal proceedings which may be necessary or proper for the protection of any title or interest vested in or claimed by that other person or body.

421A. Interpretation.

For the purposes of section 417 and 420, "Court" includes a Syariah Court.

DIVISION VI

GENERAL AND MISCELLANEOUS

PART THIRTY-ONE (A)

POWER OF INVESTIGATION

421AA. Power of investigation.

(1) Any State Director or Land Administrator shall have the power to investigate the commission of any offence under this Act.

(2) Every person required by the State Director or Land Administrator to give information or produce any document or other article relating to the commission of such offence which is in the person's power to give shall be legally bound to give the information or to produce the document or other article.

421AB. Power to require attendance of witnesses.

(1) The State Director or Land Administrator making an investigation under section 421AA may by order in writing require the attendance before himself of any person who appears to him to be acquainted with the circumstances of the case, and such person shall attend as required.

(2) If any such person fails to attend as so required, the State Director or Land Administrator, as the case may be, may report such failure to a Magistrate who may thereupon in his discretion issue a warrant to secure the attendance of such person as required by such order aforesaid.

(3) A person attending as required under subsection (1) shall be entitled to be paid the reasonable travelling and subsistence expenses incurred by him; and it shall be lawful for the State Director or Land Administrator to pay such expenses.

421AC. Examination of witnesses.

(1) The State Director or Land Administrator making an investigation under section 421AA may examine orally any person supposed to be acquainted with the facts and circumstances of the case.

(2) Such person shall be bound to answer all questions relating to such case put to him by such officer:

Provided that such person may refuse to answer any question, the answer to which would have a tendency to expose him to a criminal charge, penalty or forfeiture.

(3) A person making a statement under this section shall be legally bound to state the truth, whether or not such statement is made wholly or partly in answer to questions.

(4) The State Director or Land Administrator examining a person under subsection (1) shall first inform that person of the provisions of subsections (2) and (3).

(5) A statement made by any person under this section shall, wherever possible, be reduced into writing and signed by the person making it or affixed with his thumbprint, as the case may be, after it has been read to him in the language in which he made it and after he has been given an opportunity to make any corrections he may wish.

DIVISION VI

GENERAL AND MISCELLANEOUS

PART THIRTY-TWO

POWERS OF ARREST AND SEIZURE AND PENALTIES

422. Penalty for false statements, etc.

Any person who-

(a) knowingly make any false statement, orally or in writing, in connection with any dealing or other transaction affecting land, or any other matter arising under this Act, or

(aa) knowingly gives any false information or makes any false statement, either orally or in writing, in connection with any investigation into the commission of any offence under this Act;



- (b) knowingly gives false evidence at any enquiry held under this Act, or
 - (c) fraudulently procures-
 - (i) the registration or issue of any document of title or other instrument relating to land, or
 - (ii) the making of any memorial or other entry on any such document or instrument, or
 - (iii) the cancellation or amendment of any such document or instrument, or of any memorial or other entry thereon, or
 - (d) suppresses or conceals from the Registrar, or assists or joins in so doing, any material document, fact or matter,
- shall be guilty of an offence, and liable on conviction to a fine not exceeding five thousand ringgit and, in default of payment of such fine, to imprisonment for a term not exceeding three years.

423. Penalty for fraudulent alteration, destruction, etc., of documents.

Any person who fraudulently alters, adds to, erases, defaces, or destroys any document or title or other instrument relating to land, or any memorial or other entry on any such document or instrument, shall be guilty of an offence, and liable on conviction to a fine not exceeding three thousand ringgit, or imprisonment for a term not exceeding seven years, or to both.

424. Penalty for failure to produce documents.

(1) Any person or body who, without reasonable excuse, fails to produce or deliver any document as required by a notice lawfully served on him under paragraph (e) of sub-section (1) of section 15 or by paragraph (b) of sub-section (1) of section 175B or by a notice under sub-section (4) of section 343 shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding five hundred ringgit, or imprisonment for a term not exceeding one month, or to both.

(2) Any person who, without reasonable excuse, fails to produce any document as required by a notice lawfully served on him under sub-section (2) of section 398A shall be guilty of an offence, and liable on conviction to a fine not exceeding five thousand ringgit, or imprisonment for a term not exceeding six months, or to both.

425. Unlawful occupation, etc., of State land, reserved land or mining land.

(1) Any person who, without lawful authority-

- (a) occupies, or erects any building on, any State land, reserved land or mining land, or
- (b) clears, ploughs, digs, encloses or cultivates any such land or part thereof; or
- (c) cuts or removes any timber or produce on or from such land,

shall be guilty of an offence, and liable on conviction to a fine not exceeding ten thousand ringgit, or imprisonment for a term not exceeding one year.



(1A) Any person who abets the commission of an offence under subsection (1) shall be guilty of an offence, and liable on conviction to a fine not exceeding ten thousand ringgit, or imprisonment for a term not exceeding one year, or to both.

(2) For the purpose of this section, State land shall include all land held by or on behalf of Federal or State Government a local authority or a statutory authority exercising powers vested in it by Federal or State law.

425A. Unlawful use of air space above State land or reserved land.

Any person who without lawful authority uses or occupies the air space above State land or reserved land by erecting, maintaining or occupying a roof, canopy, bridge or any other structure shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand ringgit, or to imprisonment for a term not exceeding six months, or to both.

426. Unlawful extraction or removal of rock material.

(1) Any person who, without lawful authority, extracts, removes, or, transports or permits the extraction, removal or transportation of rock material from any land shall be guilty of an offence, and liable on conviction to a fine not exceeding fifty thousand ringgit, or imprisonment for a term not exceeding five year, or to both.

[Am. Act A1333]

(1A) Any person who has in his possession or custody, or under his control, any rock material otherwise than in the form in which it constitutes a natural part of the land on which it is found, shall be presumed to have extracted, removed, or transported or permitted the extraction, removal, or transportation of rock material without lawful authority.

(1B) Whoever abets the commission of an offence under sub-section (1) shall be guilty of an offence, and liable on conviction to a fine not exceeding fifty thousand ringgit, or imprisonment for a term not exceeding five year, or to both.

[Am. Act A1333]

(2) Any person convicted of an offence under this section may be ordered to pay to the State Authority, in addition to any fine imposed on the conviction, compensation equal to the value of the rock material in question, and of any timber felled or damaged in the course of its extraction.

(3) For the purposes of sub-section (2), the value of any rock material or timber shall, in the absence of evidence to the contrary, be taken as such amount as the Collector may certify; and any sum ordered to be paid by virtue of that sub-section shall be recoverable as if it were a fine imposed on the conviction.



426A. Power of arrest and seizure.

(1) Any police officer not below the rank of Inspector, Registrar, Land Administrator, Settlement Officer or other officer duly authorised by the State Authority (hereafter in this Part referred to as "authorised officer") may without warrant-

- (a) arrest any person found committing or attempting to commit or abetting the commission of an offence under section 425 or 426;
- (b) seize any vehicle, tractor, agricultural implement or other thing whatsoever which he has reason to believe was used or is being used in the commission of an offence under that section;
- (c) demolish, destroy or remove any building, or take possession in the name of the State Authority of any crop, erected or cultivated on any land in contravention thereof.

(2) When a Registrar, Land Administrator, Settlement Officer or authorised officer exercises his powers of arrest, seizure or removal under sub-section (1), he shall declare his office or authority and produce for inspection to any person against whom he is acting, an authority card to be prescribed by the State Authority.

(3) A Registrar, Land Administrator, Settlement Officer or authorised officer may call upon any police officer for assistance in the exercise of the powers conferred under sub-section (1), and it shall be the duty of every police officer to comply with any such request.

(4) A Registrar, Land Administrator, Settlement Officer or authorised officer making an arrest under sub-section (1) shall without necessary delay make over the person so arrested to a police officer or take such person to the nearest police station; and the provisions of the Criminal Procedure Code shall apply in relation to the person so arrested.

(5) Whenever any thing is seized under this section, the seizing officer shall forthwith give notice in writing of such seizure and the grounds thereof to the owner of such thing, if known, either by delivering such notice to him personally or by post or at his place of abode, if known:

Provided that such notice shall not be required to be given where such seizure is made on the person, or in the presence of the offender or the owner or his agent, as the case may be.

426B. Custody and delivery of things seized.

(1) Where a Settlement Officer or an authorised officer has seized anything in exercise of his powers under section 426A, he shall as soon as may be informed of the fact to the Land Administrator, who shall direct the Settlement Officer or the authorised officer as to the proper custody of the thing, and if the thing is a thing which may be delivered to a police officer under sub-section (2) of this section, may direct that it is so delivered.

(2) The Registrar or Land Administrator or if there is a direction under sub-section (1) of this section, the Settlement Officer or authorised officer, may deliver to a police officer-

- (a) any movable property (other than anything seized under paragraph (b) of sub-section (1) of section 426A remaining on the land after a person has been arrested or

building has been demolished or removed under paragraph (c) of sub-section (1) of section 426A; and

(b) any of the materials composing a building so demolished or removed;

and property or materials so delivered shall be disposed of in accordance with section 22 of the Police Act, 1967.

426C. Forfeiture of things seized.

(1) All things seized in exercise of the powers conferred by paragraph (b) of sub-section (1) of section 426A shall be liable to forfeiture.

(2) Where anything has been seized under paragraph (b) of subsection (1) of section 426A, a police officer not below the rank of Inspector, Registrar or Land Administrator may, at his discretion, temporarily return such thing to the owner of the same on security being furnished to the satisfaction of the police officer, Registrar or Land Administrator that such thing shall be surrendered to him on demand or to produce it before a court of competent jurisdiction.

(3) An order for the forfeiture or for the release of anything seized in exercise of the powers conferred under paragraph (b) of subsection (1) of section 426A shall be made by the court before which the prosecution with regard thereto has been held and an order for the forfeiture of the thing shall be made if it is proved to the satisfaction of that Court that an offence under section 425 or 426 has been committed and that the thing was the subject matter of or was, used in the commission of the offence notwithstanding that no person may have been convicted of such offence.

(4) If there be no prosecution with regard to anything seized in exercise of the powers under that paragraph, such thing shall be taken and deemed to be forfeited at the expiration of one month from the date of seizure unless before that date a claim thereto is made in the following manner-

(a) any person asserting that he is the owner of such thing and that it is not liable to forfeiture may personally or by his agent authorised in writing give written notice to the police officer, Registrar or Land Administrator in whose possession such thing is held that he claims the same;

(b) in receipt of such notice the police officer, Registrar or Land Administrator as the case may be, shall refer the claim to the President of a Sessions Court for decision;

(c) the President to which the matter is referred shall issue a summons requiring the person asserting that he is the owner of the thing and the person from whom it was seized to appear before him and upon his appearance or default to appear, due service of the summons being proved, the President shall proceed to the examination of the matter and on proof that an offence under section 425 or 426 has been committed and that such thing was the subject matter of or was used in the commission of such offence shall order the same to be forfeited or may in the absence of such proof order its release.



(5) All things forfeited or deemed to be forfeited shall be delivered to the Land Administrator and shall be disposed of in accordance with the direction of-

- (a) the State Director;
- (b) the Director General of Lands and Mines, where the offence is committed on land held by or on behalf of the Federal Government; or
- (c) by the authority concerned, where the offence is committed on land held by or on behalf of, a local authority, or a statutory authority exercising powers vested in it by Federal or State law.

(6) Where anything seized in exercise of the powers conferred under paragraph (b) of sub-section (1) of section 426A is of a perishable nature or where the custody of such thing involves unreasonable expense and inconvenience, the State Director, the Director General of Lands and Mines or the authority concerned, as the case may be, may direct that such thing be sold at any time and the proceeds of the sale be held to abide by the result of any prosecution or claim under this section.

426D. No costs or damages arising from seizure to be recoverable.

No person shall in any proceeding before any court in respect of the seizure of anything seized in exercise or the purported exercise of the powers conferred under section 426A be entitled to the costs of such proceedings or subject to section 426C to any damages or other relief unless such seizure was made without reasonable or probable cause.

427. Unlawful grazing of animals.

(1) No person shall graze any animal on any State land or reserved land except pursuant to, and in accordance with the provisions of, a permit in that behalf issued by the Land Administrator or, in the case of reserved land, the officer for the time being having the control thereof.

(2) Any person who contravenes the provisions of sub-section (1), or of any permit issued thereunder, shall be guilty of an offence, and liable on conviction to a fine not exceeding one hundred ringgit.

428. Obstruction of Land Administrator's rights of way, roads and other public places.

(1) Where the Land Administrator is satisfied that there has been any wrongful obstruction of, or encroachment upon, any Land Administrator's right of way, or any public road or waterway or other place to which the public are entitled to access, he may make an order requiring the person or persons responsible therefor to remove the obstruction or encroachment, and if the order is not complied with within the time specified therein, may himself take such steps as may be necessary for that purpose.

(2) Any person who wrongfully obstructs or encroaches upon any such right of way, road, waterway or place shall be guilty of an offence, and liable on conviction to a fine exceeding two thousand ringgit, or imprisonment for a term not exceeding six months, or to both.

(3) Any person convicted of an offence under this section may, in addition to any fine imposed on the conviction, be ordered to pay to the State Authority the costs (as certified by the Land Administrator) or any steps reasonably taken under sub-section (1) for the removal of the obstruction or encroachment in question; and any sum ordered to be so paid shall be recoverable as if it were a fine so imposed.

428A. Wrongful receipt of information.

If any person receives any information relating to any matter knowing or having reasonable grounds to believe at the time he receives it that the information is communicated or divulged to him in contravention of section 19, he shall, unless he proves that the information was communicated or divulged to him contrary to his desire, be guilty of an offence, and liable on conviction to a fine not exceeding one thousand ringgit, or imprisonment for a term not exceeding six months, or to both.

428AA. Offences committed by body corporate officers deemed to be guilty.

[Ins. Act A941]

(1) Where a person charged with an offence under this Act or any rules made thereunder is a body corporate, every person who at the time of the commission of the offence is a director or officer of the body corporate may be charged jointly in the same proceedings with the body corporate, and where the body corporate is convicted of the offence charged, every such director or officer shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or that he took reasonable precautions to prevent its commission.

(2) Any person who would be liable under this Act or any rules made thereunder to any penalty for anything done or omitted if the thing had been done or omitted by him personally shall be liable to the same penalty if the thing had been done or omitted by his agent, unless he proves that he took reasonable precautions to prevent the doing or omission of the thing.

429. Miscellaneous penalties.

Any person contravening the provisions of-

- (a) section 19 (which prohibits officers appointed under this Act from divulging matters coming to their knowledge in the performance of their duties), or
- (b) section 20 (which relates to the purchase of land by officers so appointed), or
- (c) sub-section (2) of section 375 (which prohibits the removal of registers of title, etc., from Registries and Land Offices), or
- (d) sub-section (1) of section 379 (which relates to notifying the Registrar of a change of address),

shall be guilty of an offence, and liable on conviction to a fine not exceeding one thousand ringgit, or imprisonment for a term not exceeding six months.



429A. Institution of prosecution.

No prosecution for or in relation to any offence under this Code shall be instituted except by or with the consent in writing of the Public Prosecutor.

429B. Compounding of offences.

(1) The State Director or Land Administrator may, with the written consent of the Public Prosecutor, make a written offer to the person reasonably suspected of having committed an offence to compound the offence upon payment to the State Director or Land Administrator such amount not exceeding fifty per centum of the amount of maximum fine for that offence within such time as may be specified in the offer.

(2) An offer under subsection (1) may be made at any time after the offence has been committed but before any prosecution for it has been instituted and where the amount specified in the offer is not paid within the time specified in the offer or within such extended time as the State Director or Land Administrator may grant, prosecution for the offence may be instituted at any time thereafter against the person to whom the offer was made.

(3) Where an offence has been compounded under subsection (1)-

(a) no prosecution shall thereafter be instituted in respect of such offence against the person whom the offer to compound was made; and

(b) any book, record, apparatus, equipment, instrument, material, article or any other thing seized in connection with the offence, may be forfeited, destroyed or returned to that person, as the State Director or Land Administrator deems fit after taking into consideration the nature of the offence and subject to such terms and conditions as may be imposed."

[Subs. Act A1333]

**DIVISION VI
GENERAL AND MISCELLANEOUS
PART THIRTY-THREE
SERVICE AND PUBLICATION OF NOTICES**

430. Interpretation.

In this Part "notice" includes any notification, instrument or other document authorised or required by this Act to be served on any person or body.

431. Methods of service.

(1) Without prejudice to any other method of service, a notice may be served on a person or body for the purposes of this Act-

(a) by delivering the notice to the person; or

(b) by delivering the notice-

(i) at the person's usual or last known place of abode or business to his servant or to an adult member of his family; or



- (ii) at the body's registered office or usual or last known place of business to its servant or agent; or
- (c) by leaving the notice in a cover addressed to the person or body-
 - (i) at the person's usual or last known abode or place of business; or
 - (ii) at the body's registered office or usual or last known place of business; or
- (d) by sending the notice by pre-paid registered post to the person or body at an address for service given in pursuance of any provision of this Act, or, where no such address has been given-
 - (i) at the person's usual or last known abode or place of business; or
 - (ii) at the body's registered office or usual or last known place of business; or
- (e) by substituted service in accordance with section 432.

(2) A notice served by pre-paid registered post under paragraph (d) of subsection (1) shall be deemed to have been served at the time when the letter containing the notice would be delivered in the ordinary course of post; and it shall be sufficient proof of service that the letter was properly addressed in accordance with that paragraph and placed in the post: Provided that, where the letter is returned through the post undelivered, the notice shall not be deemed to have been served.

431A. Service where proprietor is dead.

Where a proprietor who would otherwise be served with a notice is dead, the Registrar may direct the notice to be served on any adult member of his family or may cause the notice to be sent by post to the Official Administrator.

432. Substituted service.

- (1) The Registrar, where he is satisfied that a notice affecting land in the State cannot be served personally or by post (either because the person to be served is evading service or for some other reason), may order service to be effected-
- (a) by affixing a copy of the notice in a conspicuous position-
 - (i) on the land where possible; and
 - (ii) on a court-house, mosque or pengu's office or *balai*, or in a market or other public place, in the area in which the land is situated; and
 - (b) by publishing a copy of the notice in the *Gazette* and, if he thinks fit, in one or more of the newspapers circulating in the State.
- (2) For the purposes of sub-section (1) a notice relating to document of title to any land shall be deemed to be a notice affecting the land.

433. Publication of certain notices and notifications.

Any provision of this Act requiring a copy of a notice or notification affecting land to be published in accordance with the provisions of this section shall be construed as requiring a copy of the notice or notification to be-

- (a) affixed in a conspicuous position_



- (i) on the land and on the penghulu's office or *balai* in the area in which the land is situated; and
 - (ii) in that area, on such court-houses and mosques (if any) and in such markets and other public places (if any) as the State Director thinks fit; and
- (b) where the State Authority considers that publication in a newspaper is desirable, published in such newspapers circulating in the State as the State Director thinks fit.

DIVISION VI
GENERAL AND MISCELLANEOUS
PART THIRTY-THREE (A)

RESTRICTIONS IN RESPECT OF NON-CITIZENS AND FOREIGN COMPANIES

433A. Interpretation.

For the purposes of this Part-

[Subs. Act A941]

"foreign company" means-

- (a) a foreign company as defined in sub-section (1) of section 4 of the Companies Act 1965;
- (b) a company incorporated under the Companies Act 1965 with fifty per cent or more of its voting shares being held by a non-citizen, or by a foreign company referred to in paragraph (a), or by both, at the time of the proposed acquisition of any land or any interest in land or at the time of the execution of the instrument or deed in respect of any alienated land or any interest therein, as the case may be; or

[Am. Act A1104 - Prior text read - "(b) a company incorporated under the Companies Act 1965 with thirty per cent or more of its voting shares being held by a non-citizen, or by a foreign company referred to in paragraph (a), or by both, at the time of the proposed acquisition of any land or any interest in land or at the time of the execution of the instrument or deed in respect of any alienated land or any interest therein, as the case may be; or"]

- (c) a company incorporated under the Companies Act 1965 with fifty per cent or more of its voting shares being held by a company referred to in paragraph (b), or by a company referred to in paragraph (b) together with a non-citizen or a foreign company referred to in paragraph (a), at the time of the proposed acquisition of any land or any interest in land or at the time of the execution of the instrument or deed in respect of any alienated land or any interest therein, as the case may be.

[Am. Act A1104 - Prior text read - "(c) a company incorporated under the Companies Act 1965 with thirty per cent or more of its voting shares being held by a company referred to in paragraph (b), or by a company referred to in paragraph (b) together with a non-citizen or a foreign company referred to in paragraph (a), at the time of the proposed acquisition of any land or any interest in land or at the time of the execution of the instrument or deed in respect of any alienated land or any interest therein, as the case may be."]

433B. Non-citizens and foreign companies may acquire, etc., land only with approval of State Authority.

(1) Notwithstanding anything contained in this Act or in any other written law-

(a) a non-citizen or a foreign company may acquire land by way of a disposal under Division II;

[Am. Act A941]

(b) a dealing under Division IV with respect to alienated land or an interest in alienated land may be effected in favour of a non-citizen or a foreign company;

(c) alienated land, or any share or interest in such land, may be transferred or transmitted to, or vested in, or created in favour of any person or body as "trustee", or of two or more persons or bodies as "trustees", where the trustee or one of the trustees, or where the beneficiary or one of the beneficiaries, is a non-citizen or a foreign company;

(d) the Registrar may in respect of any land register any person or body as "representative" or make a memorial in favour of any person or body as "representative" if such person or body is a non-citizen or a foreign company;

(e) the Registrar may endorse any memorial of transmission on the register document of title to any land in favour of a non-citizen or foreign company,

but only after the prior approval of the State Authority has been obtained upon an application in writing to the State Authority by such non-citizen or foreign company:

Provided that no such approval shall be required in respect of-

(aa) any land or any interest in land which is subject to the category "industry" or to any condition requiring its use for industrial purposes;

(ab) any dealing effected pursuant to a sale and purchase agreement for which an approval has been granted under section 433E and executed by the same parties in such agreement; and

(ac) any dealing or act with regard to alienated land or any interest in land exempted by rules made under paragraph (aa) of sub-section (1) of section 14. and

[Proviso subs. by Act A1104 - Prior text read - "Provided that no such approval shall be required in respect of any land or any interest in any land which is subject to the category "industry" or to any condition requiring its use for industrial purposes, or in respect of State land to be alienated for industrial purposes.

And Provided further that no such approval shall be required in respect of any dealing effected pursuant to a sale and purchase agreement for which an approval has been granted under section 433E and executed by the same parties in such agreement."]

(2) Where the State Authority grants any approval under sub-section (1) it may be made subject to such terms and conditions as may be specified by the State Authority and to the payment of such levy as may be prescribed.

[Am. Act A941]

(2A) The State Authority may, where its approval under sub-section (1) is given subject to the payment of such levy as may be prescribed, remit to any non-citizen or foreign

company, or exempt any non-citizen or foreign company from the payment of, any part of such levy:

Provided that the State Authority shall not remit to any non-citizen or foreign company, or exempt any non-citizen or foreign company from the payment of, such levy except in accordance with the directions of the National Land Council.

[Ins. Act A1104]

(3) Notwithstanding sub-section (1), but subject to sub-section (4), it shall not be necessary for a non-citizen or a foreign company to obtain the approval of the State Authority for the purpose of a charge or a lien in respect of any alienated land or any undivided share in such land or any lease of such land under Part Sixteen.

(4) Where an order for sale has been made under section 256, 263, or 281, as the case may be, a non-citizen or a foreign company, whether or not he is the chargee or a lienholder, shall not be entitled to bid at the sale where the land is subject to the category "agriculture" or "building" or to any condition requiring its use for any agricultural or building purpose, as the case may be, without the approval of the State Authority.

(5) Sub-section (4) shall not apply to land subject to the category "industry" or to any condition requiring its use for industrial purposes.

(6) Sub-sections (3), (4) and (5) shall apply to any charge effected, or any lien created, whether before or after the commencement of this Part.

433C. Disposal, dealing, etc., in favour of a non-citizen and foreign company in contravention of section 433B to be null and void.

After the commencement of this Part, any disposal of land by the State Authority, or any dealing or other act with regard to alienated land or any interest therein, in contravention of section 433B shall be null and void.

433D. Saving.

(1) Nothing contained in this Part shall render invalid anything done under this Act or any previous land law before the commencement of this Part.

(2) Nothing contained in this Part shall render invalid any instrument effecting any dealing in any alienated land or any interest therein in favour of a non-citizen or in favour of a foreign company executed before the commencement of this Part and stamped in accordance with the provisions of the Stamp Act 1949 either before or within one month after the commencement of this Part.

433E. Other conveyances or disposal to non-citizen or foreign company subject to approval and payment of levy, etc.

[Ins. Act A941]

(1) Subject to any written law, a person or body desiring to convey or dispose of, in a manner other than those specified in sub-section (1) of section 433B, any alienated land or any interest therein to a non-citizen or a foreign company may be allowed to do so, but only

after the prior approval of the State Authority has been obtained upon an application in writing being made by such person or body:

Provided that no such approval shall be required in respect of-

- (a) any alienated land or any interest in land which is subject to the category "industry" or to any condition requiring its use for industrial purposes; and
- (b) any conveyance or disposal or act with regard to alienated land or any interest in land exempted by rules made under paragraph (aa) of sub-section (1) of section 14.

[Proviso substituted by Act A1104 - Prior text read - "Provided that no such approval shall be required in respect of any alienated land or any interest in land which is subject to the category "industry" or to any condition requiring its use for industrial purposes. "]

(2) Where the State Authority grants any approval under sub-section (1), it may be made subject to such terms and conditions as may be specified by the State Authority and to the payment of such levy as may be prescribed.

(2A) The State Authority may, where its approval under sub-section (1) is given subject to the payment of such levy as may be prescribed, remit to any non-citizen or foreign company, or exempt any non-citizen or foreign company from the payment of, any part of such levy:

Provided that the State Authority shall not remit to any non-citizen or foreign company, or exempt any non-citizen or foreign company from the payment of, such levy except in accordance with the directions of the National Land Council.

[Ins. Act A1104]

(3) Any person or body conveying or disposing of, or any non-citizen or foreign company accepting the conveyance or disposal of, any alienated land or any interest therein in contravention of sub-section (1) shall be guilty of an offence, and liable on conviction to a fine of not less than one hundred thousand ringgit.

(4) Nothing contained in this section shall render invalid anything done before the commencement of this section if-

- (a) in respect of an instrument or a deed executed before 27 October 1995, the instrument or deed has been stamped in accordance with the provisions of the Stamp Act 1949 either before or within one month after the commencement of this section; or
- (b) the instrument or deed effecting any conveyance or disposal of any alienated land or any interest therein in favour of a non-citizen or a foreign company was executed on or after 27 October 1995 but before the commencement of this section, and-
 - (i) an application in writing is made within three months of the commencement of this section for an approval under this section;
 - (ii) any levy imposed in respect thereof has been paid; and
 - (iii) the instrument or deed has been stamped in accordance with the provisions of the Stamp Act 1949 either before or within one month after the commencement of this section.



(5) After the commencement of this section, any conveyance or disposal, in a manner other than those specified in sub-section (1) of section 433B, of any alienated land or any interest therein in contravention of this section shall be null and void.

433F. Execution by non-citizen or foreign company under power of attorney void.

[Ins. Act A941]

(1) Unless approval is not required under section 433B or 433E or unless a disposal of land or dealing or other act with regard to alienated land or any interest in land has been exempted under rules made under section 14, after the commencement of this section, any deed or instrument executed by a non-citizen or a foreign company under a power of attorney in respect of any alienated land or any interest therein in favour of any person or body shall be void, and, in the case of an instrument of dealing, be incapable of registration.

[Am. Act A1104 - Prior text read - "(1) Subject to sections 433B and 433E, after the commencement of this section, any deed or instrument executed by a non-citizen or a foreign company under a power of attorney in respect of any alienated land or any interest therein in favour of any person or body shall be void, and, in the case of an instrument of dealing, be incapable of registration."]

(2) Nothing contained in this section shall render invalid any deed or instrument effected by a non-citizen or a foreign company under a power of attorney in respect of any alienated land or any interest therein in favour of any person or body before the commencement of this section and stamped in accordance with the provisions of the Stamp Act 1949 either before or within one month after such commencement.

433G. Levy to be paid within thirty days of service of notice of approval.

[Ins. Act A941]

Any levy payable under this Part shall be paid in full not later than thirty days from the date of the service of the notice of approval by the State Authority and if the levy is not paid within such time, the approval shall thereupon lapse.

433H. Non-application of this Part.

[Am. Act A941]

This Part shall not apply in the case of bodies and persons referred to in paragraph (c) of section 43.

DIVISION VI
GENERAL AND MISCELLANEOUS
PART THIRTY-FOUR
MISCELLANEOUS

434. Determination, and payment, of compensation under this Act.

(1) Where, under any provision of this Act, any person or body is entitled in respect of any matter to compensation to be agreed or determined in accordance with the provisions of this section, the amount thereof shall be such as may be agreed between him and the State Director or, in default of any such agreement, determined by arbitration.



(2) For the purposes of the Arbitration Act 1952, every such arbitration shall be deemed to be pursuant to a submission-

(a) providing for the question in dispute to be referred to two arbitrators, one to be appointed by the State Director and the other by the person or body to whom the compensation is payable, and

(b) expressly incorporating the provisions set out in paragraphs (2) to (9) of the First Schedule to that Act.

(3) Any compensation agreed or determined in accordance with the provisions of this section shall be payable to the person or body entitled thereto by the Government of the State.

435. Rules relating to rice cultivation.

(1) The State Authority may make such rules as it may think fit with respect to the cultivation of rice on alienated lands required to be used for that purposes, including (but without prejudice to the generality of the foregoing) rules with respect to the time and method of cultivation, and the preparation, clearing, fencing, embanking and irrigation of such lands.

(2) Rules made by the State Authority under this section may authorise the Land Administrator to dispose temporarily of any land in respect of which any requirement of any such rule has not been complied with, and may contain such provisions as to the method and effects of any such disposal, and such incidental and ancillary provisions (including provisions creating offences under this Act), as the State Authority may consider necessary or expedient.

436. Supplementary provision as to forms and procedure.

The supplementary provisions in the Tenth Schedule shall have effect in relation to the forms in the First Schedule and in relation to the procedure to be followed in Registries and Land Offices.

436A. Particulars of identity card etc., and of citizenship.

(1) In making any application under this Act, or in completing any Form in the First Schedule or under any subsidiary legislation made under this Act, which requires the name of a person to be inserted, there shall be included, in the case of a natural individual a description of his citizenship, and the number of the identity card issued to him under the National Registration Act 1959, or where no such identity card has been issued to him, the description and number of his passport, or other official document of identity, and the case of a company, corporation, society, association or other body a statement as to its identity, the law under which it is constituted and whether or not it is a foreign company as defined in section 433A:

Provided that this section shall not apply in respect of the name of a public officer acting in his capacity as a public officer.



(2) The name of any natural individual to be inserted in any Form in the First Schedule or under any subsidiary legislation made under this Act shall be the name appearing on such person's identity card issued under the National Registration Act 1959 or, where no such identity card has been issued to him, the name appearing in his passport or any other official document of identity.

437. Form of Presentation Book.

The Presentation Book maintained by the Registrar in pursuance of subsection (1) of section 295 shall be in Form 34A.

PART THIRTY-FIVE

REPEALS, TRANSITIONAL, PROVISIONS, ETC.

438. Repeal and amendment of existing laws.

(1) The enactments specified in the Eleventh Schedule are hereby repealed as from the commencement of this Act.

(2) The Yang di-Pertuan Agong may, at any time within the period of two years beginning with the commencement of this Act, by order under this section-

- (a) repeal any other written law in force immediately before that commencement and rendered obsolete or unnecessary by any provision thereof;
- (b) make such repeals or amendments in any such law as he may consider necessary for the purpose of bringing the provisions thereof into accord with the provisions of this Act, or of supplementing the last mentioned provisions in any respect:

Provided that the power conferred by this sub-section shall not be exercised in respect of a State law otherwise than with the concurrence of the State Authority.

438A. Modifications for Federal Territory.

The Yang di-Pertuan Agong may by order provide for the application of this Act in the Federal Territory subject to such modifications as he may consider necessary or desirable.

439. Modifications for Penang and Malacca.

(1) With the concurrence of the State Authority, the Yang di- Pertuan Agong may be ordered under this section provide for the application of this Act in the States of Penang and Malacca subject to such modifications as he may consider necessary or desirable.

(2) The power conferred by sub-section (1) may be exercised in such a way as to make different provision for the State of

440. Modifications for Kelantan.

In its application to the State of Kelantan, this Act shall be subject to the modifications set out in the Twelfth Schedule.



441. Transitional provision with respect to rules, orders, etc.

Any rule, order, regulation, direction, notice or notification made, given or issued before the commencement of this Act under any previous land law shall, if it could have been made, given or issued under any corresponding provision of this Act, continue in force, and have the like effect, as if it had been so made, given or, as the case may be, issued.

442. Transitional provision with respect to administrative areas.

Any areas constituted under the provisions of any previous land law, or recognised immediately before the commencement of this Act, as a district, sub-district, mukim, town or village shall be deemed for the purposes of this Act to have been constituted as such pursuant to the provisions of section 11.

443. Transitional provision with respect to officers.

Any person who, immediately before the commencement of this Act, was holding any office to which appointments may be made under section 6 or 12 shall continue in that office, and be deemed for the purposes of this Act to have been so appointed.

444. Transitional provision with respect to dealings, etc.

Any instrument executed before the commencement of this Act and effecting any dealing permitted thereunder may be presented for registration under Part Eighteen at any time within three months of that commencement, and-

- (a) the question whether any instrument so presented is fit for registration shall be determined by the Registrar by reference to the law in force at the time of its execution;
- (b) subject to paragraph (a), the provisions of this Act shall apply to any such instrument as if it had been executed after the commencement thereof.

445. Power of State Authority to make additional transitional provisions, etc.

The State Authority may by rules make such provision as it may consider necessary or expedient for the purpose of removing any difficulties occasioned by the coming into force of this Act, and any such rule may be made so as to have effect as from the commencement of this Act.

446. Special provision for land subject to conditions in Schedules 2 and 3.

(1) Notwithstanding any other provision of this Act, the provisions of the Thirteenth Schedule shall have effect in relation to any land which is subject to any of the additional implied conditions in the Second and Third Schedules.

447. Saving for rules of court, and procedure in cases not provided for.

(1) Nothing in this Act shall affect the operation of any rules of court; and, if any provision of this Act is inconsistent with any provision of any rules of court, the latter provision shall prevail and the former provision shall, to the extent of the inconsistency, be void.

(2) A person or body seeking to take proceedings in the Court under this Act, and any party to proceedings so taken, may apply to the Court by summons in Chambers for procedural directions in respect of any matter not provided for; and the Court on any such application may make such order as it considers appropriate.



FIRST SCHEDULE

FIRST SCHEDULE [Sections 9 and 207]

FORMS

The Arabic number of any Form in this Schedule indicates the relevant Part of the Code from which it is derived, e.g. Form 10A is a Form referred to in Part Ten.

New Forms, as opposed to substitute Forms, introduced after the commencement of the Code, if they are not capable of being conveniently fitted into the original system of numbering, are numbered as Form 1, Form 2, and so on consecutively according to the order of their coming into existence, and are arranged in that order after Form 34A.

FIRST SCHEDULE

Form 2A [Section 27] - Notice Of Enquiry

National Land Code

Form 2A

(Section 27)

NOTICE OF ENQUIRY

An enquiry will be held at on..... the day of, 19.....athours in respect of the following matter-.....

.....
.....
Any person who has any interest in this matter or wishes to make any claim, objection or other submission should attend at the plea and at the time specified and be prepared to give oral evidence and to produce any documentary evidence he may possess.

Any such person may be assisted at the enquiry by an advocate and solicitor.

Any such person may, by registered letter, apply for a postponement or for a change of venue, stating-

(a) the reason for which such postponement or change is sought, and

(b) the nature and substance of the evidence which he proposes to give or adduce. Dated this

.....day of, 19

.....

Director/Registrar/Land Administrator

State/District.....

SUPPLEMENT

To of..... I have reason to believe that you are interested in the subject-matter of this enquiry.

Take notice that if you fail to make due appearance at the time and place specified the enquiry may proceed and be completed in your absence.

Dated thisday of.....,19.....

.....

Director/Registrar/Land Administrator

State/District.....

FIRST SCHEDULE

Form 2B [Section 15] - Notice To Produce A Document

National Land Code

Form 2B

(Section 15)

NOTICE TO PRODUCE A DOCUMENT

To of

.....

Whereas it is necessary for me to inspect the following document/s relating to land, that is to say-

.....

.....

.....

And whereas I have reason to believe-

*(a) that the said document/s are in your possession or control;

*(b) that you possess information as to the whereabouts of the said document/s.

Now, in exercise of the powers conferred by section 15 of the National Land Code, I hereby require you, within a period of from the date of service of this notice-

*(a) to produce the said document/s for inspection;

*(b) to produce the said document/s for the purpose of cancellation as new title/s in continuation thereof has/have been registered and the issue document/s is/are ready for collection;

*(c) to give such information as you may possess as to the whereabouts of the said document/s;

[Am. Act A1104:s.46]

*(d) to standardize the * express conditions/restrictions in interest.

[Ins. Act A1104:s.46]

And take notice that if, without reasonable excuse, you fail to *produce such document/s/give such information within the time specified you will be guilty of an offence against section 424 of the Code.

Dated this..... day of.....,19.....

.....

Director/Registrar/Land Administrator

State/District.....

* Delete as appropriate.

FIRST SCHEDULE

Form 3A [Sections 60 and 61A] - Notice Of Objection To Intended State Works

National Land Code

Form 3 A

(Sections 60 and 61)

NOTICE OF OBJECTION TO INTENDED STATE WORKS

To the Land Administrator

.....

District

I of

*proprietor/lessee/tenant of-

*person entitle to the benefit of an easement over- the land/s scheduled below, give notice that I object to the carrying out by the State Authority of the intended work described in Gazette Notification

.....

[Here insert name of person or body carrying out the work.]

The grounds of my objection are

.....

.....

.....

Dated this.....day of, 19.....

Signed.....

SCHEDULE OF LAND/S

*Town/village/mukim	*Lot/L.O.No.	Area	Description and No.of Title

*Delete as appropriate

** Delete/insert as appropriate

FIRST SCHEDULE

Form 4A [Section 67] - Temporary Occupation Licence (General Form)

National Land Code

Form 4 A

(Section 67)

T.O.L.No.A

.....

District

TEMPORARY OCCUPATION LICENCE

(General Form)

PURPOSE OF OCCUPATION - * {CULTIVATION

{PRIVATE RESIDENCE

{PUBLIC PERFORMANCE,ETC.

FEE RM (Ringgit.....)

Paid vide receipt No.

for period expiring on 31 December

FIRST RENEWAL: FEE RM

(Ringgit))

Paid vide Receipt No.

for period expiring on 31 December

SECOND RENEWAL: FEE RM

(Ringgit))

Paid vide Receipt No.

for the period expiring on 31 December

THIRD RENEWAL: FEE RM

(Ringgit))

Paid vide Receipt No.

for the period expiring on 31 December

Name of Licensee

Address

N.R.I.C. No is hereby licensed to occupy the land described below for the purpose, and at the fee, specified above.

Occupation will be subject to the provisions scheduled below and to any other provisions prescribed by Rule.

Issued this..... day of....., 19.....

Land Administrator/Authorised Officer

.....

DESCRIPTION OF LAND

*Town/Village/Mukim

*State Land Reserve/Mining Land (Lease or M.C. No.)

Locality (or* Lot/L.O. No. if any)

Area of Land to be occupied (*Sketch Plan overleaf).

SCHEDULE

- (1) This licence shall commence on and expire on *31st December/
- (2) This licence *is not capable/is capable under Rule of assignment.
- (3) This licence shall terminate in the event of the death of the person, dissolution of the body, for the time being entitled to its benefit.
- (4) The land under licence may not be used-
 - (a) for any purpose other than that stated above;
 - (b) for the planting of permanent crops;
 - (c) for the erection of any permanent building or other permanent structure.
- (5) This licence may be cancelled-
 - (a) immediately, and without payment of compensation, upon the breach of any provision to which it is subject;
 - (b) upon payment of compensation (to be agreed or determined in accordance with the provisions of section 434 of the National Land Code) at any time before the date of expiry.

.....
.....
.....

[Here insert additional provisions.]

*Delete as appropriate.

FIRST SCHEDULE

Form 4B [Section 69] - Temporary Occupation Licence (Special Form)

National Land Code

Form 4 B

(Section 69)

TEMPORARY OCCUPATION LICENCE

(Special Form)

T.O.L No.B

District

PURPOSE OF OCCUPATION -

EXTRACTION, PROCESSING AND REMOVAL
OF ROCK-MATERIAL, VIZ

.....

OCCUPATION FEE RM

Name of Licensee Address

N.R.I.C. No

is hereby licensed to occupy the land described below for the purpose, and at the fee, specified above.

Occupation will be subject to the provisions scheduled below and to any other provision prescribed by Rule.

Issued this.....day of....., 19.....

..... *Land Administrator/Authorised Officer*

DESCRIPTION OF LAND

*Town/Village/Mukim
*State Land Reserve/Mining Land (Lease or M.C. No.)
Locality (or* Lot/L.O. No. if any)
Area of Land to be occupied (*Sketch Plan overleaf).

SCHEDULE

- (6) This licence shall commence on and expire on *31st December/
- (7) This licence *is not capable/is capable under Rule of assignment.
- (8) This licence shall terminate in the event of the death of the person, dissolution of the body, for the time being entitled to its benefit.
- (9) The land under licence may not be used-
 - (d) for any purpose other than that stated above;
 - (e) for the planting of permanent crops;
 - (f) for the erection of any permanent building or other permanent structure.
- (10) This licence may be cancelled-
 - (c) immediately, and without payment of compensation, upon the breach of any provision to which it is subject;
 - (d) upon payment of compensation (to be agreed or determined in accordance with the provisions of section 434 of the National Land Code) at any time before the date of expiry.

.....
.....

[Here insert additional provisions.]

*Delete as appropriate.



FIRST SCHEDULE

Form 4C [Section 72] - Permit To Remove Rock-Material

National Land Code

Form 4C

(Section 72)

PERMIT TO REMOVE ROCK-MATERIAL

Permit No. C

.....

District

Fee (Ringgit.....) Receipt No.

.....

Name of Permit-holder Address

.....

N.R.I.C. No.

is hereby permitted to enter on, and extract and remove rock-material from, the land described below, subject to the provisions as scheduled and to any other provisions prescribed by Rule.

Issued this.....day of 19.....

..... Land

Administrator/Authorised Officer

DESCRIPTION OF LAND

*Town/Village/Mukim. *State land/Reserved/Mining Land (Lease or M.C.

No.) Alienated Land (Title No.) Locality (or* Lot/L.O. No. if any)

..... Area of Land (*Sketch plan overleaf).

SCHEDULE

(1) This permit shall commence on and expire on *31st December/

(2) No rock-material may be extracted or removed other than

(3) The maximum quantity of such material which may be extracted shall be

(4) A fee shall be payable at the rate of RM per (unit quantity of the rock-material).

(5) This permit *is not capable/ is capable under Rule of assignment.

(6) This permit shall terminate in the event of the death of the person, or dissolution of the body, for the time being entitled to its benefit.

(7) The land may not be used for any purpose other than the extraction and removal of the type of rock-material specified above.

(8) This permit may be cancelled

(a) immediately, and without payment of compensation, upon the breach of any provision to which it is subject;

(b) upon payment of compensation (to be agreed or determined in accordance with the provisions of section 434 of the National Land Code) at any time before the date of expiry.

.....

.....

[Here insert any additional conditions.]

*Delete as appropriate



FIRST SCHEDULE

Form 4D [Section 75A] - Permit For The Use Of Air Space Above *StateLand/Reserved Land

National Land Code

Form 4D

(Section 75A)

PERMIT FOR THE USE OF AIR SPACE ABOVE *STATE LAND/RESERVED LAND

Permit No. D

.....

District

Name of Permit-holder Address

.....

N.R.I.C. No. is hereby permitted to use the air space above the land described below for the purpose of erecting, maintaining and occupying such *structure/s as may be approved by the State Authority, subject to the conditions specified below and to provisions prescribed by Rules.

Issued this.....day of 19.....

..... Land

Administrator

District

DESCRIPTION OF LAND

*Town/Village/Mukim. *State land/Reserved land

..... Locality Area of Land .

..... (*Sketch plan overleaf).

CONDITIONS

- 1. This permit shall commence on and expire on
2. The air space over the *State land/reserved land shall not be used for any purpose other than for the erection, maintenance and occupation of the *structure/s described below for which the permit is issued

.....
.....

(attach a certified true copy of the approved building plan).

- 3. This permit may be cancelled under section 75G.
4. This permit shall not be capable of assignment, except with the prior consent of the State Authority.

.....
.....

[Here insert any additional conditions.]

*Delete as appropriate



FIRST SCHEDULE

Form 4E [Section 63] - Lease Or Reserved Land

Form 4E

(Section 63)

LEASE OR RESERVED LAND

Term of Expiring on

Upon application by made with the prior approval of the officer having control of the land reserved under..... G.N. No the land scheduled below and shown in the plan, being *the whole/part of the said reserved land, is leased for the above term of to N.R.I.C. No subject to the condition below, in consideration of the due payment of the rent of RM....., to be paid not later than the day of the month of each year.

By command of the State Authority.

Granted thisday of 19.....

..... Land

Administrator

(L.S.)District.....

SCHEDULE OF LAND

District *Town/Village/Mukim.

..... Lot No Area of Lot

.....

CONDITIONS

- 1. This lease shall terminate in the event of the death of the person, or dissolution of the body for the time being entitled to its benefit.
2. This lease may be terminated by the State Authority immediately upon, at any time after, the occurrence of a breach of any rule, term or condition, to which it is subject without payment of any compensation.
3. This lease may be terminated by the State Authority at its discretion at any time before the date of expiry of the lease notwithstanding that it has not become liable to termination for breach of any rule, term or condition, upon payment of such compensation as may be agreed or determined under section 434 of the National Land Code.

.....

.....

.....

[Here insert any additional conditions.]

*Delete as appropriate



FIRST SCHEDULE

Form 5A [Sections 81 and 82] - Notice That Land Revenue Is Due

National Land Code

Form 5A

(Sections 81 and 82)

NOTICE THAT LAND REVENUE IS DUE

Land Application No

To of

You are hereby required, within a period of from the date of the service of this notice to *pay/place on deposit at the Land Office of this district the following sums -

Return for the first year... ..	RM
Premium	RM
*Survey Fees (excluding Boundary Marks)	RM
Boundary Marks... ..	RM
Preparation and registration of documents of qualified title and final documents of title	RM
	<hr/>
Total ...	RM
	<hr/>

Take notice that if the above total is not *paid/deposited in full within the time specified then, by virtue of the provisions of section *81/82 of the National Land Code –

- *the approval of your application will lapse,
- *your application will be deemed to have been withdrawn.

Dated this.....day of.....,19.....

Land Administrator

(L.S.)

District

*Delete as appropriate



FIRST SCHEDULE

Form 5B [Section 86] - Grant

National Land Code

Form 5B

(Section 86)

State of

GRANT

Reg. No

CATEGORY OF UNDERGROUND LAND USE

The underground land scheduled below, which, for the purposes of identification, is shown in the included stratum plan, is held in perpetuity by the proprietor for the time being named in the record of proprietorship overleaf, subject to the provisions of the National Land Code, to the category specified above and to the express conditions and restriction in interest below, in consideration of the due payment of the annual rent of RM

By command of the State Authority
registered this day of 19

..... Registrar
of Titles

(L.S.)

Correspondence No.....

SCHEDULE OF UNDERGROUND LAND

District

Town/Village/Mukim.

Stratum Lot No Volume of the stratum lot Standard Sheet

No

Certified Plan No

File No

*Within Malay Reservation/Aboriginal Area/Aboriginal Reserve/Group Settlement Area, etc *Gazette*

Notification No. dated

EXPRESS CONDITION

RESTRICTIONS IN INTEREST

To be completed when the title is issued in continuation.

Date of first alienation

No. of original title (final or qualified)

No. of immediately preceding title (if different from above)

Heading to be printed on all subsequent leaves of this Form



RECORD OF PROPRIETORSHIP, OF DEALINGS AND OF OTHER MATTERS AFFECTING TITLE

*Delete as appropriate



FIRST SCHEDULE

Form 5C [Section 86] - State Lease

National Land Code

Form 5C

(Section 86)

State of

STATE LEASE

Term of..... Years expiring.....

Reg. No.....

CATEGORY OF UNDERGROUND LAND USE.....

The underground Land schedule below, which for the purposes of identification is shown in the included stratum plan, is held for the above term of years by the proprietor for the time being named in the record of proprietorship overleaf, subject to the provisions of the National Land Code, to the category specified above and to the express conditions and restrictions in interest below, in consideration of the due payment of the annual rent of RM.....

By command of the State Authority
registered this.....day of.....19

(L.S.)

.....
Registrar of Title

Correspondence

No

SCHEDULE OF UNDERGROUND LAND

District

Town/Village/Mukim.

Stratum Lot No Volume of the stratum lot Standard Sheet

No

Certified Plan No

File No

*Within Malay Reservation/Aboriginal Area/Aboriginal Reserve/Group Settlement Area, etc *Gazette*
Notification No. dated

EXPRESS CONDITIONS

RESTRICTIONS IN INTEREST

To be completed when the title is issued in continuation

Date of first alienation



No. of original title (final or qualified)

No. of immediately preceding title (if different from above)

Heading to be printed on all subsequent leaves of this Form

RECORD OF PROPRIETORSHIP, OF DEALINGS AND OF OTHER MATTERS AFFECTING TITLE

*Delete as appropriate



FIRST SCHEDULE

Form 5D [Section 87] - Mukim Grant

National Land Code

Form 5D

(Section 87)

MUKIM REGISTER: Mukim of No. MG

State of

MUKIM GRANT

CATEGORY OF LAND USE

[Here insert "Agriculture ", "Building ", "Industry" or "NIL", as appropriate.]

The land scheduled below, which for the purposes of identification is shown in the included plan, is held in perpetuity by the proprietor for the time being named in the record of proprietorship overleaf, subject to the provisions of the National Land Code, to the category specified above and to the express conditions and restrictions in interest specified below in consideration of the due payment of the annual rent of RM.....

By command of the State of Authority

registered this day of19

.....

Land Administrator

(L.S.)

District

Correspondence

No.....

SCHEDULE OF LAND

Lot No

Mukim

District

Locality

Area of lot

Standard Sheet No

Certified Plan No

File No

*Within Malay Reservation/Aboriginal Area/Aboriginal Reserve/Group Settlement Area, etc *Gazette*

Notification No. dated



**EXPRESS CONDITIONS
RESTRICTIONS IN INTEREST**

To be completed when the title is issued in continuation

Date of first alienation

No. of original title (final or qualified)

No. of immediately preceding title (if different from above)

.

Heading to be printed on all subsequent leaves of this Form

RECORD OF PROPRIETORSHIP, OF DEALINGS AND OF OTHER MATTERS AFFECTING TITLE

*Delete as appropriate



FIRST SCHEDULE

Form 5E [Section 87] - Mukim Lease

National Land Code

Form 5E

(Section 87)

MUKIM REGISTER: Mukim of.....No. ML.....

State of.....

MUKIM LEASE

CATEGORY OF LAND USE.....

[Here insert "Agriculture", " Building ", Industry " or " NIL", as appropriate.]

The land schedule below, which for the purposes of identification is shown in the included plan, is held for the above term by the proprietor for the time being named in the record of proprietorship overleaf, subject to the provisions of the National Land Code, to the category specified above and to the express conditions and restrictions in interest specified below, in consideration of the due payment of the annual rent of RM.....

By command of the State of Authority registered

this.....day of.....19.....

.....

Land Administrator

(L.S.)

District

Correspondence No.....

SCHEDULE OF LAND

Lot No Mukim District

Locality

Area of lot

Standard Sheet No

Certified Plan No

File No

* Within Malay Reservation/Aboriginal Area/Aboriginal Reserve/(Group Settlement Area, etc

..... Gazette Notification No dated

EXPRESS CONDITIONS

RESTRICTIONS IN INTEREST

To be completed when the title is issued in continuation

Date of first alienation



No. of origin title (final or qualified)

No. of immediately preceding title (if different from above)

Heading to be printed on all subsequent leaves of this Form

RECORD OF PROPRIETORSHIP, OF DEALINGS AND OF OTHER MATTERS AFFECTING TITLE

*Delete as appropriate



FIRST SCHEDULE

Form 5F [Section 90] - Notice To Take Out Issue Document Of Title

National Land Code

Form 5F

(Section 90)

NOTICE TO TAKE OUT ISSUE DOCUMENT OF TITLE

To of proprietor of the land scheduled below.

Take notice that, by virtue of the powers conferred by section 90 of the National Land Code, you are hereby required to attend at the Land Office of this district at any time within three months from the date of service of this notice,

*or at on the day of,19 and there

(a) to take delivery of the issue document of title to the land, and

(b) to pay all land revenue outstanding in respect thereof. Dated

this.....day of.....,19.....

Land Administrator District

.....

SCHEDULE OF LAND AND TITLE

*Town/Village/Mukim *Lot/L.O. No

Description and No. of Title Area

Previous *Final title/Q.T./A.A Area

*Delete as appropriate



FIRST SCHEDULE

Form 6A [Sections 97 and 98] - Notice Of Demand: Arrears Of Rent

National Land Code

Form 6A

(Sections 97 and 98)

NOTICE OF DEMAND: ARREARS OF RENT

To of proprietor of the land/s described in the 1st and 2nd columns of the Schedule below.

Whereas the rent reserved on the said land/s and due in respect of the current year is unpaid and, with effect from the 1st day of June, in arrear.

You are hereby required, within three months of the date of the service of this notice, to pay * at the Land Office of this district/at all the sums now due as entered in the 3rd-6th columns of the Schedule and totalled in the final column thereof.

And take notice that, if *the total/any of the totals specified in the final column is not paid in full within the said period of three months, then I the undersigned, by virtue of the powers conferred by section 100 of the National Land Code, shall by order declare *the land/the land in question forfeit to the State Authority.

Dated this.....day of.....,19

Land Administrator.....

District

SCHEDULE OF LAND AND ARREARS

Description & No.of Title (1)	*Lot/L.O.No (2)	Current Year Rent (3)	Arrears from previous yeats (4)	Fees,etc., chargeable as rent (5)	Arrears Fee/s (6)	Total due (7)

SUPPLEMENT

To of *Chargee/Lessee/Sub-lessee/Tenant/Lien-holder/Caveator/Easement holder.

Should you have reason to believe that the proprietor of that land scheduled above in which you possess or claim an interest will make default in payment of the sums now declared due thereon, you may avoid the forfeiture of such land by paying in full to the Land Administrator, within the time specified, the total specified in respect of that land.

And take notice that (without prejudice to any right under that section to sue the proprietor direct) the following



special rights of recovery exist by virtue of the provisions of section 98 of the National Land Code-

- (a) any sum paid by a chargee shall be added to the first payment thereafter due under the charge;
- (b) any sum paid by a lessee, sub-lessee or tenant may be recovered by deducting the amount of such sum from any rent then or thereafter due from him to the proprietor or other person under whom the land is held;
- (c) any lessee, sub-lessee or tenant who incurs any additional liability or suffers any deduction under that section may recover the amount of such liability or deduction by making a corresponding deduction from the amount of the rent payable by him.

Dated this day of, 19

Land Administrator

District

*Delete as appropriate.



FIRST SCHEDULE

Form 7A [Section 128] - Notice To Remedy A Breach Of Condition

National Land Code

Form 7A

(Section 128)

NOTICE TO REMEDY A BREACH OF CONDITION

To of proprietor of the land scheduled below.

Whereas I the undersigned am satisfied that a breach of the condition scheduled below has arisen in that –

.....
.....
.....

[Here describe the nature of the breach]

Now therefore in exercise of the powers conferred by section 128 of the National Land Code I hereby require you within a period of from the date of service of this notice to take the following action to remedy the breach-.....

.....
.....

Dated this.....day of.....,19.....

Land Administrator.....

District

SCHEDULE OF LAND AND OF CONDITION

*Town/Village/Mukim *Lot/L.O .No

Description and No. of Title Area

Condition Breached:

.....
.....
.....
.....

*Delete as appropriate.



FIRST SCHEDULE

Form 7B [Section 129] - Breach Of Condition: Notice To Show Cause

National Land Code

Form 7B

(Section 129)

BREACH OF CONDITION: NOTICE TO SHOW CAUSE

To of proprietor of the land scheduled below.

Whereas I the undersigned am satisfied that a breach of the condition scheduled below has arisen in that

.....
.....
.....
.....

[Here describe the nature of the breach]

And whereas -

*(a) I am of the opinion that the taking of action under section 128 of the National Land Code would not be appropriate.

*(b) You have failed to comply with the notice served on you under section 128 of the National Land Code requiring you to remedy the breach.

Now therefore, in exercise of the powers conferred by section 129 of the National Land Code I hereby require you to appear before me on the day of,19 at hours at to show cause why I should not forthwith declare the land forfeit to the State.

Dated this.....day of.....,19.....

Land Administrator

District

SCHEDULE OF LAND AND OF CONDITION

* Town/Village/Mukim *Lot/L.O. No
Description and No. of Title Area
Condition Breached:

SUPPLEMENT

To of

*Chargee/Lessee/Sub-lessee/Tenant/Lien-holder/Caveator/Easement-holder. Take notice that if you wish to submit proposals whereby the above breach may be remedied you should appear at the time and place specified to show cause why the land be not declared forfeit.

Dated this.....day of.....,19.....

Land Administrator

District

*Delete as appropriate.



FIRST SCHEDULE

Form 7C [Section 124] - Memorandum Of Variation Of Conditions,Restrictions And Categories

Form 7C

(Section 124)

MEMORANDUM OF VARIATION OF CONDITIONS,
RESTRICTIONS AND CATEGORIES

On the application of *proprietor/co-proprietors of the land held under Title No Lot No
*Town/Village/Mukim District covering an area of
*hectares/square metres, the State Authority has approved –

- * (i) the variation of category of land use from to
- * (ii) the imposition of category of land use
- * (iii) the rescission of express condition:
- * (iv) the rescission of the expression "Padi", "Rubber", "Kampung", etc: * (v) the amendment of express conditions as follows:
- * (vi) the imposition of new express conditions:
- * (vii) the rescission of restriction in interest:
- * (viii) the amendment of restriction in interest as follows:
- * (ix) the imposition of new restriction in interest:

subject to the payment of RM and the imposition of a new quit rent of RM

I, the District Land Administrator, hereby request that *endorsement/ cancellation/entry be made on the document of title in accordance with the above approval.

Date

L.S.

.....
District Land Administrator

FOR USE BY REGISTRAR/LAND ADMINISTRATOR

*Endorsement/cancellation/entry has been made on the register document of title this day of
19

.....
Registrar/Land Administrator

.....
*Delete as appropriate.



FIRST SCHEDULE

Form 7D [Section 124A] - Application For Variation Of Conditions, Restrictions And Categories In Respect Of Proposed Sub-Divisional Portions Of Land

National Land Code

Form 7D

(Section 124A)

APPLICATION FOR VARIATION OF CONDITIONS, RESTRICTIONS AND CATEGORIES IN RESPECT OF PROPOSED SUB-DIVISIONAL PORTIONS OF LAND

To the Land Administrator, District of

*I/We, the undersigned *proprietor/co-proprietors of following land-

*Town/Village/Mukim Lot No

Description and No. of Title Area

hereby apply for approval for variation of *condition/restriction/category of the proposed sub-divisional portion thereof as shown in the proposed sub-divisional plan attached.

For purposes of clarification *I/we also attach an explanatory memorandum.

2. As required, *I/we now submit-

- (a) the prescribed fee of RM;
(b) the proposed sub division plan referred to above together with copies thereof;
*(c) a copy of the approval of the Planning Authority;
(d) a letter of consent from each of the following persons (being persons whose consent is required under sections 124 (1) and 136 (1) (e)),the particular reason for the consent being specified in each such letter:
(i)
(ii)
(iii)

Dated this day of 19.....

.....
Signature of Proprietor

For Official Use Only

(A) Rent for current year paid.

.....
Land Administrator

- (B) (1) Subdivision as in attached plan approved.
(2) One copy of the said plan retained.

[For use when planning approval is not earlier obtained]



.....

Signature

Planning Authority

(C) (1) Subdivision approved *subject to the following modifications-

.....

.....

.....

(2) Variation of *condition/restriction/category of proposed sub-divisional portions approved.

Dated this day of 19.....

..... *Director/Land*

Administrator

*Delete as appropriate.



FIRST SCHEDULE

Form 7E [Section 127(1A)(a)] - Notice To Show Cause For Imposition Of Fine

National Land Code

Form 7E

[Section 127(1A)(a)]

BREACH OF CONDITION: NOTICE TO SHOW CAUSE FOR IMPOSITION OF FINE

To of..... proprietor of the land scheduled below.

Whereas I, the undersigned, am satisfied that a breach of the condition scheduled below has arisen in that-

.....
.....
.....

[Here describe the nature of the breach]

Now therefore, in the exercise of the powers conferred by paragraph (a) of sub-section (1A) of section 127 of the National Land Code; I hereby require you to appear before me on day of19at hours at to show cause why a fine should not be imposed on you in respect of the above-mentioned breach.

Dated this.....day of.....19.....

Land Administrator

District

SCHEDULE OF LAND AND OF CONDITION

Town/Village/Mukim *Lot/L.O.No Description and

No. of Title Area Condition Breached

.....

*Delete as appropriate.



FIRST SCHEDULE

Form 7F [Section 127(1C)] - Notice Of Intention To Secure Remedy Of Breach Or To Enforce Forfeiture Of The Land

National Land Code

Form 7F

[Section 127(1C)]

CONTINUING BREACH OF CONDITION:

NOTICE OF INTENTION TO SECURE REMEDY OF BREACH OR TO ENFORCE FORFEITURE OF THE LAND

To of proprietor of the land scheduled below.

Whereas I, the undersigned, am satisfied that a breach of the condition schedule below has arisen in that-

.....
.....
.....

[Here describe the nature of the breach]

And whereas I, after due enquiry, am satisfied that the above-mentioned breach continues:

And whereas I, after a notice in Form 5 dated day of 19 did, on day of 19 imposed on you a fine of ringgit in respect of the above-mentioned breach, and in the case of the breach continuing, a further fine of..... ringgit for each day during which the breach continues:

Now therefore, in the exercise of the powers conferred by sub-section (1C) of section 127 of the National Land Code, I hereby inform you of my intention to take action under section 128 to secure remedy of the above mentioned breach or under section 129 to enforce forfeiture of the land scheduled below, upon the expiry of a period of six months from the date of service of this notice, or at any time thereafter.

Dated thisday of19.....

Land Administrator

District

SCHEDULE OF LAND AND OF CONDITION

*Town/Village/Mukim *Lot/L.O. No

Description and No. of Title Area

Condition Breached

*Delete as appropriate.



FIRST SCHEDULE

Form 7G [Section 124] - Notice That Payment Is Due (Variation of conditions/restrictions/categories)

National Land Code

Form 7G

(Section 124)

NOTICE THAT PAYMENT IS DUE

(Variation of conditions/restrictions/categories)

Application No

To..... of.....

*proprietor/co-proprietors of the land held under-

Title No

Lot/L.O. No *Town/village/

Mukim District of

Take notice that your application under section 124 of the National Land Code for variation of *conditions/restrictions/categories in respect of the above land has been approved and you are hereby required within a period of months from the date of service of this notice to pay at the Land Office of this district the following sums:

Further premium	= RM
Other charges	= RM
New rent	= <u>RM</u>
Total	= <u>RM</u>

Take further notice that if the above total is not paid in full within the time specified, then by virtue of the provisions of section 124 of the National Land Code, the approval of your application will lapse.

Dated this day of19.....

..... *Land*

Administrator

Direct

*Delete as appropriate.

FIRST SCHEDULE

Form 8A [Section 130] - Notice Of Reversion To The State

National Land Code

Form 8A

(Section 130)

NOTICE OF REVERSION TO THE STATE

Whereas, pursuant to the provisions of section*100/129 of the National Land Code, the land scheduled below has by order been declared forfeit to the State Authority.

Notice is hereby given that such forfeiture has this day taken effect and that, in consequence of its vesting in the State Authority -

- (a) any title or interest in the land heretofore subsisting or capable of arising is extinguished, and
- (b) the issue document of title to the land is void and is impoundable by the State.

Dated this.....day of.....,19.....

Land Administrator.....
District.....

SCHEDULE OF FORFEITED LAND

*Town/Village or Mukim	*Lot/L.O. No.	Area	Description and No. of Title

*Delete as appropriate

FIRST SCHEDULE

Form 9 [Section 326-Substituted by Form 19H]

National Land Code

Form 9

(Section 326)

[Substituted by Form 19H]

FIRST SCHEDULE

Form 9A [Sections 137] - Application For Sub-Division Of Land

National Land Code

Form 9A

(Section 137)

APPLICATION FOR SUB-DIVISION OF LAND

To the Land Administrator, District of

I, of proprietor of the following land -

*Town/Village/Mukim Lot No Description and No.

of Title Area

hereby apply for approval of the sub-division of the land into portions, as indicated in the attached plan of intended sub-division.

*For the purposes of clarification I also attach an explanatory memorandum.

2. As required by section 137 of the National Land Code I now submit -

(a) the prescribed fee of RM.....

(b) the plan above referred to together with copies thereof;

* (c) a copy of the approval of the Planning Authority;

* (d) a letter of consent from each of the following..... persons (being persons whose consent in writing is required for the particular reason specified in each such letter) +-
(1).....
(2).....
(3).....

3. I hereby declare that, as shewn on the attached plan, a satisfactory means of access to each sub-divisional portion (other than any portion from which there will be direct access to a road, a river, a part of the foreshore or a railway station, or to a point within the land from which such a means of access is capable of being obtained by application for a Land Administrator's right-of-way) is to be provided -

*(i) by private road to which a separate title is to be issued;

*(ii) over land which is to be treated as surrendered to the State Authority;

*(iii) by a right of way to be declared by the Land Administrator.

*4. With respect to the land to be treated as surrendered in accordance with sub-paragraph (ii) above I hereby undertake to make up a road to the standard specified by the State Authority.

[For use only where the land is affected by a designation made by the state Authority under section 136 (2) of the National Land Code.]

Dated this.....day of.....,19.....

Signature of Proprietor

For Official Use Only

(A) Rent for the current year paid.

Land Administrator

(B) (1) Sub-division as in attached plan approved.

(2) One copy of the said plan retained.

[For use where planning approval not earlier obtained]

.....
Signature

.....
Planning Authority

(C) Sub division approved *subject to the following modifications-

.....
.....
.....

Dated this.....day of.....,19.....

.....
Director/Land Administrator

*Delete as appropriate.

+ **EXPLANATORY NOTE** - The consent in writing is required of every person or body entitled to the benefit of

(i) a lease of the whole or any part of the land *other than a part corresponding precisely to one of the proposed sub-divisional portions;*

(ii) a charge of the land, or of a lease as specified in (i);

(iii) a lien over the land, or over a lease as specified in (i).

FIRST SCHEDULE

Form 9B [Section 142] - Application To Partition Land

National Land Code

Form 9B

(Section 142)

APPLICATION TO PARTITION LAND

To the Land Administrator, District of

*I/We, the undersigned, co-proprietor/s of the following land *Town/Village/Mukim

..... Lot No Description and No. of Title

Area

hereby apply for approval of the partitioning of the land into portions, as indicated in the attached plan of intended partition, to vest in the co-proprietors according to the schedule below.

*For the purposes of clarification *I/we also attach an explanatory memorandum.

2. As required by section 142 of the National Land Code *I/we now submit-

(a) the prescribed fee of RM

(b) the plan above referred together withcopies thereof;

*

(c) a copy of the approval of the Planning Authority;

*

(d) a letter of consent from each of the following persons (being persons whose consent in writing is required for the particular reason specified in each such letter)+ -

(1)

(2)

(3)

(e) the consent in writing of every co-proprietor who, not being a signatory to this application, is indicated by mark "X" in the first column of the schedule below.

3. *I/We hereby declare that, as shewn on the attached plan, a satisfactory means of access to each portion (other than any portion from which there will be direct access to a road, a river, a part of the foreshore or a railway station, or to a point within the land from which such a means of access is capable of being obtained by application for a Land Administrator's right-of- way) is to be provided -*(i) over land which is to be treated as surrendered to the State Authority.

*(ii) by a right of way to be declared by the Land Administrator.

*4. With respect to the land to be treated as surrendered in accordance with sub-paragraph (i) above I/we hereby undertake to make up a road to the standard specified by the State Authority.

[For use only where the land is affected by a designation made by the State Authority under subsection 136(2) of the National Land Code]

Dated thisday of 19,

.....
.....

SCHEDULE OF PARTITION

Mark:"X" to denote non-signatory	Full name of each co-proprietor	Address of Co-proprietor	Registered share in land	Area of appropriate portion	Symbol on Plan for Portion

For Official Use Only

(A) Rent for the current year paid.

.....

Land Administrator

(B) (1) Partition as in attached plan approved.

(2) One copy of the said plan retained.

[For use where planning approval not earlier obtained]

.....

Signature

Planning Authority

(C) Partition approved *subject to the following modifications-

.....

.....

.....

Dated thisday of,19 Director/Land Administrator

* Delete as appropriate.

+EXPLANATORY NOTE - The consent in writing is required of every person or body entitled to the benefit of-

- (i) a lease of the whole or any part of the land *other than a part corresponding precisely to one of the proposed portions;*
- (ii) a charge of the land or of a lease as a specified in (i);
- (iii) a lien over the land, or over a lease as specified in (i).

FIRST SCHEDULE

Form 9C [Section 148] - Application For Amalgamation Of Lands

National Land Code

Form 9C

(Section 148)

APPLICATION FOR AMALGAMATION OF LANDS

To the Land Administrator, District of

I, of proprietor of the lands, being contiguous lots all within the same town village or mukim, as scheduled below hereby apply for approval of their amalgamation into a single lot as indicated in the attached plan of intended amalgamation.

*For the purposes of clarification I also attach an explanatory memorandum.

2. As required by section 148 of the National Land Code I now submit-

- (a) the prescribed fee of RM ;
- (b) the plan above referred to together with.....copies thereof; *
- (c) a copy of the approval of the Planning Authority ; *
- (d) a letter of consent from each of the following persons (being persons whose consent in writing is required for the particular reason specified in each such letter)+:
 - (1)
 - (2)
 - (3)

3. I hereby request that since, as scheduled below -

- *(a) certain of the lands are held under Registry title and the remaining lands under Land Office title;
- *(b) the lands are held under Land Office title and amalgamation thereof will result in a single lot of an area exceeding ten acres,

the special approval of the State Authority be obtained for this amalgamation and for the issue in respect thereof a single Registry title.

Dated this.....day of....., 19.....

.....
Signature of Proprietor

SCHEDULE

*Town/village/Mukim of			
Description and No. of Title	Lot No.	Area	Remarks

For Official Use Only

(A) Rent for the current year paid.

.....
Land Administrator

(B) (1) Amalgamation as in attached plan approved.

(2) One copy of the said plan retained.

[For use where the planning approval is not earlier obtained]

.....
Signature
Planning Authority.....

(C) Amalgamation approved *subject to the following directions of the State Authority -

.....
.....

Dated thisday of.....,19

.....
Director/Land Administrator

*Delete as appropriate.

+ EXPLANATORY NOTE - The consent in writing is required of every person or body entitled to the benefit of-

- (i) a lease of the whole or any part of the land;
- (ii) a charge of the land, or of a lease as specified in (i);
- (iii) a lien over the land, or over a lease as specified in (i).

FIRST SCHEDULE

Form 9D, 10A, 10B & 10C - Repealed by Act 318

[Repealed by Act 318: s.83]

FIRST SCHEDULE

Form 10D [Section 168] - Notice Of Intention To Issue Title In Continuation (Or New Issue Document In Lieu Thereof)

National Land Code

Form 10 D

(Section 168)

NOTICE OF INTENTION TO ISSUE TITLE IN CONTINUATION (OR NEW ISSUE DOCUMENT IN LIEU THEREOF)

In exercise of the powers conferred by section 168 of the National Land Code, Notice is hereby given that it is proposed -*to issue title in continuation

*to replace the issue document of title

to the land described in the Schedule below for the following reasons:

.....

Dated thisday of.....,19

.....

Registrar/Land Administrator

State/District.....

SCHEDULE

*Town/Village/Mukim *Lot/Parcel/L.O.No Description and

No. of Title Area.

*Delete as appropriate

FIRST SCHEDULE

Form 10E [Section 175A] - Notice Relating To The Preparation Of A Provisional Register Document Of Title

National Land Code

Form 10 E

(Section 175A)

NOTICE RELATING TO THE PREPARATION OF A PROVISIONAL REGISTER DOCUMENT OF TITLE

In exercise of the powers conferred by Chapter 4 of Part Ten of the National Land Code,

Notice is hereby given that it is proposed to prepare a provisional register document of title relating to the land described in the Schedule below for following reasons-.....

.....

1. Upon publication in the *Gazette* of this notice, no Registrar or Land Administrator shall accept for registration any instrument of dealing affecting the land, or enter any private caveat under section 322 or any lien-holder's caveat under section 330 in respect thereof, until the entry in the provisional register document of title has been authenticated under section 175F.
2. Any person or body having interest in the said land may apply within three months of the publication in the *Gazette* of this notice to the *Registrar/Land Administrator in Form 10F that the name of the proprietor / any person having registered or registrable interest be entered in the provisional register document of title.
3. Any person or body who is in possession of the issue document of title thereto shall within the said three months, deliver it to the *Registrar / Land Administrator.

Dated this.....day of,19

.....

Registrar/Land Administrator

State/District

SCHEDULE

District	*Town/Village/Mukim	Description and No. of Title	*Lot No./L.O.No	Area

*Delete as appropriate

FIRST SCHEDULE

Form 10F [Section 175B(1)] - Application For Registration As Proprietor Of Land Or Interest In Provisional Register Document Of Title

National Land Code

Form 10F

(Subsection 175B(1))

APPLICATION FOR REGISTRATION AS PROPRIETOR OF LAND OR INTEREST IN PROVISIONAL REGISTER DOCUMENT OF TITLE

To, The *Registrar/Land Administrator

I/ we of hereby apply that the name of be entered in the provisional register document of title to the land described in the Schedule below -

* (a) as the proprietor *of the whole of the land/or undivided share of the land;

* (b) as the person having the following registrable interest (state nature and the extent of such interest)

.....

*2. To the best of my knowledge, the following persons have a registered interest in the land -

Name and Address Nature and Extent of Interest

(a)

(b)

(c)

(d)

*3. I attach the issue document of title relating to the said land.

Dated this.....day of..... 19

.....

Signature of Applicant

SCHEDULE

District	*Town/Village/Mukim	Description and No. of Title	*Lot No./L.O.No	Area

.....
*Delete as appropriate

FIRST SCHEDULE

Form 10G [Section 175B(2)] - Receipt For Issue Document Of Title

National Land Code

Form 10G

(Section 175B(2))

RECEIPT FOR ISSUE DOCUMENT OF TITLE

Received from of the undermentioned issue document of title -

Description and No. of Title District Town/Village/Mukim

..... Lot No./L.O. No Area

Date this day of 19

.....

Registrar/Land Administrator

State/District

FIRST SCHEDULE

Form 10H [Section 175D]- Notice That The Provisional Register DocumentOf Titles Is Open For Inspection

National Land Code

Form 10 H

(Section 175D)

NOTICE THAT THE PROVISIONAL REGISTER DOCUMENT OF TITLE IS OPEN FOR INSPECTION

Notice is hereby given that the provisional register document of title in respect of lands described in the Schedule below is now open for inspection at the *Registry/Land Office at and can be inspected without payment during the normal office hours.

Any person or body who has any interest in the said land may object to any entry therein or any omission thereof in accordance with section 175E within three months from the date of publication of this notice in the *Gazette*.

Dated this.....day of..... 19.....

.....

Registrar/Land Administrator

State/District

SCHEDULE

District	*Town/village/ mukim	Description and No.of Title	*Lot No./L.O. No.	Area	Registered proprietor	Particulars of interest, if any

*Delete as appropriate

FIRST SCHEDULE

Form 10I [Section 175E] - Objection To An Entry Omission Thereof In The Provisional Register Document Of Title

National Land Code

Form 10I

(Section 175E)

OBJECTION TO AN ENTRY OR OMISSION THEREOF IN THE PROVISIONAL REGISTER DOCUMENT OF TITLE

To, The Registrar/Land Administrator

I, of hereby object to the *entry/omission thereof in the provisional register document of title in respect of land described in the Schedule below on the following ground:

.....

Dated this..... day of....., 19

..... *Signature*

SCHEDULE

District	*Town/Village/Mukim	Description and No. of Title	*Lot No./L.O.No	Area

*Delete as appropriate

FIRST SCHEDULE

Form 11A [Section 177] - Document Of Qualified Title

National Land Code

Form 11A

(Section 177)

(Qualified Title Corresponding to Registry Title) Q.T. REGISTER: District of..... NO. Q.T. (R) State
of

DOCUMENT OF QUALIFIED TITLE

*CATEGORY OF LAND USE {AGRICULTURE

[Delete as appropriate]

{BUILDING

{INDUSTRY

Town/Village/Mukim

*Grant in perpetuity L.O. No } [Delete as appropriate]

*Lease for term of Provisional Area }

..... years }

*expiring on Annual Rent RM

.....

Premium RM (Ringgit)

Survey Fee RM(Ringgit)

R.S. No

File No.....

*Within Malay Reservation/Aboriginal Area/Aboriginal Reserve etc Gazette Notification No dated
.....

SPECIAL CONDITIONS OF QUALIFIED TITLE

1. This title is subject to the provisions of the National Land Code and to the following express conditions and restrictions:

EXPRESS CONDITIONS RESTRICTIONS IN INTERESTS

2. In the plan of the land below the boundaries shown in red, not having been established by survey, are provisional only.

Sketch Plan	The land described above is held by proprietor for the time being named in the record of proprietorship below-Registered thisday of ...19 L.SRegistrar Issue document of title ,issued this.....day of19 L.SRegistrar
-------------	---

To be completed when the title is issued in continuation

Date of first alienation No. of original title (final or qualified) No. of immediately preceding title (if different from above)

**RECORD OF PROPRIETORSHIP, OF DEALINGS AND OF
OTHER MATTERS AFFECTING TITLE**

(Continued overleaf)

**Delete as appropriate*

FIRST SCHEDULE

Form 11B [Section 177] - Document Of Qualified Title

National Land Code

Form 11 B

(Section 177)

(Qualified Title Corresponding to Land Office Title)

Q.T REGISTER: Mukim of No.Q.T. (M). State of

DOCUMENT OF QUALIFIED TITLE

*CATEGORY OF LAND USE {AGRICULTURE

[Delete as appropriate]

{BUILDING

{INDUSTRY

Town/Village/Mukim

*Grant in perpetuity L.O. No } [Delete as appropriate]

*Lease for term of Provisional Area }

..... years }

*expiring on Annual Rent

..... RM.....

Premium RM (Ringgit)

Survey Fee RM(Ringgit)

R.S. No

File No.....

*Within Malay Reservation/Aboriginal Area/Aboriginal Reserve etc Gazette Notification No dated

.....

SPECIAL CONDITIONS OF QUALIFIED TITLE

1. This title is subject to the provisions of the National Land Code and to the following express conditions and restrictions-

EXPRESS CONDITIONS RESTRICTIONS IN INTERESTS

2. In the plan of the land below the boundaries shown in red, not having been established by survey, are provisional only.

Sketch Plan	<p>The land described above is held by the proprietor for the time being named in the record of proprietorship below -</p> <p>Registered this.....day of.....19..... L.S.</p> <p>.....Registrar Issue document of title,issued this..... day of19..... L.S.Registrar</p> <p>.....</p>
-------------	--

To be completed when the title is issued in continuation

Date of first alienation

No. of original title (final or qualified)

No. of immediately preceding title (if different from above)

**RECORD OF PROPRIETORSHIP, OF DEALINGS AND OF
OTHER MATTERS AFFECTING TITLE**

(Continued Overleaf)

**Delete as appropriate.*

FIRST SCHEDULE

Form 11C [Section 187B] - Notice Of Intention To Issue New Issue Document Of Qualified Title

National Land Code

Form 11C

(Section 187B)

NOTICE OF INTENTION TO ISSUE NEW ISSUE DOCUMENT OF QUALIFIED TITLE

In exercise of the powers conferred by section 187B of the National Land Code.

Notice is hereby given that it is proposed to replace the issue document of qualified title to the land described in the Schedule below for the following reasons –

.....
.....
.....

Dated this day of , 19

.....
Registrar/Land Administration
State/District

SCHEDULE

*Town/Village/Mukim Description and No
of Title Area

**Delete as appropriate*

FIRST SCHEDULE

Form 12A [Sections 197] - Application For Surrender Of Land (Relating to the whole of the land)

National Land Code

Form 12 A

(Section 197)

APPLICATION FOR SURRENDER OF LAND

(Relating to the whole of the land)

To the Land Administrator, District of

I,.....

of proprietor of the following land:

*Town/Village/Mukim *Lot/L.O.No

Description and No. of Title Area

hereby apply for approval of my surrender of the whole thereof.

2. As required by section 197 of the National Land Code I now submit -

- (a) the prescribed fee of RM;
(b) a letter of consent from each of the following.....persons (being persons whose consent in writing is required for the particular reason specified in each such letter) +:
(1)
(2)
(3)
(c) *the issue document of title to the land;
(d) *a copy of my request to *chargee/lien holder to produce the issue document of title to the land at the Land Office.

Dated this day of , 19

..... Signature of Proprietor

[Attestation Clause]

For Official Use Only

(A) Rent for the current year paid.

..... Land Administrator

(B) Surrender approved.

Dated this day of , 19

..... Director/Land Administrator

* Delete as appropriate

+ EXPLANATORY NOTE - The consent in writing is required of every person -

- (i) entitled to the benefit of any registered interest affecting the land or any part of the land (including a charge or any lease thereof);
- (ii) entitled to the benefit of a lien over the land or over any lease of the land or any part thereof;
- (iii) entitled to the benefit of a tenancy exempt from registration affecting the land or any part thereof (being a tenancy protected by endorsement on the register document of title);and
- (iv) having a claim protected by caveat to any interest affecting the land or any part thereof.

FIRST SCHEDULE

Form 12B [Sections 200] - Application For Surrender Of Land (Relating to a part only of the land)

National Land Code

Form 12 B

(Section 200)

APPLICATION FOR SURRENDER OF LAND

(Relating to a part only of the land)

To the Land Administrator, District of

I,.....

of..... proprietor of the following land –

*Town/Village/Mukim *Lot/L.O. No Description and No. of Title Area

hereby apply for approval of my surrender of a part of the land as shown in the attached plan.

2. I hereby declare that this part of the land is *used/intended to be used for the following

.....
.....

*For the purposes of further clarification I also attach an explanatory memorandum.

3. As required by section 200 of the National Land Code I now submit -

- (a) the prescribed fee of RM;
(b) the plan above referred to together with copies thereof;
(c) a letter of consent from each of the following persons (being persons whose consent in writing is required for the particular reason specified in each such letter)+:
(1)
(2)
(3)
(d) *the issue document of title to the land
*a copy of my request to
*chargee/lien holder to produce the issue document of title to the land at the Land Office.

Dated this day of 19

..... Signature of Proprietor

[Attestation Clause]

For Official Use Only

(A) (1) Rent for the current year paid.

(2) *(Repealed by Act A832).*

(3) The area of that part is not, in my opinion, such that a subdivision of the land should be first effected.

.....

Land Administrator

(B) Surrender approved.

Dated this day of,19

..... *Director/Land*

Administrator

*Delete as appropriate

+ EXPLANATORY NOTE - The consent in writing is required of every person-

- (i) entitled to the benefit of any registered interest affecting the part of the land to be surrendered(including a charge of any lease thereof);
- (ii) entitled to the benefit of a lien over the land or over any lease of the land or of the part of the land to be surrendered;
- (iii) entitled to the benefit of a tenancy exempt from registration affecting the part of the land to be surrendered (being a tenancy protected by a registered endorsement); and
- (iv) having a claim protected by a caveat to any interest affecting the part of the land to be surrendered.

FIRST SCHEDULE

Form 12C [Sections 203] - Application For Surrender And Re-Alienation

National Land Code

Form 12 C

(Section 203)

APPLICATION FOR SURRENDER AND RE-ALIENATION

To the Land Administrator, District of

I,..... of..... proprietor of the land scheduled below (being contiguous lots all under Land Office title and of a combined area exceeding ten acres) hereby apply for approval of my surrender of these lots on the terms that the land comprised therein be immediately re-alienated to me under qualified title in the different units, each being of less than ten acres, shown on the attached plan.

In the said plan the boundaries of the existing lots as scheduled are shown in black and the boundaries of the proposed new units, where different from the old, are shown in red.

2. As required by section 203 of the National Land Code I now submit-

- (a) the prescribed fee of RM.....;
- (b) a letter of consent from each of the following persons (being persons whose consent in writing is required for the particular reason specified in each such letter)+:
 - (1)
 - (2)
 - (3)
- (c) *the issue document/s of title to the following land/s:
 -
 -
 -
- (d) *a copy of my request/s to-
 -
 -

(chargee/s or lien-holder/s, as specified) to produce at the Land Office the issue document/s of title to the land/s, the issue document/s to which is/are not now attached.

Dated this day of, 19

.....
Signature of Proprietor

District	*Town/Village/Mukim	Description and No. of Title	*Lot No./L.O.No	Area

* Delete as appropriate

For Official Use Only

(A) Rents for the current year paid.

Land Administrator

(B) Surrender approved.

Dated thisday of 19.....

*..... Director/Land
Administrator*

*Delete as appropriate

+ EXPLANATORY NOTE - The consent in writing is required of every person-

- (i) entitled to the benefit of a lien over any of the lands or any part thereof;
- (ii) having a claim protected by caveat affecting any of the lands or any part thereof.

FIRST SCHEDULE

Form 12D [Sections 204A] - Application For Surrender And Re-Alienation

National Land Code

Form 12D

(Section 204A)

APPLICATION FOR SURRENDER AND RE-ALIENATION

To the Land Administrator, District

*I/We

of proprietor of the land/s scheduled below, hereby apply for approval of *my/ our surrender of these lands on the terms that the land comprised therein be immediately re-alienated to *me/us in the different units as shown on the attached plan.

In the said plan, the boundaries of the existing lands as scheduled are shown in black and the boundaries of the proposed new units, different from the old, are shown in red.

[Ins. Act A1104:s.46]

2. As required by section 204D, *I/We now submit-

- (a) the prescribed fee of RM.....
(b) a letter of consent from the following persons:
(i)
(ii)
(c) *the issue document/s of title to the following land/s-
.....
(d) *the sworn statement under section 204D (2).
.....

Dated this..... day of 19

..... Signature of proprietor

SCHEDULE

Table with 4 columns: District, *Town/Village/Mukim, Description and No. of Title, *Lot No. / L.O. No.

*Delete as appropriate

For Official Use Only

(A) Rents for the current year paid.

.....
Land Administrator
District

(B) Surrender approved.

Dated this day of 19

..... *Director/Land*
Administrator

*Delete as appropriate

+ EXPLANATORY NOTE-The consent in writing is required of every person-

- (i) entitled to the benefit of a lien over any of the lands or part thereof;
- (ii) having a claim protected by caveat affecting any of the lands or part thereof.

FIRST SCHEDULE

Form 13A [Section 207] - Heading And Schedule (For Insertion In All FormsOf Dealing)

National Land Code

Form 13 A

(Section 207)

HEADING AND SCHEDULE

(FOR INSERTION IN ALL FORMS OF DEALING)

(1) HEADING

(Stamps to be affixed - or payment of duty certified - in this space)	
FOR REGISTRY USE	
Memorial of registration made in the register Document/s of Title scheduled below, with effect from h m on the day of, 19 L.S. Registrar / Land Administrator..... State/ District	File of Volume..... Folio..... Presentation No.-

(2) SCHEDULE

Where the address of the person claiming under this instrument is outside the Federation, an address within the federation for the service of notices is to be added in this space.					
SCHEDULE OF LAND *AND INTEREST					
*Town/Village/ Mukim	*Lot/Parcel/L.O. No	Description and No. of Title	Share of land (if any)	Registered No. of *lease/sub-lease (if any)	Registered No. of charge (if any)
(1)	(2)	(3)	(4)	(5)	(6)

*delete as appropriate.

FIRST SCHEDULE

Form 13B [Section 211] - Form Of Attestation Clause

National Land Code

Form 13 B

(Section 211)

FORM OF ATTESTATION CLAUSE

I,.....

[Here insert full name and qualification of person attesting.]

hereby testify that the above *signature/thumb print was* written/affixed in my presence this.....day of....., 19, and is the true*signature/thumb print of-

[Here insert name of person executing.]

who has acknowledged to me

- (i) that he is of full age,
- (ii) that he is a citizen of Malaysia,
- (iii) that he has voluntarily executed this instrument, and
- (iv) that he understands the contents and effect thereof.

As witness my hand this.....day of.....,19.....

.....

Signature

*Delete as appropriate.

FIRST SCHEDULE

Form 14A [Section 215, 217, 218] - Transfer Of Land, Share Or Lease[Heading]

National Land Code

Form 14 A

(Sections 216,217,218)

TRANSFER OF LAND, SHARE OR LEASE

[Heading]

I,..... of..... *proprietor of the
*land/undivided share in the land -*lessee/sub-lessee under the
*lease/sub-lease described in the schedule below:

*(a) In consideration of the sum of RM the receipt of which sum I hereby
acknowledge;

*(b) In consideration of -.....
.....
.....

[Here state the consideration (if other than money) and from whom it moves.]

*(c) For no consideration; Hereby transfer to the transferee named below, all such title or interest as is
vested in me.

Dated this day of,19

.....
Signature (or other form of execution)
by or on behalf of transferor)

[Attestation Clause]

I,..... of accept this transfer.

We,
.....

accept this transfer of the undivided shares in the land as stated against names below-

Table with 3 columns: Names of transferees, Address, Shares of Land. Includes signature line for transferees.

[Attestation Clause]

[Schedule]

*Delete as appropriate.

FIRST SCHEDULE

Form 14B [Section 218] - Transfer Of Charge [Heading]

National Land Code

Form 14 B

(Section 218)

TRANSFER OF CHARGE

[Heading]

I,..... of chargee, under the charge described in the schedule below of the *land/ lease/sub-lease so described;

**(a)* In consideration of the sum of RM the receipt of which sum I hereby acknowledge;

**(b)* In consideration of –

.....
.....
.....

[Here state the consideration (if other than money) and from whom it moves.]

**(c)* For no consideration: Hereby transfer to the transferee named below, all such title or interest as is vested in me.

Dated thisday of, 19

.....
Signature (or other form of execution)
by or on behalf of transferor

[Attestation Clause]

I,..... of accept this transfer.

.....
Signature (or other form of execution)
by or on behalf of transferee

[Attestation Clause]

[Schedule]

*Delete as appropriate.

FIRST SCHEDULE

Form 14D [Section 214A] - Application For A Certificate Of Approval Of Transfer, Conveyance Or Disposal Of Estate Land

National Land Code

Form 14 D

(Section 214A)

APPLICATION FOR A CERTIFICATE OF APPROVAL OF TRANSFER, CONVEYANCE OR DISPOSAL OF ESTATE LAND

To,
The Secretary,

[Subs. Act A1104:s.46]

Estate Land Board.

State of.....

I/We,..... of proprietor of the following land -

*Town/Village/Mukim Lot No Description and No. of
Title Area

hereby apply for a Certificate of Approval of transfer, conveyance or disposal of the land to persons, as indicated in the attached plan.

2. + I/We append below the following information:

- (a) The purpose of Transfer, Conveyance or Disposal
.....
- (b) Names and Address of intended transferees, purchasers, etc
- (c) The age of the trees
.....
- (d) Total number of existing staff
.....
- (e) Total number of existing labourers
.....
- (f) Total number of staff living on the Estate
.....
- (g) Total units of labour lines
.....
- (h) Total number of labourers living on the Estate
.....
- (i) Current educational facilities for employees

.....
(j) Current medical facilities for employees

.....
(k) Other facilities

.....
(l) If workers are being retrenched what amount of gratuity is being paid to each worker
.....

3. + The nature of possible effects resulting from the Transfer, Conveyance or Disposal of the land on :

(i) The existing employees

.....

(ii) The unemployment problems

.....

(iii) Existing educational, medical and other facilities

.....

(iv) Any other relevant information

.....

4. I/We hereby certify that the above informations are correct.

.....
Signature of transferees,
purchasers,etc.

.....
Signature of transferees,
Signature of proprietor
purchasers,etc.

* Delete as appropriate
+ Brief note under such heading

FIRST SCHEDULE

Form 15A [Section 221] - Lease Of Land [Heading]

National Land Code

Form 15 A

(Section 221)

LEASE OF LAND

[Heading]

I,..... of proprietor of the land described in the schedule below, hereby lease to the lessee named below -

*the whole of the land.

*that part of the land specified in the plan and description attached.

2. The term of this lease is-

*(a) for the fixed period of years beginning on the day of....., 19..... and terminating on the day of....., 19.....

*(b) from..... + to..... + beginning on theday of, 19

[+ Here enter "month", "quater", "year" etc., as the case may be.]

3. This lease is subject to the provisions of the National Land Code and more particularly, to those of Part Fifteen thereof and to all the express provisions annexed thereto.

Dated this day of, 19

.....
Signature (or other form of execution)
by or on behalf of lessor

[Attestation Clause]

I,..... of hereby accept this lease.

.....
Signature (or other form of execution)
by or on behalf of lessee

[Attestation Clause]

*I..... of chargee of the land by virtue of Charge Registered No hereby consent to the granting of this lease.

[To be completed only where the land is under charge and where consent to this lease is not included in the instrument of charge]

Dated thisday of, 19

.....
Signature (or other form of execution)
by or on behalf of chargee

[Attestation Clause] [Schedule]

ANNEXURE

The express provisions to which this lease is subject -

.....

(Continuation Sheets to be added as required)

*Delete as appropriate

FIRST SCHEDULE

Form 15B [Section 222] - Sub-lease Of Land [Heading]

National Land Code

Form 15 B

(Section 222)

SUB-LEASE OF LAND

[Heading]

I,..... of *lessee/sub-lessee under the *lease/sub-lease described in the schedule below of *the whole/a part of the land so described;

hereby sub-lease to the sub-lessee named below -*the whole of the land comprised in such *lease/sub-lease. *such part of the land comprised in such *lease/sub-lease as is specified in the plan and description attached.

2. The term of this sub-lease is-

*(a) for the fixed period of years beginning on the day of, 19 and terminating on the day

*(b) from..... + to + beginning on theday of....., 19

[+ Here enter "month", "quater", "year" etc., as the case may be.]

3. This sub-lease is subject to the provisions of the National Land Code and, more particularly, to those of Part Fifteen thereof and to all the express provisions annexed thereto.

Dated this.....day of, 19

..... Signature (or other form of execution) by or on behalf of *lessee/sub-lessee

[Attestation Clause]

I,..... of..... hereby accept this lease.

..... Signature (or other form of execution) by or on behalf of sub-lessee

[Attestation Clause]

*I,..... of chargee of the *lease/sub-lease above referred to by virtue of Charge Registered Nohereby consent to the granting of this sub-lease.

[To be completed only where the schedule lease or sub-lease is under charge and where consent to this sub-lease is not included in the instrument of charge.]

Dated thisday of, 19

..... Signature (or other form of execution) by or on behalf of chargee

[Attestation Clause]

[Schedule]

ANNEXURE

The express provisions to which this sub-lease is subject-

.....

.....

(Continuation Sheets to be added as required)

*Delete as appropriate.

FIRST SCHEDULE

Form 15C [Section 239] - Surrender Of Lease [Heading]

National Land Code

Form 15 C

(Section 239)

SURRENDER OF LEASE

[Heading]

I,..... of

*lessee/sub-lessee under the *lease /sub-lease described in the schedule below of the land so described; hereby surrender the same to the *person/body entitled to the reversion thereon as named below.

Dated thisday of, 19

.....
Signature (or other form of execution)
by or on behalf of *lessee/sub-lessee

[Attestation Clause]

I,..... of being entitled to the reversion on the *lease/sublease above referred to accept this surrender.

Dated this day of, 19.....

.....
Signature (or other form of execution)
by or on behalf of *proprietor/
superior lessee/sub-lessee

[Attestation Clause]

*I,..... of chargee, under Charge Registered No, of the *lease/sub-lease above referred to hereby consent to its surrender.

[To be completed where the lease or sublease in under charge]

Dated thisday of....., 19

.....
Signature (or other form of execution)
by or on behalf of chargee

[Attestation Clause]

*I,..... of chargee, under Charge Registered No, the reversion on the *lease/sub-lease above referred to hereby consent to its surrender.

[To be completed only where the reversion on the lease or sub-lease is under charge]

Dated thisday of....., 19

.....
Signature (or other form of execution)
by or on behalf of chargee

[Attestation Clause]

[Schedule]

*Delete as appropriate

FIRST SCHEDULE

Form 16A [Section 242] - Charge (To secure payment of a principal sum) [Heading]

National Land Code

Form 16A

(Section 242)

CHARGE

(To secure payment of a principal sum) [Heading]

I,..... of.....

*proprietor of the land/undivided share in the land described in the schedule below; *lessee/sub-lessee under the *lease/sub-lease described in the schedule below of the land so described;

For the purpose of securing-

*(a) the repayment to the chargee named below, with/without interest of a loan of RM....., the receipt of which I hereby acknowledge;

(b) the payment to the chargee named below, with/without interest, and in consideration of- of the sum of RM

*(c) the payment to the chargee named below, with/without interest, of the sum from time to time due to him on *my current account/the following account kept between us;

Hereby charge the said *land/the undivided share in the land/lease/sub-lease with the payment to him of the said sum and interest thereon, if any in accordance with the provisions annexed hereto.

Dated thisday of, 19

..... Signature (or other form of execution) by or on behalf of chargor

[Attestation Clause]

I, of accept this charge.

..... Signature (or other form of execution) by or on behalf of chargee

[Attestation Clause]

[Schedule]

ANNEXURE (.....)

(Provisions as to payment, rate of interest, etc.)

*Delete as appropriate.

FIRST SCHEDULE

Form 16B [Section 242] - Charge (To secure payment of a periodic sum) [Heading]

National Land Code

Form 16B

(Section 242)

CHARGE

(To secure payment of a periodic sum)

[Heading]

I,..... of

*proprietor of the land/the undivided share in the land/described in the schedule below;

*lessee/sub-lessee under the *lease/sub-lease described in the schedule below of the land so described;

For the purpose of securing to the chargee named below of the sum of RM..... *

anually/quarterly/monthly/ +;

[+ Here insert period if other than those specified.]

And in consideration of –

.....

.....

Hereby charge the said *land/the undivided share in the land/lease/sub-lease with such payment in accordance with the provisions annexed hereto.

Dated this day of....., 19

.....
Signature(or other form of execution)
by or on behalf of chargor

[Attestation Clause]

I,..... of accept this charge.

.....
Signature (or other form of execution)
by or on behalf of chargee

[Attestation Clause]

[Schedule]

ANNEXURE

(.....)

(Provisions as to payment,rate of interest,if any,etc.)

*Delete as appropriate

FIRST SCHEDULE

Form 16C [Section 247] - Postponement Of A Charge [Heading]

National Land Code

Form 16 C

(Section 247)

POSTPONEMENT OF A CHARGE

[Heading]

I,..... of chargee under the charge described in the schedule below of the
*land/the undivided share in the land/lease/sub-lease so described;

Hereby postpone this charge so that in priority it shall rank immediately after Charge Registered No.
.....

Dated this day of 19

.....
Signature (or other form of execution)
by or on behalf of chargee

[Attestation Clause]

[Schedule]

*Delete as appropriate

FIRST SCHEDULE

Form 16D [Section 254] - Notice Of Default With Respect To A Charge

National Land Code

Form 16 D

(Section 254)

NOTICE OF DEFAULT WITH RESPECT TO A CHARGE

To of chargor under the charge described in the schedule below of the
*land/undivided share in the land/lease/sub-lease so described.

Whereas you have committed a breach of the provisions of this charge by-
.....

[Here specify the breach in question]

And whereas the breach has continued for a period of at least *one month /+
.....prior to the date of this notice;

[+ Here insert period specified in charge (if different).]

I, as chargee, by virtue of the powers conferred by section 254 of the National Land Code, hereby require you within
the period of *one month/+ from the service of this notice to remedy the breach;

[Here insert period specified in charge (if different).]

And take notice that if you fail to remedy the breach within that period, I shall apply for an order of sale.

Dated thisday of, 19

.....

Signature (or other form of execution)

by or on behalf of chargee

SCHEDULE OF LAND *AND INTEREST

[as in Form 13A]

*Delete as appropriate

FIRST SCHEDULE

Form 16E [Section 255] - Demand For Payment Of A Principal Sum

National Land Code

Form 16 E

(Section 255)

DEMAND FOR PAYMENT OF A PRINCIPAL SUM

To of chargor under the charge described in the schedule below of the *land/undivided share in the land/lease/sub-lease so described.

Whereas the principal sum secured by the charge amounts to RM and is payable on demand;

I, as chargee, by virtue of the powers conferred by section 255 of the National Land Code, hereby require payment of that sum forthwith;

And take notice that, if the sum is not paid within one month of the service of this notice, I shall apply for an order of sale.

Dated thisday of, 19

.....
Signature(or other form of execution)
by or on behalf of chargee

SCHEDULE OF LAND *AND INTEREST

[as in Form 13 A]

* Delete as appropriate

FIRST SCHEDULE

Form 16F [Section 259] - Certificate Of Sale By Court [Heading]

National Land Code

Form 16 F

(Section 259)

CERTIFICATE OF SALE BY COURT

[Heading]

I,..... *[Here insert name and office]* in exercise of the powers conferred by section 259 of the National Land Code, hereby certify that the *land/undivided share in the land/lease/sub-lease described in the schedule below has, for the sum of RM,(the receipt of which is hereby acknowledged) been sold to-

..... of pursuant to an order of the Court under section 256 of the Code, made on the application of the chargee under Charge Registered No

The *issue document of title to the land/duplicate lease/sub-lease-

* (a) is now attached;

* (b) has not at any time been deposited with the Court and is not attached .

Dated this.....day of.....,19.....

L.S.

..... *Officer of
the Court*

[Schedule]

*Delete as appropriate.

FIRST SCHEDULE

Form 16G [Section 260] - Application By Chargee For Order For Sale

National Land Code

Form 16G

(Section 260)

APPLICATION BY CHARGEЕ FOR ORDER FOR SALE

To the Land Administrator, District of

I,..... of chargee under the charge described in the schedule below of the *land/undivided share in the land/lease/sub-lease so described; hereby make application for an order for sale thereof. I declare that a notice in Form*16 D/16 E, a copy of which is attached, was served upon the chargor of upon the.....day of, 19, and that chargor has failed to comply with the notice within the period specified therein. Dated this day of, 19.....

.....
Signature(or other form of execution)
by or on behalf of chargee

SCHEDULE OF LAND *AND INTEREST

[as in Form 13 A]

FIRST SCHEDULE

Form 16H [Section 263] - Order Of Sale At Instance Of Chargee

National Land Code

FORM 16H

(Sections 257 and 263)

ORDER FOR SALE AT INSTANCE OF THE CHARGE

I, *Registrar of the High Court/Land Administrator in exercise of the powers conferred by *section 257/263 of the National Land Code, hereby order the sale of the *land/undivided share in the *land/lease/sub-lease described in the schedule below;

And I further order-

- (a) that the sale shall be by public auction, to be held on the day of (year) at *forenoon/afternoon in- (State the place of the auction)
- (b) that the reserve price for the purpose of the sale shall be RM (In words - Ringgit) .

2. I find that the amount due to the *chargee/chargees at this date is RM:

- *(a) RMName of chargee
- (b) RMName of chargee
- (c) RM Name of chargee

3. The sale shall be subject to the following conditions:

- (a) the bidder possesses, the sum equivalent to ten per centum of the reserve price specified under paragraph 1(b) above:
RM (in words Ringgit) ;
- (b) the full amount of the purchase price may be paid immediately after the fall of the hammer by the successful bidder to the chargee;
- (c) where the full amount of the purchase price is not paid after the fall of the hammer by the successful bidder-
 - (i) then the sum specified in paragraph (a) shall be paid to the chargee and it shall be retained as a deposit until the full purchase price has been paid; and
 - (ii) pending the settlement of the balance of the purchase price, the sum
- (d) the balance of the purchase price shall be settled within a date not later than one hundred and twenty days from the date of the sale, that is, not later than the day of (year) and there shall be no extension of the period so specified; and

(e) where the full purchase price is not settled on or by the date specified in paragraph (d) , the sum paid as deposit under paragraph (c) to the chargee shall be forfeited and disposed of in the manner specified under section 267.

Dated this day of (year)

*Registrar of the Court/
Land Administrator

District of

State of

[Ins. Act A1104:s.46]

FIRST SCHEDULE

Form 16I [Section 265] - Certificate Of Sale By Land Administrator [Heading]

National Land Code

Form 16I

(Section 265)

CERTIFICATE OF SALE BY LAND ADMINISTRATOR

[Heading]

I,..... Land Administrator for the District of in exercise of the powers conferred by section 265 of the National Land Code hereby certify that the *land/undivided share in the land/lease/sub-lease described in the schedule below has, for the sum of RM..... (the receipt of which is hereby, acknowledged) been sold to of..... pursuant to an order of the Land Administrator under section 263 of the Code, made on the application of the chargee under Charge Registered No.....

*The issue document of title to the land

*The duplicate *lease/sub-lease

*is/is not now attached.

Dated this..... day of, 19.....

L.S.

Land Administrator

District

[Schedule]

*Delete as appropriate.

FIRST SCHEDULE

Form 16J [Section 272] - Notice Of Entry Into Possession: By Receiving Rents

National Land Code

Form 16J

(Section 272)

NOTICE OF ENTRY INTO POSSESSION: BY RECEIVING RENTS

To of

*lessee/sub-lessee/tenant of the following land:

*Town/Village/Mukim.....*Lot/Parcel/L.O.No.....

Description and No. of Title..... Area

Whereas *the above land/Lease Registered No on the above land is charged to me under Charge Registered No

And whereas the chargor is in breach of the agreements in the charge;

Now, I ,..... of chargee under the charge hereby give notice that, in exercise of the powers conferred by section 271 of the National Land Code, I am entering into possession of the above land by receiving the rents due thereon; And take notice that, by virtue of the provisions of section 272 of the National Land Code, upon the service of this notice all the rights, powers and remedies of the chargor with respect to the receipt and recovery of, and the giving of discharges for, the rent payable by you to the chargor (including any amount due, but not yet paid) pass to me.

Dated this day of, 19

.....
Signature (or other form of execution)
by or on behalf of chargee

*Delete as appropriate.

FIRST SCHEDULE

Form 16K [Section 272] - Notice Of Entry Into Possession: By Going Into Occupation

National Land Code

Form 16K

(Section 272)

NOTICE OF ENTRY INTO POSSESSION: BY GOING INTO OCCUPATION

To of

*proprietor/lessee/sub-lessee of the following land -

*Town/Village/Mukim Lot/L.O. No

Description and No. of Title Area

Whereas you, as chargor under Charge Registered No are in breach of the agreements in the charge;

Now, I..... of chargee give notice that, in exercise of the powers conferred by section 271 of the National Land Code, I am entering into possession by going into occupation of -

*(a) the whole of the land/that part of the land described below- *(b) the whole of the land comprised in Lease Registered No /that part of the land comprised in Lease Registered No described below

-
.....
.....
.....

[Here insert description of the part of the land (if appropriate).]

And I further give notice that if, within the period of from the date of this notice, you fail to

*admit me/secure my admission to the said land I may apply to the Court for an order for possession.

Dated this day of, 19.....

.....

Signature (or other form of execution)

by or on behalf of chargee

*Delete as appropriate

FIRST SCHEDULE

Form 16L [Section 276] - Cancellation Of Notice Of Entry Into Possession (Form 16J)

National Land Code

Form 16 L

(Section 276)

CANCELLATION OF NOTICE OF ENTRY INTO POSSESSION (FORM 16 J)

To of

*lessee/sub-lessee/tenant of the following land –

*Town/Village/Mukim *Lot/Parcel/L.O. No.....

Description and No. of Title Area

Whereas *the above land/Lease Registered No.....on the above land has ceased to be subject to any liability under Charge Registered No

I, of chargor under the charge, in exercise of the powers conferred by section 276 of the National Land Code, hereby give notice that the notice in Form 16 J, executed by the chargee on the.....day of, 19....., is cancelled.

Dated thisday of, 19

.....
Signature (or other form of execution)
by or on behalf of chargor

*Delete as appropriate.

FIRST SCHEDULE

Form 16M [Section 276] - Cancellation Of Notice Of Entry Into Possession (Form 16J)

National Land Code

Form 16M

(Section 276)

CANCELLATION OF NOTICE OF ENTRY INTO POSSESSION (FORM 16 J)

To of

*lessee/sub-lessee/tenant of the following land –

*Town/Village/Mukim *Lot/Parcel/L.O.No

Description and No. of Title Area

Whereas *the above Land/Lease Registered No on the above land was purchased by me at a sale by order of the *Land Administrator/Court;

I, of purchaser, in exercise of the powers conferred by section 276 of the National Land Code, hereby give notice that the notice in Form 16 J, executed by the chargee on the day of, 19, is cancelled.

Dated thisday of, 19

.....
Signature (or other form of execution)
by or on behalf of purchaser

*Delete as appropriate.

FIRST SCHEDULE

Form 16N [Section 278] - Discharge Of Charge [Heading]

National Land Code

Form 16N

(Section 278)

DISCHARGE OF CHARGE

[Heading]

I,..... of..... chargee under the charge described in the Schedule below of the *land/undivided share in the land/s/lease/s/sub-lease/s is so described;

Hereby discharged from all further liability under the charge - *the whole of the *land/s/undivided share in the land/s/lease/s/sub-lease/s

*such of the *lands/undivided share in the land/s/lease/s/sub-lease/s as are marked "Discharged" in the 6th column of the Schedule.

Dated thisday of.....,19.....

.....
Signature (or other form of execution)
by or on behalf of chargee

[Attestation Clause]

SCHEDULE OF LAND *AND INTEREST					
*Town/Village/ Mukim	*Lot/Parcel/L.O. No	Description and No. of Title	Registered No. of *lease/sub-lease (if any)	Registered No. of charge (if any)	Note of Discharge (where appropriate).
(1)	(2)	(3)	(4)	(5)	(6)

*Delete as appropriate.

FIRST SCHEDULE

Form 160 (Section 264A)

National Land Code

FORM 160

(Section 264A)

APPLICATION FOR POSTPONEMENT OR CANCELLATION OF AN ORDER FOR SALE BY PUBLIC AUCTION

To the Land Administrator,

*I/We chargee under the charge described in the Schedule below of the *land /undivided share in the land/lease/sub-lease so described, hereby make an application for an order for the *postponement/cancellation, of the Order for Sale dated

2. As required, *I/We now submit the prescribed fee of RM

Dated this day of (year)

.....
Signature (or other form of execution)
by or on behalf of the chargee

*I/We, of agree to the application of the *postponement / cancellation of the Order for Sale stated above.

Dated this day of (year)

.....
Signature (or other form of execution) by or on
behalf of the chargor

SCHEDULE OF LAND * AND INTEREST

[as in Form 13A]

For Official Use Only Received on day of (year)

*Approved / Rejected on day of (year)

.....

Land Administrator
District of State of
.....

* Delete as appropriate

[Ins. Act A1104:s.46]

FIRST SCHEDULE

Form 16P (Section 264A) NOTICE OF *POSTPONEMENT/CANCELLATION OF A SALE BY PUBLIC AUCTION

National Land Code

Form 16P

(Section 264A)

NOTICE OF *POSTPONEMENT/CANCELLATION OF A SALE BY PUBLIC AUCTION

Pursuant to an application of the chargee, with the concurrence of the chargor, under Charge Registered No. made on the day of (year) I hereby declare that the said sale is hereby *postponed/cancelled.

*And I order that the sale by public auction shall be held at on the day of (year) at hours in the *forenoon/afternoon.

Dated this day of (year)

Land Administrator

District

SCHEDULE OF LAND * AND INTEREST [as in Form 13A]

*Delete as appropriate

[Ins Act A1104:s.46]

FIRST SCHEDULE

FORM 16Q (Section 266A)

National Land Code

FORM 16Q

(Section 266A)

STATEMENT OF PAYMENT DUE IN CONNECTION WITH A SALE BY PUBLIC AUCTION

To the *Registrar of the Court,

..... /

Land Administrator,

District of

State of

Pursuant to an order of sale dated day of (year) made on the application of the chargee under Charge Registered No. and sale by public auction on the day of (year) , take notice that the sum due are as follows:

- (a) rent payable to the State Authority RM
 - (b) other outgoings to the State Authority RM
 - (c) rate payable to the local authority RM
 - (d) expenses incurred in connection with the sale by the * Court / Land Administrator RM
- Total RM

Dated this day of (year)

.....
Signature (or other form of execution)
by or on behalf of the chargee

SCHEDULE OF LAND * AND INTEREST [as in Form 13A]"

[Ins. Act A1104:s.46]

* Delete as appropriate

FIRST SCHEDULE

Form 17A [Section 286] - Grant Of Easement [Heading]

National Land Code

Form 17A

(Section 286)

GRANT OF EASEMENT

[Heading]

I,..... of proprietor of the *land/s (hereinafter referred to as the servient land) described in Part I of the schedule below;

* (a) In consideration of the sum of dollars the receipt of which sum I hereby acknowledge;

* (b) In consideration of-

.....

.....

.....

[Here state the consideration (if other than money) and from whom it moves.]

* (c) For no consideration;

Hereby grant to the grantee named below, being proprietor of the *land/s (hereinafter referred to as the dominant land) described in Part II of the schedule below -

the right of easement described in Part III of that Schedule to bind the servient land and to benefit the dominant land-

*in perpetuity.

*for the fixed period of years beginning on the day of....., 19, and terminating on the day of, 19

*2. This grant is subject to the agreement annexed hereto.

Dated this.....day of.....,19.....

.....
Signature (or other form of execution)
by or on behalf of the proprietor of
the servient land

[Attestation Clause]

I,..... of accept the right of this easement on the terms stated.

.....
Signature (or other form of execution)
by or on behalf of the proprietor of the
dominant land

[Attestation Clause]

*I, of

*lessee/tenant/chargee by virtue of-*Lease Registered No
....., *Tenancy exempt from registration and
*Charge Registered No.....,

[To be completed only where the servient land is subject to a lease, tenancy or charge (or one or more of these).

hereby consent to this grant of easement.

Dated thisday of, 19

..... Signature (or other form of execution) by or on
behalf of *lessee/tenant/ chargee

[Attestation Clause]

SCHEDULE				
	*Town/ Village/ Mukim	*Lot/ Parcel/ L.O. No	Description and No. of Title	*Lease/ Tenancy/ Charge (if any) over land in *Part I/ Part II
Part I (servient Land)	(1)	(2)	(3)	(4)
Part II (Dominant Land)				
Part III. Description of the Easement				
.....				
.....				
.....				
*as more particularly delineated in the Plan attached hereto.				

*Delete as appropriate

FIRST SCHEDULE

Form 17B [Section 286] - Grant Of Cross-Easements (In Respect Of A Party-Wall) [Heading]

National Land Code

Form 17B

(Section 286)

GRANT OF CROSS-EASEMENTS (IN RESPECT OF A PARTY-WALL)

[Heading]

We (i)..... of and (ii) of proprietors respectively of the adjacent lands described in Parts I and II of the schedule below;

*(a) In consideration of the sum of dollars the receipt of which sum I hereby acknowledge;

*(b) In consideration of –

.....

.....

.....

[Here state the consideration (if other than money) and from whom it moves.]

*(c) For no consideration;

Hereby grant, each to the other, cross-easements of support –

*in perpetuity.

*for the fixed period of years beginning on the day of, 19 and terminating on the day of, 19

in respect of the party-wall erected upon the common *boundary/boundaries of the two lands and which, solely for the purposes of identification, is marked upon the Plan attached hereto.

*2. This grant is subject to the Agreement annexed hereto.

Dated this..... day of.....,19.....

.....
Signature (or other form of Signature
(or other form of execution) by or on
behalf of the proprietor of the land
described in Part I

.....
Signature (or other form of Signature
(or other form of execution) by or on
behalf of the proprietor of the land
described in Part II

[Attestation Clause]

[Attestation Clause]

*I..... of

*lessee/tenant/chargee by virtue of-

*Lease Registered No,

*Tenancy exempt from registration and protected by endorsement,

*Charge Registered No,

[To be completed only where one or both of the lands is/are subject to a lease, tenancy or charge.]

hereby consent to this grant of easement.

Dated thisday of, 19

.....

Signature (or other form of execution)

*by or on behalf of *lessee/tenant/ chargee*

[Attestation Clause]

SCHEDULE				
	*Town/ Village/ Mukim	*Lot/ Parcel/ L.O. No	Description and No. of Title	*Lease/ Tenancy/ Charge (if any) over land in *Part I/ Part II
Part I (servient Land)	(1)	(2)	(3)	(4)
Part II (Dominant Land)				

*Delete as appropriate.

FIRST SCHEDULE

Form 17C [Section 289] - Release Of Easement [Heading]

National Land Code

Form 17C

(Section 289)

RELEASE OF EASEMENT

[Heading]

I, of proprietor of the *land/s (hereinafter)referred to as the servient land) described in Part II of that schedule below having the benefit of Easement Registered No which the *Land/s (herein after referred to as the servient land) described in Part I of that schedule;

*(a) In consideration of the sum of ringgit the receipt of which sum I hereby acknowledge;

*(b) In consideration of –

.....

.....

.....

[Here state the consideration (if other than money) and from whom it moves.]

*(c) For no consideration :

Hereby release the said easement.

Dated this day of, 19

.....
Signature (or other form of execution)
by or on behalf of the proprietor of
the land described in Part II

[Attestation Clause]

*I,..... of

*lessee/tenant/chargee by virtue of

*Lease Registered No.....,

*Tenancy exempt from registration and protected by endorsement,

*Charge Registered No.....

[To be completed only where the dominant land is subject to a lease, tenancy or charge [the holder of which is entitled to the benefit of the easement]

hereby consent to the release of said easement.

Dated this day of, 19

.....
Signature (or other form of execution
by or on behalf of *lessee/tenant/ chargee

[Attestation Clause]

SCHEDULE				
	*Town/ Village/ Mukim	*Lot/ Parcel/ L.O. No	Description and No. of Title	*Lease/ Tenancy/ Charge (if any) over land in *Part I/ Part II
Part I (servient Land)	(1)	(2)	(3)	(4)
Part II (Dominant Land)				

*Delete as appropriate.

FIRST SCHEDULE

Form 18A [Section 313] - Application For Cancellation Of Lease

National Land Code

Form 18A

(Section 313)

APPLICATION FOR CANCELLATION OF LEASE

To the Registrar

I,..... of

*proprietor of the land described in the schedule below

*lessee/sub-lessee under the *lease/sub-lease described in the schedule below of the land so described;

hereby apply for the cancellation on the register document of title to the said land of the memorial of

*Lease/Sub-lease Registered No.....

2. As required by section 313 of the National Land Code, I now –

*(a) attach *the issue document of title to the land/the duplicate *lease/sub-lease described in the schedule;

*(b) declare that I am unable to attach the document containing the copy/of the memorial of registration for the following reason –

.....
.....
.....

3. As further required by section 313, I declare that the said *Lease/ Sub-lease Registered No has been determined by -.....

[Here enter the manner of determination.]

of which determination I submit the following evidence –

.....

Dated this.....day of....., 19

.....
Signature(or other form of execution)
by or on behalf of applicant

[Attestation Clause]

SCHEDULE OF LAND OR LEASE AFFECTED

*Town/Village/Mukim	*Lot/Parcel/L.O. No.	Description and No. of Title	Registered No. of *lease/sub-lease (where appropriate)

*Delete as appropriate.

FIRST SCHEDULE

Form 18B [Section 314] - Application For Cancellation Of Charge

National Land Code

Form 18B

(Section 314)

APPLICATION FOR CANCELLATION OF CHARGE

To the Registrar

I of

*proprietor of the land/undivided share in the land described in the schedule below; *lessee/sub-lessee under the lease/sub-lease described in the schedule below of the land so described;

hereby apply for the cancellation on the register document of title to the said land of the memorial of Charge Registered No

2. As required by section 314 of the National Land Code, I now -

*(a) attach *the issue document of title to the land/the duplicate *lease/sub-lease described in the schedule;

*(b) declare that I am unable to attach the document containing the copy of the memorial of registration for the following reason -

.....
.....
.....

3. As further required by Section 314 I now -

*(a) attach a certificate of payment in Form 18 C.

*(b) submit the following evidence that the said *land/lease/sub-lease has been discharged by payment -

.....
.....
.....

Dated this.....day of....., 19

.....
Signature (or other form of execution)
by or on behalf of applicant

[Attestation Clause]

SCHEDULE OF LAND OR LEASE AFFECTED			
*Town/Village/Mukim	*Lot/Parcel/L.O. No.	Description and No. of Title	Registered No. of *lease/sub-lease (where appropriate)

*Delete as appropriate.

FIRST SCHEDULE

Form 18C [Section 314] - Certificate Of Payment Due On A Charge

National Land Code

Form 18C

(Section 314)

CERTIFICATE OF PAYMENT DUE ON A CHARGE

I, of chargee under Charge Registered No of the
*land/undivided share in the land/lease/sub-lease described in the schedule below;

Hereby certify that the sums due under the charge have been paid in full.

Dated this.....day of.....,19.....

.....

Signature (or other form of execution)

by or on behalf of chargee

[Attestation Clause]

SCHEDULE OF LAND OR LEASE AFFECTED

[as in Form 18 A]

*Delete as appropriate.

FIRST SCHEDULE

Form 18D [Section 315] - Application For Cancellation Of Aneasement

National Land Code

Form 18D

(Section 315)

APPLICATION FOR CANCELLATION OF AN EASEMENT

To the Registrar.....

[Here enter name of State or District]

I, of proprietor of the servient land described in Part I of the schedule below hereby apply for the cancellation on the register documents of title both of the servient land and of the dominant land described in Part II of the schedule-

of the memorials of Easement Registered No on the grounds that

2. As required by section 315 of the National Land Code, I now -

(a) *attach/declare that I am unable to attach -the issue document of title to the servient land *for the following reasons-

.....
.....

(b) submit the following evidence of the grounds on which this application based -

.....
.....

Dated this.....day of.....,19.....

.....

Signature (or other form of execution)

by or on behalf of the proprietor of

the servient land

[Attestation Clause]

SCHEDULE			
	*Town/Village/Mukim.	*Lot/Parcel/L.O.No.	Description and No.Title
Part I (Servient Land)	(1)	(2)	(3)
Part II (Dominant Land)			

*Delete as appropriate.

FIRST SCHEDULE

Form 19A [Section 321] - Notice Of The Entry Of A Caveat

National Land Code

Form 19A

(Section 321)

NOTICE OF THE ENTRY OF A CAVEAT

To of *proprietor of the land described in the schedule below
*lessee/sub-lessee/chargee under the *lease/sub-lease/charge described in the schedule below of the land so
described.

This is to inform you that, in exercise of the powers conferred by sections *321/324/330, I have this day entered,
upon the register document of title to the said land -

* (a) a Registrar's Caveat. *(b) a *Private Caveat/Lien holder's Caveat on the application of-
..... This caveat is expressed to bind-

* the whole of the land/the undivided share in the land/the particular interest described in the said
schedule; and

[Subs.Act A1104:s.45]

the effect thereof is

.....
.....
.....

[Here state the effect of the caveat]

Dated this.....day of.....,19.....

.....
Registrar/Land Administrator
State/District

SCHEDULE OF LAND *AND INTEREST

[as in Form 13A]

*Delete as appropriate

FIRST SCHEDULE

Form 19B [Section 323] - Application For Entry Of A Private Caveat

National Land Code

Form 19 B

(Section 323)

APPLICATION FOR ENTRY OF A PRIVATE CAVEAT

To the *Registrar/Land Administrator

[Here enter name of State or district as appropriate.]

I of hereby apply for the entry of a caveat upon the title to the land described in the schedule below; to be expressed to bind-

*the land itself/ the particular interest described in the said schedule.

2. The grounds of my claim to the *land/interest are-

.....

.....

3. As required by section 323 of the National Land Code, I now submit-

(a) the prescribed fee of RM.. ;

(b) a statutory declaration of *myself/my advocate and solicitor verifying the claim set out in paragraph 2 above;and

[Am..Act A1104:s.46]

(c) if relating to a part of the land, a description or a plan of the land affected, or if relating to an undivided share in the land or part thereof, a description thereof;

[Ins.Act A1104:s.46]

Dated this day of,19

.....

Signature (or other form of execution)

by or on behalf of applicant

[Attestation Clause]

SCHEDULE OF LAND *AND INTEREST

[as in Form 13 A]

*Delete as appropriate.

FIRST SCHEDULE

Form 19C [Section 326] - Notice Of Intended Removal Of Caveat

National Land Code

Form 19 C

(Section 326)

NOTICE OF INTENDED REMOVAL OF CAVEAT

To of at whose instance Private Caveat Registered No is entered upon the title to the land described in the schedule below.

Whereas the above caveat is expressed to bind -

* the whole of the land/the undivided share in the land/the particular interest described in the said schedule;

[Subs. Act A1104:s.46]

And whereas –

*the proprietor of the land.

*the lessee/ sub-lessee/ chargee under he interest described has applied to me for the removal of the said caveat;

Take notice that, in exercise of the powers conferred by section 326 of the National Land Code, I shall, at the expiry of the period of two months from the date of service of this notice, or of such further period (if any) as the court may order, remove the caveat.

Dated this day of,19

.....
Registrar/Land Administrator
State/District

SCHEDULE OF LAND* AND INTEREST

[as in Form 13A]

*Delete as appropriate.

FIRST SCHEDULE

Form 19D [Section 330] - Application For Entry Of A Lien-Holder's Caveat

National Land Code

Form 19 D

(Section 330)

APPLICATION FOR ENTRY OF A LIEN-HOLDER'S CAVEAT

To the *Register/Land Administrator

[+ Here enter name of State or District as appropriate.]

I, of hereby apply for the entry of a caveat expressed to bind-

*the land described in the schedule below;

*the lease described in the schedule below of the land so described.

2. I declare that -*the issue document of title to the land. *the duplicate lease has been deposited with me as security for a loan.

3. As required by section 330 of the National Land Code, I now submit-

(a) the prescribed fee of RM ;

(b) the *issue document of title/duplicate lease.

Dated this day of,19

.....
Signature (or other form of execution)
by or on behalf of applicant

[Attestation Clause]

SCHEDULE OF LAND *AND INTEREST

[as in Form 13 A]

*Delete as appropriate.

FIRST SCHEDULE

Form 19E [Section 333] - Application For Entry Of A Trust Caveat

National Land Code

Form 19 E

(Section 333)

APPLICATION FOR ENTRY OF A TRUST CAVEAT

I, of hereby apply for the entry of a caveat expressed to bind-

*the land described in the schedule below;

*the lease described in the schedule below of the land so described.

1. My interest under the trust of the *land/lease is-

.....

.....

2. As required by section 333 of the National Land Code, I now submit-

(a) the prescribed fee of RM ;

* (b) the instrument by which the *land/interest is transferred by way of trust; *trust with respect to the land/interest is created.

Dated this day of, 19

.....
Signature (or other form of execution)
by or on behalf of applicant

[Attestation Clause]

SCHEDULE OF LAND *AND INTEREST

[as in Form 13 A]

*Delete as appropriate.

FIRST SCHEDULE

Form 19G [Section 325] - Notice To Withdraw Private Caveat

National Land Code

Form 19G

(Section 325)

NOTICE TO WITHDRAW PRIVATE CAVEAT

To the *Registrar/Land Administrator

[Here enter the name of the State or District as appropriate.]

I, of being the *person/body/personal representative of the person who entered Private Caveat Volume No Folio No..... against the *land/ undivided share in the land/ interest described in the schedule below, hereby give notice that I wish to withdraw the said caveat under section 325 of the National Land Code.

[Am. Act A1104:s.46]

2. As required, I submit herewith the prescribed fee of RM.....

[Am. Act A1104:s.4]

Dated this..... day of, 19

.....
*Signature of *caveator/
personal representative
of caveator*

[Attestation Clause]

SCHEDULE OF *LAND/INTEREST

(as in Form 13A)

*Delete as appropriate.

FIRST SCHEDULE

Form 19H [Section 326] - Application For Removal Of Private Caveat

National Land Code

Form 19H

(Section 326)

APPLICATION FOR REMOVAL OF PRIVATE CAVEAT

To the *Registrar/Land Administrator I..... being the *proprietor/lessee/sub-lessee/chargee whose *land/ undivided share in the land/ interest is bound by Private Caveat Volume No Folio No which is entered by on the day of 20 hereby apply for the removal of the said caveat under section 326 of the National Land Code.

[Am. Act A1104:s.46]

2. As required, I submit herewith the prescribed fee of RM.....

[Am. Act A1104:s.4]

Dated this.....day of.....20.....

..... *Signature of applicant*

[Attestation Clause]

SCHEDULE OF *LAND/INTEREST

(as in Form 13A)

*Delete as appropriate.

FIRST SCHEDULE

Form 23A [Section 351] - Notice Of reversion Or Vesting Of Land Where Proprietor had Died

National Land Code

Form 23 A

(Section 351)

NOTICE OF REVERSION OR VESTING OF LAND WHERE PROPRIETOR HAD DIED

Whereas it appears to me that-

..... registered proprietor of the land/undivided share in the land/described in the schedule below has died without successors;

Now, in exercise of the powers conferred by section 351 of the National Land Code, I hereby give notice that unless within the period of one year from the date of publication of this notice, or of such further period as may be granted-

- (i) it has been proved to my satisfaction that the proprietor named above is still alive;or
- (ii) some other person or body has been registered as proprietor of the land; or
- (iii) a petition has been filed or lodged for a grant of representation to or the distribution of, the estate of the proprietor named above;

then at the end of the time specified, or of such extended time (if any) the said land will revert to the undivided share in the land will vest in the State.

I further give notice that any person interested in obtaining an extension of the specified period of notice should make application to me before the expiry of that period.

Dated this day of,19

Land Administrator.....

District

SCHEDULE

*Town/Village/Mukim*Lot/Parcel/L.O. No

Description and No. of Title Area

*Delete as appropriate.

FIRST SCHEDULE

Form 23B [Section 352] - Notice Of reversion Where Title Has Been Abandoned

National Land Code

Form 23 B

(Section 352)

NOTICE OF REVERSION WHERE TITLE HAS BEEN ABANDONED

Whereas it appears to me that -

..... registered proprietor of the land described in the schedule below has abandoned his title thereto;

Now, in exercise of the powers conferred by section 352 of the National Land Code, I hereby give notice that unless within the period of one year from the date of publication of this notice, or of such further period as may be granted

- (i) the proprietor named above has satisfied me that he has not in fact abandoned his title; or
- (ii) it has been proved to my satisfaction that the proprietor has died,

then at the end of such period the time specified, or of such extended time (if any), the said land will revert to the State.

I further give notice that any person interested in obtaining an extension of that specified period of notice should make application to me before the expiry of that period.

Dated this day of, 19

Land Administrator.....

District

SCHEDULE

*Town/Village/Mukim..... *Lot Parcel/L.O. No..... Description
and No. of Title Area.....

*Delete as appropriate.

FIRST SCHEDULE

Form 25A, 1 and 2 [Deleted]

[Deleted by Act A752:s.12]

FIRST SCHEDULE

Form 26A [Section 379] - Notification Of Change Of Address

National Land Code

Form 26A

(Section 379)

NOTIFICATION OF CHANGE OF ADDRESS

To the Registrar/Land Administrator [Here enter the name of the State or District as appropriate]

*I/We being the *proprietor/lessee/sub-lessee/chargee/caveator/..... of
.....

(here describe land/interest in land)

hereby notify that *my/our new address is as follows;

.....

.....

.....

Dated this day of 19

.....

*Signature of *proprietor/
lessee/sub-lessee/chargee/
caveator, etc.*

*Delete as appropriate.

FIRST SCHEDULE

Form 28A [Section 390] - Notification Of Change Of Address

National Land Code

Form 28A

(Section 390)

APPLICATION FOR A PRIVATE RIGHT-OF-WAY

To the Land Administrator, District of

I, of

*proprietor/lawful occupier (as*lessee/tenant/chargee) of –

*officer*in charge of/authorised to act in respect of-

the land described in the schedule below;

Hereby apply for the creation of a private right-of-way from the land o the nearest public terminal,

viz.

Dated this.....day of....., 19.....

.....

Signature (or other form of execution)

by or on behalf of applicant

SCHEDULE

Mukim*Lot/ L.O. No

Description and No. of Title Area.....

Nature of land - *Privately-owned/State Land/Reserved Forest/Reserve for

.....

*Delete as appropriate.

FIRST SCHEDULE

Form 28B [Section 391] - Memorial Of A Land Administrator's Right Of Way

National Land Code

Form 28B

(Sections 391)

MEMORIAL OF A LAND ADMINISTRATOR'S RIGHT OF WAY

**(a)* A public right-of-way

**(b)* A private right-of-way for the benefit of Lot

has, by order of the Land Administrator, Registered No, been constituted across this land as shown for the purposes of identification on the plan included in this title.

Dated this day of, 19

.....
Registrar/Land Administrator
State/District

*Delete as appropriate.

FIRST SCHEDULE

Form 28C [Section 394] - Application To Share In A Private Right-Of-Way

National Land Code

Form 28 C

(Section 394)

APPLICATION TO SHARE IN A PRIVATE RIGHT-OF-WAY

To the Land Administrator, District of.....

I,..... of.....

*proprietor/occupier (as *lessee/tenant/chargee) of the land described in the schedule below;

Hereby apply to share that private right-of-way created for the benefit of Lot.....which *abuts on/is in the proximity of my land.

Dated this.....day of.....,19.....

.....
Signature (or other form of execution)
by or on behalf of applicant

SCHEDULE

Mukim *Lot/L.O. No..... Description and
No. of Title..... Area.....

*Delete as appropriate.

FIRST SCHEDULE

Form 29A [Section 400] - Notice To Attend Survey

National Land Code

Form 29 A

(Sections 400)

NOTICE TO ATTEND SURVEY

To of *proprietor
of/occupier of/applicant for -
person interested in/employed on or in connection with the following land-

.....
.....
.....

[Here insert a description sufficient to indentify the land]

Take notice that, in exercise of the powers conferred by section 400 of the National Land Code, I hereby require , you to attend before me at the following place.....

On the day of,19 at h m for the purpose of-

- * (a) pointing out the boundaries of the land;
- * (b) rendering aid in emplacing or repairing boundary marks;
- * (c) affording assistance or information for the purpose of such survey.

Dated this day of, 19

..... Survey
Officer
District

*Delete as appropriate.

FIRST SCHEDULE

Form 29B [Section 400] - Summons to Give Information Or Produced documents

National Land Code

Form 29 B

(Section 400)

SUMMONS TO GIVE INFORMATION OR PRODUCE DOCUMENTS

To of Whereas I have reason to believe that you -

* (a) can give information respecting the boundaries of the following land-

* (b) have *in your custody/under your control document/s relating to the boundaries of the following land-

.....
.....
.....

[Here insert a discription sufficient to identify the land]

Take notice that, in exercise of the powers conferred by section 400 of the National land Code, I hereby require you to attend before me at the following place-

..... on the..... day of, 19....., at..... hm for the purpose of *giving such information/producing such document/s.

Dated thisday of, 19

..... Survey

Officer

District

*Delete as appropriate.

FIRST SCHEDULE

Form 29C [Section 401] - Notice To Clear Lines For Survey

National Land Code

Form 29 C

(Section 401)

NOTICE TO CLEAR LINES FOR SURVEY

To of *proprietor of/occupier
of/applicant for the following land -.....

.....

[Here insert a description sufficient to identify the land]

Take notice that, in exercise of the powers of section 401 of the National Land Code, I hereby require you within....days of the date of service of this notice to do the following work-

.....

.....

.....

[Here specify the lines to be cleared or cut]

*as pointed out to you on the land.

Failing completion of this work within the time specified, I shall myself cause the work to be carried out.

And take notice further that the costs of carrying out the work will be recoverable from you as a debt due to the State.

Dated this.....day of.....,19.....

..... Survey

Officer District.....

*Delete as appropriate.

FIRST SCHEDULE

Form 29D [Section 398A] - Notice To Produce survey Document

National Land Code

Form 29D

(Sections 398A)

NOTICE TO PRODUCE SURVEY DOCUMENTS

To of

Whereas it is necessary for me to inspect the following documents relating to the survey of land Lot No
.....MukimDistrict of..... State of

- (a) survey plan/s;
- (b) field book/s;
- (c) calculation sheet/s;
- (d) other survey data

.....
.....
.....
.....

And whereas I have reason to believe that the said document/s are in your possession or control:

Now, in exercise of the powers conferred by section 398A of the National Land Code, I hereby require you, within a period of.....from the date of service of this notice, to produce the said document/s for inspection.

And take notice that if, without reasonable excuse, you fail to produce such document/s within the time specified, you will be guilty of an offence against section 424(2) of the Code.

Dated this.....day of.....19.....

..... *Director of*
Survey
State.....

*Delete as appropriate.

FIRST SCHEDULE

Form 30A [Section 415(1) (a)] - Application For Registration Of A Statutory Vesting Of A Registered Interest In Land

National Land Code

Form 30A

(Sections 415(1)(a))

APPLICATION FOR REGISTRATION OF A STATUTORY VESTING OF A REGISTERED INTEREST IN LAND

Whereas of is the *proprietor/holder of the registered interest in land described in the Schedule below :

[Here insert name of proprietor/ holder.]

And whereas by virtue of section.....of the said registered interest in land described in the Schedule below was vested in me:

[Here insert appropriate law]

Now, therefore, I,..... of

[Here insert name of applicant]

hereby apply for the said registered interest in the land to be registered in my name pursuant to the above-mentioned statutory vesting in me.

*2. I annex hereto the issue document of title in respect of the land wherein the above-mentioned registered interest is vested in me.

*3. The issue document of title in respect of the said land is held by

[Here insert name.]

of by reason of his being.....and he has failed to deliver it to me although required by me in writing to do so. Copies of the correspondence in relation to such request are annexed hereto.

[Here insert whether the issue document of title is held as proprietor/chargee/lienholder/trustee/holder of power of attorney or any other circumstance.]

*4. I have made enquiries from the proprietor of the land described in the Schedule below and have been informed that the whereabouts of issue document of title are not known, and I have

Dated thisday of.....19.....

.....
*Signature of (other form of execution by)*applicant/
person lawfully authorised to act on behalf of applicant*

Note: Where the signature or other form of execution is of a person lawfully authorised to act on behalf of the

applicant, the nature of his authority and how it is derived should be stated below the signature.

SCHEDULE

Where the address of the person, claiming under this statutory vesting is outside the Federation, an address within the Federation for the service of notices is to be added in this space.

SCHEDULE OF REGISTERED INTEREST IN LAND

*Town/ Village/ Mukim	*Lot/ Parcel/ L.O. No.	Description and No. of Title	Description of registered interest		
			*Proprietor or coproprietor (if co-proprietor state the undivided share)	*Lessee or sub-lessee (state registered number of lease/ sublease)	*Chargee (state registered number of charge)

For Official Use Only

I am *satisfied/not satisfied that a statutory vesting of the registered interest in the land in respect of which this application is made has been effected in favour of the applicant- *(a) and direct that a registration of the said registered interest in the name of the applicant be made;

*(b) for the following reasons and, accordingly, the application is rejected.

L.S Registrar

 *Delete as appropriate.

FIRST SCHEDULE

Form 30B [Section 415(1) (b)] - Application For Registration Of A Statutory Vesting Of A Registered Interest In Land

National Land Code

Form 30B

(Section 415(1)(b))

APPLICATION FOR REGISTRATION OF A STATUTORY VESTING OF A REGISTRABLE INTEREST IN LAND

Whereas of

[Here insert name of holder of registrable interest]

is the holder of the registrable interest in land described in the Schedule below by reason of

.....

.....

[Here state the circumstances in which the registrable interest is held.]

And whereas the holder of the registrable interest in land has *presented/not yet presented an instrument for the registration of the said registrable interest in land in his name-

And whereas by virtue of section, of the said registrable interest in land described in the Schedule below was vested in me:

[Here insert appropriate law.]

Now, therefore, I, of hereby apply for the said registrable interest in land to be registered in my name pursuant to the above-mentioned statutory vesting in me.

[Here insert name of applicant.]

*2. I annex hereto-

(a) the whereby the registrable interest was created in favour of the holder thereof;

[Here describe the relevant document.]

(b) the instrument for registration of the registrable interest which was executed *by/in favour of the holder;

(c) the issue document of title in respect of the land in which the said registrable interest was created in favour of the holder; and

(d) the following document/s relevant to the registration of the registrable interest:

.....

.....

*3. The issue document of title in respect of the said land is held by of by reason of his being

[Here insert name.]

..... [Here state whether the issue document of title is held as proprietor/charge/lien-holder/ trustee/holder of power of attorney or any other circumstance] and he has failed to deliver it to me although required by me in writing to do so. Copies of the correspondence in relation to such request are annexed hereto.

*4. I have made enquiries from the proprietor of the land described in the Schedule below and have been informed that the whereabouts of the issue document of title are not known. and I have been unable to locate the same.

*5. Having made all enquiries that are necessary and relevant in relation to the vesting of the said registrable interest in land in me, I hereby declare that all the conditions for the said registrable interest in the land to be vested in me have been fulfilled and the statutory vesting of the same in me is capable of being registered in my name.

Dated this..... day of 19

.....
Signature of (or other form of execution by)
*applicant/person lawfully authorised to act
on behalf of applicant

Note: Where the signature or other form of execution is of a person lawfully authorised to act on behalf of the applicant, the nature of his authority and how it is derived should be stated below the signature.

SCHEDULE

Where the address of the person, claiming under this statutory vesting is outside the Federation, an address within the Federation for the service of notices is to be added in this space.					
SCHEDULE OF REGISTERED INTEREST IN LAND					
*Town/ Village/ Mukim	*Lot/ Parcel/ L.O. No.	Description and No. of Title	Description of registered interest		
			*Proprietor or coproprietor (if co-proprietor state the undivided share)	*Lessee or sub-lessee (state registered number of lease/ sublease)	*Chargee (state registered number of charge)

For Official Use Only

I am *satisfied/not satisfied that a statutory vesting of the registrable interest in the land in respect of which this application is made has been effected in favour of the applicant*(a) and direct that a registration of the said registrable interest in the name of the applicant be made;

*(b) for the following reasons and, accordingly, the application is rejected.

L.S. Registrar

*Delete as appropriate.

FIRST SCHEDULE

Form 30C [Section 416] - Application For Substituting Name of Transferee For That Of Transferor In A Document Of Entitlement

National Land Code

Form 30C

(Section 416)

APPLICATION FOR SUBSTITUTING NAME OF TRANSFEEE FOR THAT OF TRANSFEROR IN A DOCUMENT OF ENTITLEMENT

Whereas of is the holder of [Here insert description and details of the entitlement.]

[Here insert name of holder.]

And whereas by virtue of section of [Here insert appropriate law] the said [Here insert description and details of the entitlement] was vested in me:

Now, therefore, I, of [Here insert name of applicant] hereby apply for the said [Here insert description of the document conferring the entitlement] to be amended by substituting therein my name for the above mentioned holder thereof.

*2. 1 annex hereto the said document mentioned in the foregoing paragraph.

*3. The said document is held by of..... [Here insert name] by reason of his being [Here state whether relevant document is held as holder of the entitlement or under ant other circumstance] and he has failed to deliver it to me although required by me in writing to do so. Copies of the correspondence in relation to such request are annexed hereto.

*4. I have made enquiries from the holder of the said document and have been informed that the whereabouts of the said document are not known, and I have been unable to locate the same.

Dated this..... day of..... 19.....

..... Signature of (or other form of execution) execution by) *applicant/person lawfully authorised to act on behalf of applicant

Note: Where the signature or other form of execution is of a person lawfully authorised to act on behalf of the applicant, the nature of his authority and how it is derived should be stated below the signature.

For Official Use Only

I am *satisfied/not satisfied that a statutory vesting of in respect of which this application is made has been effected in favour of the applicant-

* (a) and direct that name of the applicant be substituted in the for the name of the present holder;

* (b) for the following reasons.....

.....

.....

and, accordingly, the application is rejected.

L.S.

Registrar

*Delete as appropriate.

FIRST SCHEDULE

Form 30D [Section 416A (1) and (4)] - Application For Reservation Of State Land To Be Recorded in Favour Of Applicant

National Land Code

Form 30D

(Subsection 416 A (1) and (4))

APPLICATION FOR RESERVATION OF STATE LAND TO BE RECORDED IN FAVOUR OF APPLICANT

Whereas of [*Here insert name of person an whose fovour the reservation stands*] is the person in whose favour that reservation of the land..... [*Here insert the Gazette Notification under which the reservation was made*] *was made under /stands by virtue of the repealed Clause (4) of Article 166 of the Constitution:

And whereas by virtue of section of [*Here insert appropriate law*] the rights in respect of such reservation of the said land were vested in me:

Now, therefore, I,of [*Here insert name of applicant*] hereby apply that the said reservation of the said land be recorded as a reservation in my favour.

** 2. The said reservation of land being one to which Article 85 of the onstitution applies, the said reservation is capable of being recorded in my favour by virtue of subsection (4) of section 416A upon the existing reservation of land ceasing under Clause (3) of the said Article 85.

Dated thisday of 19

.....
Signature of (or any form of execution by)applicant/person lawfully authorised to act on behalf of applicant

Note: Where the signature or other form of execution is of a person lawfully authorised to act on behalf of the applicant the nature of his authority and how it is derived should be stated below the signature.

For Official Use Only

I am *satisfied/not satisfied that a statutory vesting of the reservation of land in respect of which this application is made has been effected in favour of the applicant

*(a) and direct that a reservation of the said land be recorded in favour of the applicant and a statutory notification of such recording be published in the *Gazette* under subsection (2) of section 416A in Form 30E;

*(b) for the following reasons and, accordingly, the application is rejected.

L.S

Land Administrator

District.....

*Delete as appropriate.

**Delete if not applicable.

FIRST SCHEDULE

Form 30E [Section 416A (2)] - Notification Of A Recording Of A Statutory Vesting Of A Reservation Of Land

National Land Code

Form 30E

(Subsection 416A(2))

NOTIFICATION OF A RECORDING OF A STATUTORY VESTING OF A RESERVATION OF LAND

It is hereby notified that the land [Here insert identification of the land] which was reserved in favour of [Here insert name]* under Gazette Notification [Here insert appropriate law] /by virtue of the repealed Clause (4) of Article 166 of the Constitution has by virtue of a statutory vesting under section [Here insert appropriate law] of..... been recorded in favour of [Here insert name] under section 416A for the purpose of [Here insert the purpose for which the reservation under the statutory vesting is made] which is deemed to be a public purpose under subsection (2) of section 416A.

2. The person who shall have control of the said reserved land shall be

.....

.....

[Here insert office of officer, employee, or agent of the person in whose favour the statutory vesting has been effected.]

3. This notification shall, by virtue of subsection (2) of section 416A be deemed to have come into force with effect from the date the Federal Government releases the land to the State i.e

[Here insert effective date of the release.]

..... Land

Administrator

District.....

*Delete as appropriate.

FIRST SCHEDULE

Form 30F [Section 416E (4)] - Notification Of The Preparation And Issue Of A Fresh *Issue Document Of Title/Document Of Entitlement

National Land Code

Form 30F

(Section 416E(4))

**NOTIFICATION OF THE PREPARATION AND
ISSUE OF A FRESH *ISSUE DOCUMENT OF
TITLE/ DOCUMENT OF ENTITLEMENT**

***A**

It is hereby notified that the land *[Here insert identification of the land]* has been registered in the name of *[Here insert name]* of..... by virtue of a statutory vesting effected in his favour under section *[Here insert appropriate law]* of and that a fresh issue document of title has been issued to him upon the Registrar being satisfied that there are good and sufficient reasons for his inability to produce the issue document of title.

It is further notified that with effect from *[Here insert date when a fresh issue document of title was issued as aforementioned.]* every previous issue document of title in respect of the said land stands cancelled and is rendered null and void.

***B**

It is hereby notified that the *[Here insert description of document of entitlement.]* held by of *[Here insert name]* has been amended under section 416 by the name of the aforesaid holder being substituted by the name of *[Here insert name]* of in whose favour a statutory vesting of the entitlement held under the said document of entitlement has been effected under section *[Here insert appropriate law]* of and a fresh document of entitlement bearing such amendment has been issued to the said *[Here insert name]* of upon the Registrar being satisfied that there are good and sufficient reasons for his inability to produce the said document of entitlement.

It is further notified that with effect from *[Here insert date]* when the statutory vesting took effect, every previous document of entitlement in respect of the aforesaid entitlement stands cancelled and is rendered null and void.

.....
Registrar

*Delete as appropriate.

FIRST SCHEDULE

Form 30G [Section 416E (6)] - Notification Of Memorial On Register Document Of Title Of A Statutory Vesting Of A *Registered/Registrable Interest In Land

National Land Code

Form 30G

(Subsection 416E(6))

**NOTIFICATION OF MEMORIAL ON REGISTER
DOCUMENT OF TITLE OF A STATUTORY
VESTING OF A *REGISTERED/REGISTRABLE
INTEREST IN LAND**

It is hereby notified that a statutory vesting in favour of *[Here insert name]*
of..... of the *registered/registrable interest in the land *[Here insert identification of the land]*
..... consisting of *[Here insert description of *registered/registrable interest other than
proprietorship of the whole of the land]*
..... has been registered on the register document of title in respect of the said
land by a memorial made upon the said register document of title under subsection (5) of section 416E without a
memorial thereof having been made on the issue document of title because the Registrar is satisfied that there are
good and sufficient reasons for his inability to produce the issue document of title.

2. The memorial made on the register document of title as aforesaid shall be valid in all respects and for all purposes
notwithstanding that such memorial has not been made on the issue document of title.

..... Registrar

*Delete as appropriate.

FIRST SCHEDULE

Form 34A [Section 437] - Presentation Book

Form 34A

(Section 437)

PRESENTATION BOOK

Presentation No.	Time of Presentation (Hour and Min.)	Description of Instrument	Instrument file No. (Vol. Folio)	Presented by	Land Affected (Description and No. of Title)	Registered, Rejected or Withdrawn	Remarks

SECOND SCHEDULE

(Sections 110,112)

ADDITIONAL IMPLIED CONDITION APPLICABLE TO COUNTRY LAND ALIENATED OR APPROVED FOR ALIENATION BEFORE THE COMMENCEMENT OF THIS ACT

1. Every piece of alienated country land in the State of Johore which does not exceed forty hectares in area shall be continuously occupied.
2. There shall be deemed to be a breach of the condition contained in paragraph 1 if, but only if, for a period of three consecutive years -
 - a) the land is totally abandoned; or
 - b) the land is not kept under cultivation to the extent of one-fourth of its area.

THIRD SCHEDULE

(Sections 110,112)

ADDITIONAL IMPLIED CONDITIONS APPLICABLE TO TOWN OR VILLAGE LAND ALIENATED OR APPROVED FOR ALIENATION BEFORE THE COMMENCEMENT OF THIS ACT

Interpretation

1. In this Schedule "shop-house" means a detached, semi-detached or terrace house used or intended to be used wholly or in part for any commercial or industrial purpose.
2. In the interpretation of this Schedule a building shall be deemed to have been erected for any purpose for which it is subsequently used.

Conditions applicable in Negeri Sembilan, Pahang, Perak and Selangor

3. Paragraphs 4 and 5 apply in the States of Negeri Sembilan, Pahang, Perak and Selangor.
4. No town or village land held under Land Office title shall be used for the erection of any building other than a building which (together with its out-buildings and appurtenances) is used solely as a dwelling house or solely for agricultural purposes.
5. No land subject to the payment of rent at the rates prescribed for town or village land and not at the rates prescribed for building lots shall be used for the erection of shop-houses unless -
 - a) the land (or the portion of it intended to be so used) is divided by survey into building lots; and
 - b) the land is sub-divided in accordance with Chapter 1 of Part Nine into portions corresponding to the building-lots and the remaining land (if any).

Conditions applicable in Johore

6. Paragraphs 7 and 8 apply in the State of Johore.
7. No town or village land held under Land Office title shall be used for the erection of any building within a distance of fifteen meters from a public road or street.
8. (1) Town or village land which is held by virtue of an entry in the Mukim Register made before the date on which the town or village was declared or otherwise came into existence shall be continuously occupied.
(2) There shall be deemed to be a breach of the condition contained in sub-paragraph (1) if, but only if, the land is totally abandoned for three consecutive years.

Condition applicable in Kedah

9. Paragraph 10 applies in the State of Kedah.
10. No town land subject to the payment of rent at the rates prescribed for town land and not at the rates prescribed for shop lots shall be used for the erection of shop-houses unless-
 - (a) the land (or the portion of it intended to be so used) is divided by survey into shop lots; and
 - (b) the land is sub divided in accordance with Chapter 1 of Part Nine into portions corresponding to the shop lots and the remaining land (if any).

Conditions applicable in Kelantan

11. Paragraphs 12, 13 and 14 apply in the State of Kelantan.
12. No town or village land held under Land Office title shall be used for the erection of any building other than a single house which (together with its outbuildings and appurtenances) is used solely as a dwelling house or solely for agricultural purposes.

13. No town or village land held under Land Office title shall be used for the erection of shop-houses.
14. No town or village land held under Registry title shall be used for the erection of shop-houses unless -
 - (a) the land (or the portion of it intended to be so used) is divided by survey into shop lots; and
 - (b) the land is sub-divided in accordance with Chapter 1 of Part Nine into portions corresponding to the shop lots and the remaining land (if any).

Condition applicable in Perlis

15. Paragraph 16 applies in the State of Perlis.
16. No town land subject to payment of rent at rates other than those prescribed for shop lots shall be used for the erection of shop-houses unless
 - (a) the land (or the portion of it intended to be so used) is divided by survey into shop lots; and
 - (b) the land is sub-divided in accordance with Chapter 1 of Part Nine into portions corresponding to the shop lots and the remaining land (if any).

Conditions applicable in Trengganu

17. Paragraphs 18 and 19 apply in the State of Trengganu.
18. No town or village land held under Land Office title shall be used for the erection of any building other than a single building which together with its outbuildings and appurtenances) is used solely as a dwelling house or solely for agricultural purposes.
19. No town or village land shall be used for the erection of shop-houses unless-
 - (a) the land (or the portion of it intended to be so used) is divided by survey into building plots; and
 - (b) the land is sub-divided in accordance with Chapter 1 of Part Nine into portions corresponding to the shop lots and the remaining land (if any).

FOURTH SCHEDULE

(Section 119)

EQUIVALENT OR VARIANT EXPRESSIONS RELATING TO PADI OR BENDANG

<i>Padi</i>	<i>Bendang</i>
<i>Padi field</i>	Low land
<i>Padi (paya)</i>	Rice field
<i>Padi sawah</i>	<i>Sawah</i>
<i>Swamp padi</i>	<i>Tanah Pamah</i>
<i>Wet padi</i>	<i>Tenggala</i>
<i>Paya</i>	<i>Padi (tenggala)</i>
<i>Paya (kubang)</i>	<i>Padi (ploughed)</i>
Rice	<i>Padi (padang)</i>

FIFTH SCHEDULE

(Section 211)

OFFICERS OR OTHER PERSONS TO ATTEST EXECUTIONS OF INSTRUMENTS EFFECTING DEALINGS UNDER ACT

1. Every execution by a natural person of any instrument effecting any dealing under this Act, other than an instrument in respect of any land referred to in paragraph 3, shall be attested by any of the following officers or other persons:
 - 1) In any State to which this Act applies –
 - (a) a Magistrate;
 - (b) the State Director;
 - (c) the Registrar;
 - (d) a Land Administrator;
 - (e) an advocate and solicitor;
 - (f) a notary public.
 - 2) In the State of Sabah-
 - (a) a Magistrate;
 - (b) a Land Administrator;
 - (c) an advocate.
 - 3) In the State of Sarawak-
 - (a) a Magistrate;
 - (b) the Director of Lands and Surveys;
 - (c) a Superintendent of Lands and Surveys;
 - (d) an advocate.
 - 4) In the Republic of India-
 - (a) a Registrar of a High Court;
 - (b) a District Magistrate, a Presidency Magistrate, or a Magistrate of the First or Second Class;
 - (c) a notary public having an official seal;
 - (d) the High Commissioner, the- Deputy High Commissioner, or any Secretary or Attache of the High Commission of Malaysia.
 - 5) In the Republic of Pakistan-
 - (a) a Registrar of a High Court;
 - (b) a District Judge;
 - (c) a Magistrate of the First Class;
 - (d) a notary public having an official seal;
 - (e) the Ambassador, the Charge d'Affaires a.i., or any Secretary or Attache of the Embassy of Malaysia.
 - 6) In the Republic of Singapore-
 - (a) a Registrar of the High Court;
 - (b) a District Judge;
 - (c) a Magistrate;
 - (d) a notary public having an official seal;
 - (e) the High Commissioner, the Deputy High Commissioner, or the First Secretary of the High Commission of Malaysia.
 - 7) In the Republic of Sri Lanka-
 - (a) a Registrar of the High Court;
 - (b) a Magistrate;
 - (c) a notary public having an official seal;
 - (d) the High Commissioner, the Deputy High Commissioner, or any Secretary or Attache of the High Commission of Malaysia.
 - 8) In the State of Brunei-
 - (a) a Registrar of the High Court;
 - (b) a Magistrate;

(c) a notary public having an official seal.

8A) In the State of Taiwan-The following officials of the Malaysian Friendship And Trade Council:

- (a) the President;
- (b) the Deputy President;
- (c) the Economic Director.

9) In any Commonwealth country other than those referred to in the preceding subparagraphs-

- (a) the High Commissioner of Malaysia, the Deputy High Commissioner of Malaysia or any Secretary of the High Commission of Malaysia;
- (b) a notary public having an official seal;
- (c) any person or class or description of persons approved in that behalf by the Minister on the recommendation of the National Land Council.

10) In any place other than those referred to in the preceding subparagraphs-

- (a) a diplomatic officer of Malaysia;
- (b) any person or class or description of persons approved in that behalf by the Minister on the recommendation of the National Land Council.

- 2. References in subparagraph (2) to (10) of paragraph 1 to the officers or persons specified therein are references to such officers or persons as so defined in the appropriate law of, or otherwise referred to as such in, that State, country or place, as the case may be.
- 3. Subject to paragraph 4, every execution by a natural person of any instrument effecting any dealing under this Act in respect of any of the following lands shall be attested by a Land Administrator:
 - 1) a Malay holding under the Malay Reservations Enactment of the Federated Malay States, the Malay Reservations Enactment of Johore, or the Malay Reservations Enactment of Terengganu;
 - 2) reservation land held by a Malay under Enactment No. 63 (Malay Reservations) of Kedah, the Malay Reservations Enactment of Kelantan, or the Malay Reservations Enactment of Perlis;
 - 3) reservation land held by a Siamese under Enactment No. 63 (Malay Reservations) of Kedah, or the Malay Reservations Enactment of Perlis;
 - 4) Land that is subject to Part VIII of the National Land Code (Penang and Malacca Titles) Act 1963.
- 4. The requirement for attestation by a Land Administrator under paragraph 3 shall not be applicable to:
 - 1) any instrument of charge in respect of any land referred to in that paragraph executed by a person under a power of attorney on behalf of a body corporate or a company, provided that such body corporate or company is allowed to be a chargee under the appropriate Malay Reservations Enactment;
 - 2) any instrument of discharge of charge.

SIXTH SCHEDULE

(Section 229)

AGREEMENTS WHICH MAY BE INCORPORATED IN LEASES

1. Cultivation.

The lessee will at all times during the term of the lease cultivate, use and manage in a proper and husband like manner all such parts of the demised property as are at the commencement of the lease broken up or converted into tillage and all such parts thereof as may hereafter be so broken up or converted with the consent of the lessor in writing, and will not impoverish or waste the same.

2. Cutting of timber.

The lessee will not cut down, fell, injure or destroy any growing or living timber or timber-like trees standing and being upon the demised property without the consent of the lessor in writing.

3. Outside painting.

The lessee will in every seventh year during the continuance of the lease paint the outside woodwork and ironwork belonging to the demised premises now or usually painted with two coats of proper oil-colours in a workmanlike manner and also whiten or colour such parts of the said premises as are now whitened or coloured respectively.

4. Inside painting.

The lessee will in every third year during the continuance of the lease paint the inside wood, iron and other work belonging to the demised premises now or usually painted with two coats of proper oil-colours in a workmanlike manner and also whiten or colour such inside parts of the said premises as are now whitened or coloured respectively.

5. Use for trade purposes.

The lessee will not during the continuance of the lease (except with the consent of the lessor in writing) convert, use or occupy the demised premises or any part thereof into or as a shop, warehouse or other place for carrying on any trade, business, occupation or calling whatsoever, or permit or suffer the said premises or any part thereof to be used for any such purpose or otherwise than as a private dwelling-house.

6. Offensive trades.

The lessee will not at any time during the continuance of the lease use, exercise or carry on or permit or suffer to be used, exercised or carried on in or upon the demised premises or any part thereof any noxious, noisome or offensive act, trade, business, occupation or calling, and no act, matter or thing whatsoever shall at any time during the continuance of the lease be done in or upon the said premises or any part thereof which is or may be to the annoyance, nuisance, grievance, damage or disturbance of the occupiers or owners of the adjoining lands and properties.

7. Fencing.

The lessee will during the continuance of the lease erect and put up a good and substantial fence on those exists at the commencement of the lease.

8. Fire insurance.

- 1) The lessee will insure in the name of the lessor (and will keep so insured during the continuance of the lease) against loss or damage by fire in some public insurance office approved by the lessor to the amount of their full value all buildings for the time being on the demised property which are of a nature or kind capable of being insured against such loss or damage.
- 2) The lessee will deposit with the lessor when required to do so any policy of insurance effected under sub-paragraph (1) and, within seven days after any premium on the policy becomes payable will deposit with the lessor the receipt for the premium.
- 3) On any breach or non-observance of the agreement contained in this paragraph the lessor may, without prejudice to any other rights he may have under the lease of the demised property, insure the buildings mentioned in sub-paragraph (1) against loss or damage by fire.

- 4) The cost of effecting an insurance under sub-paragraph (3) shall during the continuance of the lease be a charge upon the demised property.
- 5) All moneys received by virtue of an insurance policy effected under this paragraph in respect of the loss of or damage to buildings insured by the policy shall be laid out and expended in making good the loss or damage.

**SEVENTH SCHEDULE ,SEVENTH SCHEDULE A, SEVENTH SCHEDULE B, EIGHT SCHEDULE & NINTH SCHEDULE -
Repealed by Act 318**

[Repealed by Act 318: s.83]

TENTH SCHEDULE

(Section 436)

SUPPLEMENTARY PROVISION AS TO FORMS AND PROCEDURE

Forms

1. In paragraphs 2 to 11 "form" means a form specified in the First Schedule in relation to a dealing under this Act.
2. When a form printed under section 376 is used, alternatives not appropriate to the case shall be struck out.
3. A person intending to use a form may, instead of using a form printed under section 376, use a form which he himself has caused to be reproduced in print or typescript and, where he does so, he may cause alternatives which are not appropriate to the case to be omitted in the reproduction.
4. The blank spaces in a form may be filled up either in typescript or in manuscript.
5. A signature on a form shall be in manuscript, but a typescript copy may be added below the signature.
6. Forms shall be printed or typed on plain white paper which is strong and durable and sufficiently glazed to prevent the blurring of ink, and which shall be of a width of 420 millimeters and a length of 297 millimeters.
7. A form may be printed or typed on more than one sheet of paper if its length so requires.
8. All writing on a form shall be at right angles to the form's long axis. 8A. All entries in the Schedule to a form shall be completed by a horizontal line drawn immediately after the last line of such entries: and the rectangle so formed, being the rectangle enclosing the remaining space in the Schedule shall be transversely bisected by a diagonal line joining the two opposite angles of the rectangle; and the words denoting the number of title or titles affected by the dealing shall be written on the said diagonal line. The said horizontal line, the said diagonal line and the said words shall be duly initialled by the person attesting the instrument.
9. Where a form is reproduced in typescript, carbon copies may be used for any purpose for which a copy of the form is required, but only if the type is legible and not blurred.
10. Print or typescript on a form (including typescript in a carbon copy) shall be black.
11. Manuscript writing on a form (including a signature) shall be in permanent black or blue-black ink.
- 11A. Erroneous entries are to be neatly cancelled so as not to be rendered illegible and are to be duly initialled by the attesting officer. No correction, deletion or cancellation of any entry in the Form shall be made by erasing any words or figures or otherwise rendering them illegible.

Procedure

12. The procedure set out in the succeeding paragraphs shall be followed in order to facilitate the preparation, registration and issue by the Registrar under section 178 of documents of qualified title corresponding to Registry title.
13. Before the registration of any document of qualified title under Chapter 2 of Part Eleven, or on receiving under Chapter 3 of Part Eleven an application relating to qualified title corresponding to Registry title, the Land Administrator shall prepare a single loose document in Form 11A (referred to in the succeeding paragraphs as the draft document) which he shall complete as far as possible.
14. The plan prepared by the Land Administrator under paragraph (b) of sub-section (1) of section 181 or, as the case may be, under paragraph (c) of sub-section (4) of section 183 (referred to in the succeeding paragraphs as the plan) shall be drawn either on the draft document under the heading "Sketch Plan" or on a separate sheet of paper which shall be attached to the draft document.
15. The draft document and the plan, together with a copy of the plan on a separate sheet of paper, shall be transmitted by the Land Administrator to the Registrar.
16. The Registrar shall -
 - (a) make use of the information contained in the draft document in preparing the register document of title;
 - (b) affix to the register document of title the copy of the plan transmitted under paragraph 15; and
 - (c) retain the draft document and the plan for record purposes.
17. When registration is complete, the Registrar shall transmit a copy of the register document of title to the Land Administrator, who shall retain it for record purposes.

ELEVENTH SCHEDULE

(Section 438)

REPEALS

Federated Malay States

Cap.138 Land Code.

Cap.141 Country Lands (Cultivation) Suspension of Operation Enactment.

Cap.217 Agreements for Leases (Temporary Provisions) Enactment.

Cap. 218 Syed Hassan's Concession Resumption Enactment.

Malayan Union

18 of 1946 Leases and Tenancies (War Absentees) Adjustment Ordinance,1946.

22 of 1946 Leases and Tenancies (Dispossessed Persons) Ordinance, 1946.

36 of 1946 Pahang Registers of Title Replacement Ordinance, 1946.

3 of 1947 Mukim Registers Replacement Ordinance'1947.

16 of 1947 Land Revenue (Payment by Instalments) Ordinance, 1947.

Federation of Malaya

39 of 1949 Titles to Land (Occupation Period) Ordinance, 1949.

40 of 1949 Dealings in Land (Occupation Period) Ordinance, 1949.

41 of 1949 Dealings in Land (Malacca Customary Lands) (Occupation Period) Ordinance, 1949.

10 of 1952 Customary Tenure of Land (Settlement of Malacca) Ordinance,1952.

33 of 1952 Customary Tenure (State of Negeri Sembilan) Ordinance, 1952.

52 of 1952 Land Office Procedure (Lost or Destroyed Instruments) Ordinance, 1952.

78 of 1952 Land Laws (Enabling) Ordinance, 1952.

Straits Settlements

Cap. 111 Land Officers Powers Ordinance.

Cap.113 Lands Ordinance.

Cap. 114 State Lands Encroachments Ordinance.

Cap.118 Conveyancing and Law of Property Ordinance (in so far as it is not repealed by the National Land Code (Penang and Malacca Titles) Act, 1963).

Cap. 119 Voluntary Conveyances Ordinance.

Cap. 122 Foreshores Ordinance.

Cap. 123 Land Improvement Ordinance.

Cap.129 Aliens Property Ordinance.

Cap. 131 Landmarks Ordinance.

Cap. 168 The Apportionment Ordinance (in so far as it may apply to rent due to the State Authority).

47 of 1940 Land Revenue Collection Ordinance, 1940.

State of Johore

No. 1 Land Enactment. No. 15 Rectification of Boundaries Enactment. No. 52 Settlement Enactment. 18 of 1936 Abolition of Old Titles Enactment, 1936. 15 of 1938 Land (Temporary Provisions) Enactment, 1938.

State of Kedah

No. 12 Boundaries and Survey Maps Enactment. No. 56 Land Enactment.

State of Kelantan

26 of 1938 Land Enactment, 1938 (except provision saved by the Twelfth Schedule).

11 of 1960 Adviser Lands and Mines (Change of Title) Enactment, 1960.

State of Negeri Sembilan

5 of 1939 Land Registration (Government Interests) Enactment, 1939.

State of Pahang

1 of 1940 Land Registration (Government Interests) Enactment, 1940.

State of Perak

1 of 1940 Land Registration (Government Interests) Enactment, 1940.

State of Perlis

11 of 1356 Land Enactment, 1356.

State of Selangor

5 of 1939 Land Registration (Government Interests) Enactment, 1939.

State of Trengganu

3 of 1357 Land Enactment, 1357.

British Military Administration

67 of 1946 Agricultural Foodcrop Proclamation..

TWELFTH SCHEDULE

(Section 440)

MODIFICATIONS FOR KELANTAN

1. In sub-section (2) of section 94, the word "July" shall be substituted for the word "June".
2. In sub-paragraph (i) of paragraph (f) of sub-section (1) of section 136, the words "one-fifth of a hectare" shall be substituted for the words "two-fifths of a hectare" and in sub-sections (3) and (4) of section 205, the words 'one-fifth of a hectare' shall be substituted for the words "two-fifths of a hectare".
3. *(Deleted by Act A832: s.76).*
4. *(Deleted by Act A832: s.76).*
5. *(Deleted by Act A832: s.76).*
6. The repeal of the Land Enactment, 1938, shall not extend to the following provisions thereof-
 - (a) the proviso to section 9 (except the words "Provided that");
 - (b) section 104 (except the words "Notwithstanding anything contained in section 98" in sub-section (i));
 - (c) sections 105, 106, 107 and 108;
 - (d) Schedules 26, 26A, 27 and 28 and (in so far as it applies to those Schedules) section 206;
 - (e) section 2 (in so far as it is relevant for the interpretation of any of the provisions mentioned in the preceding sub-paragraphs).

THIRTEENTH SCHEDULE

(Section 446)

SPECIAL PROVISION FOR LAND SUBJECT TO THE CONDITIONS IN THE SECOND AND THIRD SCHEDULES

General Provisions

1. In this Schedule "shop-house" has the same meaning as in the Third Schedule.
2. Where the State Authority makes any revision of rent in pursuance of this Schedule, the Registrar shall take whatever steps may be necessary to record the revision in the appropriate documents of title.

Provisions applicable in Negeri Sembilan, Pahang, Perak and Selangor.

3. (1) This paragraph applies in the States of Negeri Sembilan, Pahang, Perak and Selangor.
(2) Where land is divided into building lots for the erection of shop-houses, the rent shall be revised by the State Authority so that-
 - (a) each building lot shall be subject to rent at the rates prescribed for building lots; and
 - (b) the remainder of the land (if any) shall be subject to a reduced rent calculated at the rate applicable before the division.

Provisions applicable to Johore

4. Paragraphs 5 and 6 apply in the State of Johore.
5. (1) Town or village land held under Registry title which is used for the erection of a building within a distance of fifteen meters from a public road or street shall be subject to rent at the rates prescribed for building lots unless it is held under a lease which, in recognition of the fact that the land is to be used for building, provides for special rates of premium and rent.
(2) The State Authority shall make such revisions of rent as are necessary to give effect to subparagraph (1).
6. Land held on grant or lease which exceeds two hundred and sixty hectares in area shall not be sub-divided.

Provisions applicable to Kedah

7. Paragraphs 8 and 9 apply in the State of Kedah.
8. Where land is divided into shop lots for the erection of shop-houses, the rent shall be revised by the State Authority so that-
 - (a) each shop lot shall be subject to rent at the rate prescribed for shop lots; and
 - (b) the remainder of the land (if any) shall be subject to a reduced rent calculated at the rate applicable before the division.
9. (1) All alienated land in a town or village, whatever the date of its alienation, shall be subject to rent at the rate prescribed for town land.

(2) The State Authority shall make such revisions of rent as are necessary to give effect to subparagraph (1).

Provisions applicable to Kelantan

10. (1) This paragraph applies in the State of Kelantan.
(2) Where land is divided into shop lots for the erection of shop-houses, the rent shall be revised by the State Authority so that-
 - (a) each shop lot shall be subject to rent at the rates prescribed for building lots; and
 - (b) the remainder of the land (if any) shall be subject to a reduced rent calculated at the rate applicable before the division.

Provisions applicable to Perlis

11. (1) This paragraph applies in the State of Perlis.
(2) Where land is divided into shop lots for the erection of shop-houses, the rent shall be revised by the State Authority so that-
 - (a) each shop lot shall be subject to rent at the rate prescribed for shop lots; and
 - (b) the remainder of the land (if any) shall be subject to a reduced rent calculated at the rate applicable before the division.

Provisions applicable to Terengganu

12. (1) This paragraph applies in the State of Terengganu.
- (2) Where land is divided into building lots for the erection of shop-houses, the rent shall be revised by the State Authority so that-
- (a) each building lot shall become subject to rent at the rate prescribed for building lots; and
 - (b) the remainder of the land (if any) shall be subject to a reduced rent calculated at the rate applicable before the division.

[Received the Royal Assent on the 18th day of September, 1965]

FOURTEENTH SCHEDULE

(Section 5A)

COMPUTERIZED LAND REGISTRATION SYSTEM

1. Interpretation.

For the purposes of this Schedule-

"computer" means any device for storing or processing information and includes the necessary input and output and database of a computer;

"computer printed document of title" means a document of title prepared by use of a computer;

"computer printed issue document of title" means an issue document of title prepared by use of a computer;

"computer printed register document of title" means a register document of title prepared by use of a computer;

"Computerized Land Registration System" means the procedures for the registration of titles, the documents required to be prepared thereby and any entry in any document of title through the use of a computer. The system includes both manual and computerized procedures;

"entry" or "enter" in relation to any document of title, includes any endorsement, memorial, note, correction, cancellation or deletion or other entry thereon by use of a computer;

"existing document of title" means a register document of title registered before the commencement of the Computerized Land Registration System and includes an issue document of title in respect thereof, if any;

"matter" means any instrument presented for registration or any order, notification, application or other document presented for entry into the register;

"verification document" means a computer print-out, as in Form A showing part of the former contents and the new contents of a document of title after decision by the Registrar on any matter presented for entering into the computer printed document of title.

2. Mode of making an entry on a document of title under the Computerized Land Registration System.

For the purposes of this Act, whenever an entry is required to be made on the computer printed document of title by the Registrar under this Act, it shall be taken as a requirement that-

- (a) the Registrar makes the entry by use of a computer; and
- (b) the Registrar prepares a new computer document of title and cancels and destroys the previous version of the computer printed document of title.

3. Form of documents for Registry title.

For the purposes of section 86, in the case of land to be alienated under Registry title-

- (a) the computer printed register document of title shall consist of a grant in Form 5BK or a State lease in Form 5CK, according as the land is to be alienated in perpetuity or for a term of years; and
- (b) the computer printed issue document of title shall be in the same form as Form 5BK or Form 5CK, as the case may be.

4. Form of documents for land Office title.

For the purpose of section 87, in the case of land to be alienated under Land Office title-

- (a) the computer printed register document of title shall consist of a Mukim grant in Form 5DK or a Mukim lease in Form 5EK, according as the land is to be alienated in perpetuity or for a term of years; and
- (b) the computer printed issue document of title shall be in the same form as Form 5DK or Form 5EK, as the case may be.

5. Plan for final title to be issued separately.

- (1) The plan of the land to be alienated shall be issued to the proprietor in Form B1. The Registrar shall keep in the land Registry a copy of the plan of the land to which it relates as approved by the Director of Survey under paragraph (e) of sub-section (1) of section 396. The copy of the plan to be attached to Form B1 shall be duly authenticated under the hand and seal of the Registrar.
- (2) The Land Administrator shall when delivering the computer printed issue document of title to the proprietor also deliver to him a copy of the plan attached to Form B1 duly authenticated under his hand and seal.

6. Form of documents for qualified titles.

For the purpose of subsection (2) of section 177 documents of qualified titles shall consist of-

- (a) a computer printed register document of title in Form 11AK or 11 BK according as the land in question is to be held under the form of qualified title corresponding to Registry title or that corresponding to Land Office title; and
- (b) a computer printed issue document of title in the same form as Form 11AK or Form 11BK, as the case may be.

7. Plan for qualified title to be issued separately.

- (1) The plan of the land to be alienated under qualified title shall be issued to the proprietor in Form B2. The Land Administrator shall prepare a plan of the land and transmit it to the Registrar to be attached to Form B2 and to be authenticated under the hand and seal of the Registrar. Such plan shall be kept in the land Registry.
- (2) The Land Administrator shall when delivering the computer printed issue document of title to the proprietor also deliver to him a copy of the plan attached to Form B2.

8. Conversion to computer register document of title.

- (1) Upon the coming into force of the Computerized Land Registration System in a land Registry, the Registrar shall convert the existing register documents of title to the computer printed register documents of title and shall sign and seal the same.
- (2) An existing register document of title shall continue to be in force and valid for all purposes of this Act until a computer printed register document of title is prepared and signed and sealed by the Registrar.
- (3) After the conversion of an existing register document of title, the existing issue document of title in respect thereof shall continue to be in force and valid for all purposes of this Act until the relevant computer printed issue document of title is prepared and issued to the proprietor.
- (4) Any registered proprietor whose land comes within the jurisdiction of a land Registry in which the Computerized Land Registration System is implemented may at any time apply for conversion of an existing issue document of title to a computer printed issue document of title by lodging the existing issue document of title at the said land Registry.
- (5) The Registrar may on his own accord convert any existing issue document of title without there being an application made under subparagraph (4).
- (6) In respect of an existing document of title prepared under the National Land Code, the computer printed document of title shall be prepared as in Form 5BK, 5CK, 5DK, 5EK, 11AK or 11BK, as the case may be, with the plan of the land to be attached to Form B1 or B2, as the case may be.
- (7) In respect of an existing document of title prepared under the previous land law, the computer printed document of title shall bear the like title with the plan of the land to be attached to Form B1 or B2, as the case may be.
- (8) The Registrar may prepare titles in continuation after its conversion to computer printed document of title under subparagraph (7).
- (9) Upon the conversion of an existing document of title to a computer printed document of title under the preceding subparagraphs, the Registrar shall-
 - (a) make two copies of the plan from the existing register document of title to be attached to Form B1 or B2, as the case may be, and shall be duly authenticated under his hand and seal;
 - (b) endorse across the face of the existing register document of title to the effect that the title in question has been converted to the computer printed register document of title; and on the making of such endorsement the existing register document of title shall be deemed to have been cancelled;
 - (c) call upon the proprietor to take delivery of the computer printed issue document of title and the plan of the land; provided that where the conversion is effected by the Registrar on his own accord under subparagraph (5), he shall not be obliged to deliver to the proprietor the computer printed issue document of title unless the existing issue document of title is produced to him; and
 - (d) cancel and destroy the existing document of title when submitted to him.

9. Mode of preparing documents of title.

Every document of title to be prepared upon alienation of land or title in continuation or replacement of a computer printed register document of title shall under the Computerized Land Registration System, be prepared by use of a computer.

10. Delivery to proprietor of a copy of the plan.

Where a document of title is prepared upon alienation of land or title in continuation or replacement of a computer printed register document of title, the Land Administrator shall deliver to the proprietor the computer printed issue document of title together with a copy of the plan of the land attached to Form B1 or B2, as the case may be, and shall be duly authenticated under his hand and seal.

11. Conclusiveness of every folio of a computer printed register document of title.

For the purposes of section 89 and subsection (3) of section 178, every folio of a computer printed register document of title is conclusive evidence of the particulars recorded therein.

12. Computer printed document of title to be kept in loose leaf.

For the purposes of section 158, 159 and 177, every computer printed document of title registered under this Act, whether upon alienation of land or title in continuation or replacement of a computer printed register document of title, shall be kept in loose leaf.

13. Presentation Record.

- (1) The Registrar shall maintain a record, to be called the "Presentation Record", by or through the use of a computer, in which there shall be entered a short description of every matter presented for registration or entry, as the case may be.
- (2) The Presentation Record shall consist of-
 - (a) the presentation number given by the computer in respect of each matter presented;
 - (b) the date and time of presentation;
 - (c) a description of the matter;
 - (d) in the case of dealing, the name of the person presenting the matter;
 - (e) the title description of the land affected by the presentation; and
 - (f) a note whether the matter has been registered, endorsed, or entered, as the case may be, or rejected or withdrawn.

14. Verification document to be verified.

- (1) After the Registrar has determined that an instrument is fit for registration in accordance with the provisions of Chapter 3 of Part Eighteen or that any other matter shall be entered into the document of title, he shall verify the contents of the verification document and if he finds the verification document to be in order, he shall authenticate the document under his hand and seal.
- (2) After the Registrar has registered any instrument of dealing or enter any other matter into a computer printed document of title, he shall cause the verification document to be filed.

15. Mode of registering instrument.

For the purpose of paragraph (a) of sub-section (2) of section 304, the memorial in the terms set out in sub-section (3) thereof shall be entered into the computer in respect of the register document of title to which the land relates.

16. New computer printed document of title.

Upon making the memorial in the manner provided in paragraph 15 where it relates to a dealing or upon determining that any other matter shall be entered into any document of title, the Registrar shall cause a new computer printed register document of title and, where appropriate, a new computer printed issue document of title, to be prepared.

17. Conclusiveness of registration.

Every register document of title prepared pursuant to paragraph 16 and authenticated under the hand and seal of the Registrar shall be conclusive evidence of the registration to which it refers and the effective time and date thereof.

FOURTEENTH SCHEDULE

Form A - Verification document

Page: Date:
****ID:

National Land Code
Form A
(Fourteenth Schedule)
VERIFICATION DOCUMENT

Verified by	Registrar
(name of Clerk)	(name of Registrar)
Signature	Signature

1. Version No.:
2. Type of matter:
3. Presentation No.; Date: Time:
4. Presenter:
5. No. of Titles affected:
 - (a) Former Contents:
 - i. *Title:
 - ii. **Affected Presentation:
 - iii. ***Others:
6. Action taken:
7. New Contents:

* State/District/Mukim/Village Title No./Lot No./L.O. No.
(Enter as appropriate)

**Name/Presentation No./Volume/Folio/Date/Time
(Enter as appropriate)

Enter as appropriate *ID Version No.-Type of Matter-Presentation No.
(Enter as appropriate)

FOURTEENTH SCHEDULE

Form B1 - Plan Of The Land (Final Title)

National Land Code

Form B1

(Fourteenth Schedule)

PLAN OF THE LAND (Final Title)

I certify that the plan attached below is a true copy of the certified plan of the land. The particulars of the title are as follows:

Title type and No.:

State:

District:

*Town/Village/Mukim:

Sheet No.:

Certified Plan No.:

Lot No.: Area of Lot:

Attach plan here

Dated the day of 19

L.S. Registrar

*Enter as appropriate .

FOURTEENTH SCHEDULE

Form B2 - Plan Of The Land (Qualified Title)

National Land Code

Form B2

(Fourteenth Schedule)

PLAN OF THE LAND (Qualified Title)

I certify that the *sketch plan/plan attached below is a true copy of the *sketch plan/plan of the land. The particulars of the title are as follows-

*Q.T.(R)/Q.T.(M):

State:

*Town/Village/Mukim:

Sheet No.:

Lot No.:

Provisional Area:

2. In the plan below, the boundaries shown in red not having been established by survey, are provisional only.

Attach *sketch plan/plan here.

Dated the day of 19

L.S. Registrar

_____ *Enter as appropriate

FOURTEENTH SCHEDULE

Form 5BK - Grant

**CRDT/CIDT National Land Code*

Form 5BK

(Fourteenth Schedule)

GRANT

Version No.

Title No.	Annual Rent: RM
-----------	-----------------

State :
 District :
 *Town/Village/Mukim :
 Lot No. :
 Area of Lot :
 Category of Land Use :
 Standard Sheet No. :
 Certified Plan No. :
 File No. :

*Within Malay Reservation/Aboriginal Area/Aboriginal Reserve/Group Settlement Area, etc *Gazette*
 Notification No. dated

The land described above is held in perpetuity by the proprietor for the time being named in the record of proprietorship below, subject to the provisions of the National Land Code, to the category specified above and to the express conditions and restrictions in interest specified below, in consideration of the due payment of the annual rent.

By command of the State Authority
 registered this day of 19

L.S.
 Registrar

The plan of the land, for the purposes of identification, is attached to Form B1 .

**** EXPRESS CONDITIONS**

**** RESTRICTIONS IN INTEREST**

**** (To be completed when the title is issued in continuation)**

Date of first alienation:

No. of original title (final or qualified):

No. of immediately preceding title (if different from above):

RECORD OF PROPRIETORSHIP

**** RECORD OF DEALINGS**

**** OTHER MATTERS AFFECTING TITLE**

L.S.
 Registrar

**Enter as appropriate.*

***Enter when appropriate.*

Title ID :

Date :

Version :

No. :

Copy No. :

Page :

FOURTEENTH SCHEDULE

Form 5CK - State Lease

*CRDT/CIDT

National Land Code
Form 5CK
(Fourteenth Schedule)
STATE LEASE

Version No.

Table with 2 columns: Title No., Annual Rent: RM

Term of years expiring on

State :
District :
*Town/Village/Mukim :
Lot No. :
Area of Lot :
Category of Land Use :
Standard Sheet No. :
Certified Plan No. :
File No. :

*Within Malay Reservation/Aboriginal Area/Aboriginal Reserve/Group Settlement Area, etc
Gazette Notification No. dated

The land described above is held for the above term of years by the proprietor for the time being named in the record of proprietorship below, subject to the provisions of the National Land Code, to the category specified above and to the express conditions and restrictions in interest specified below, in consideration of the due payment of the annual rent.

By command of the State Authority
registered this day of 19

L.S.
Registrar

The plan of the land, for the purposes of identification, is attached to Form B1 .

** EXPRESS CONDITIONS

** RESTRICTIONS IN INTEREST

** (To be completed when the title is issued in continuation)

Date of first alienation:

No. of original title (final or qualified):

No. of immediately preceding title (if different from above):

RECORD OF PROPRIETORSHIP

** RECORD OF DEALINGS

** OTHER MATTERS AFFECTING TITLE

L.S.
Registrar

*Enter as appropriate.

**Enter when appropriate.

Title ID :

Date :

Version :

No. :

Copy No. :

Page :

FOURTEENTH SCHEDULE

Form 5DK - Mukim Grant

*CRDT/CIDT

National Land Code
Form 5DK
(Fourteenth Schedule)
MUKIM GRANT

Version No.

Table with 2 columns: Title No., Annual Rent: RM

State :
District :
*Town/Village/Mukim :
Lot No. :
Area of Lot :
Category of Land Use :
Standard Sheet No. :
Certified Plan No. :
File No. :

*Within Malay Reservation/Aboriginal Area/Aboriginal Reserve/Group Settlement Area, etc Gazette Notification No. dated

The land described above is held in perpetuity by the proprietor for the time being named in the record of proprietorship below, subject to the provisions of the National Land Code, to the category specified above and to the express conditions and restrictions in interest specified below, in consideration of the due payment of the annual rent.

By command of the State Authority
registered this day of 19

L.S.
Registrar

The plan of the land, for the purposes of identification, is attached to Form B1 .

** EXPRESS CONDITIONS
** RESTRICTIONS IN INTEREST

** (To be completed when the title is issued in continuation)

Date of first alienation:
No. of original title (final or qualified):
No. of immediately preceding title (if different from above):

RECORD OF PROPRIETORSHIP
** RECORD OF DEALINGS
** OTHER MATTERS AFFECTING TITLE

L.S.
Registrar

*Enter as appropriate.
**Enter when appropriate.

Title ID :
Date :
Version :
No. :
Copy No. :
Page :

FOURTEENTH SCHEDULE

Form 5EK - Mukim Lease

*CRDT/CIDT

National Land Code
Form 5EK
(Fourteenth Schedule)
MUKIM LEASE

Version No.

Table with 2 columns: Title No., Annual Rent: RM

Term of years expiring on

- State :
District :
*Town/Village/Mukim :
Lot No. :
Area of Lot :
Category of Land Use :
Standard Sheet No. :
Certified Plan No. :
File No. :

*Within Malay Reservation/Aboriginal Area/Aboriginal Reserve/Group Settlement Area, etc
..... Gazette Notification No. dated

The land described above is held for the above term of years by the proprietor for the time being named in the record of proprietorship below, subject to the provisions of the National Land Code, to the category specified above and to the express conditions and restrictions in interest specified below, in consideration of the due payment of annual rent.

By command of the State Authority
registered this day of 19

L.S.
Registrar

The plan of the land, for the purposes of identification, is attached to Form B1 .

** EXPRESS CONDITIONS
** RESTRICTIONS IN INTEREST

** (To be completed when the title is issued in continuation)

Date of first alienation:
No. of original title (final or qualified):
No. of immediately preceding title (if different from above):

RECORD OF PROPRIETORSHIP
** RECORD OF DEALINGS
** OTHER MATTERS AFFECTING TITLE

L.S.
Registrar

*Enter as appropriate.

**Enter when appropriate.

Title ID :

Date :

Version :

No. :

Copy No. :

Page :

FOURTEENTH SCHEDULE

Form 11AK - (Qualified Title Corresponding to Registry Title)

**CRDT/CIDT National Land Code*

Form 11AK

(Fourteenth Schedule)

(Qualified Title Corresponding to Registry Title)

Version No.

Q.T. (R) No.	Annual Rent: RM
--------------	-----------------

State :
District :
*Town/Village/Mukim :
Lot No. :
Area of Lot :
Category of Land Use :
Standard Sheet No. :
Certified Plan No. :
File No. :

**Within Malay Reservation/Aboriginal Area/Aboriginal Reserve/Group Settlement Area, etc
..... Gazette Notification No. dated*

** Grant in perpetuity/
Lease for a term of expiring on
Registered this day of 19*

L.S.
Registrar

Issue document of title issued this day of 19

L.S.
Registrar

The *sketch plan/plan of the land, for the purpose of identification, is attached to Form B2.

SPECIAL CONDITIONS OF QUALIFIED TITLE

1. This title is subject to the provisions of the National Land Code and to the following express conditions and restrictions:

**** EXPRESS CONDITIONS**

**** RESTRICTIONS IN INTEREST**

2. In the plan of the land attached to Form B2, the boundaries shown in red, not having been established by survey, are provisional; only.

**** (To be completed when the title is issued in continuation)**

Date of first alienation:

No. of original title (final or qualified):

No. of immediately preceding title (if different from above):

RECORD OF PROPRIETORSHIP
** RECORD OF DEALINGS
** OTHER MATTERS AFFECTING TITLE

L.S.
Registrar

*Enter as appropriate.
**Enter when appropriate.
Title ID :
Date :
Version :
No. :
Copy No. :
Page :

FOURTEENTH SCHEDULE

Form 11BK - (Qualified Title Corresponding to Land Office Title)

**CRDT/CIDT National Land Code*

Form 11BK

(Fourteenth Schedule)

(Qualified Title Corresponding to Land Office Title)

Version No.

Q.T. (R) No.	Annual Rent: RM
--------------	-----------------

State :

District :

*Town/Village/Mukim :

Lot No. :

Area of Lot :

Category of Land Use :

Standard Sheet No. :

Certified Plan No. :

File No. :

**Within Malay Reservation/Aboriginal Area/Aboriginal Reserve/Group Settlement Area, etc
..... Gazette Notification No. dated*

** Grant in perpetuity/*

Lease for a term of expiring on

Registered this day of 19

L.S.
Registrar

Issue document of title issued this day of 19

L.S.
Registrar

The *sketch plan/plan of the land, for the purpose of identification is attached to Form B2.

SPECIAL CONDITIONS OF QUALIFIED TITLE

1. This title is subject to the provisions of the National Land Code and to the following express conditions and restrictions:

**** EXPRESS CONDITIONS**

**** RESTRICTIONS IN INTEREST**

2. In the plan of the land attached to Form B2, the boundaries shown in red, not having been established by survey, are provisional; only.

**** (To be completed when the title is issued in continuation)**

Date of first alienation:

No. of original title (final or qualified):

No. of immediately preceding title (if different from above):

RECORD OF PROPRIETORSHIP
** RECORD OF DEALINGS
** OTHER MATTERS AFFECTING TITLE

L.S.
Registrar

*Enter as appropriate.
**Enter when appropriate.
Title ID :
Date :
Version :
No. :
Copy No. :
Page :

FIFTEENTH SCHEDULE

[Section 5C]

MODIFICATIONS TO FACILITATE THE IMPLEMENTATION OF THE PENGURUSAN DANAHARTA NASIONAL BERHAD ACT 1998

1. Interpretation.

For the purposes of this Schedule

"acquiree" has the meaning assigned to it in the Pengurusan Danaharta Nasional Berhad Act 1998[Act 587];

"Danaharta" means Pengurusan Danaharta Nasional Berhad, the corporation established pursuant to the Pengurusan Danaharta Nasional Berhad Act 1998 [Act 587] (which expression shall include any of its subsidiaries defined under the Act);

"seller" has the meaning assigned to it in the Pengurusan Danaharta Nasional Berhad Act 1998;

"statutory vesting" in relation to section 414 includes the vesting of any lienholder's caveat or private caveat or prohibitory order;

"transfer certificate" has the meaning assigned to it in the Pengurusan Danaharta Nasional Berhad Act 1998;

"vesting certificate" has the meaning assigned to it in the Pengurusan Danaharta Nasional Berhad Act 1998.

2. Lienholder's caveat of private caveat capable of transfer.

For the purposes of subsection (1) of section 214, a lienholder's caveat or private caveat vested in Danaharta or the acquiree, as the case may be, pursuant to a statutory vesting effected under the Pengurusan Danaharta Nasional Berhad Act 1998 shall be capable of transfer.

3. Statutory vesting in Danaharta or acquiree.

[Am. P.U.(A) 437/2000]

(1) For the purposes of section 415, in the case of a statutory vesting pursuant to the Pengurusan Danaharta Nasional Berhad Act 1998, a vesting certificate or a transfer certificate, as the case may be, shall be conclusive evidence of the vesting of any registered or registrable interest.

[Am. P.U.(A) 437/2000]

(2) The Registrar shall upon receiving a vesting certificate or a transfer certificate, as the case may be, register and give effect to the vesting and shall dispense with all other requirements pertaining to an application for registration of a statutory vesting under Part Thirty.

[Subs. P.U.(A) 437/2000]

(2A) The vesting of any right, title or interest stipulated in the vesting certificate or transfer certificate in Danaharta or the acquiree, as the case may be, shall have the effect provided for in the Pengurusan Danaharta Nasional Berhad Act 1998.

[Ins. P.U.(A) 437/2000]

(3) The effective date of the vesting under subparagraph (2) shall be the vesting or disposition date specified in the vesting certificate or the transfer certificate, as the case may be.

[Subs. P.U.(A) 437/2000]

(4) Where any land or lease or any interest in any land or lease has been vested in an acquiree pursuant to this paragraph, any further dealings in respect of the land, lease or interest shall be subject to the provisions of the Code.

[Subs. P.U.(A) 437/2000]

4. Transfer of lienholder's caveat and prohibitory order in respect of land or lease vested in Danaharta.

(1) Where any land or lease vested in Danaharta is subject to any lienholder's caveat, private caveat or prohibitory order, the transfer of such lienholder's caveat, private caveat or prohibitory order shall be effected by an instrument in Form 1(B)A.

(2) Upon the registration of the transfer specified under subparagraph (1), the lienholder's caveat, private caveat or prohibitory order shall pass to and vest in Danaharta and shall be enforceable by or against Danaharta.

(3) For the purposes of this paragraph, "transfer" means

(a) where the land or lease has been vested in Danaharta and is subject to a lienholder's caveat, such caveat shall be deemed to have been withdrawn;

- (b) where the charge has been vested in Danaharta and the land is subject to a private caveat, Danaharta will have the benefit of such claim under the caveat; or
 - (c) where the land or lease has been vested in Danaharta and is subject to a prohibitory order, Danaharta shall have the benefit of such order.
- (4) Where any lienholder's caveat, private caveat or prohibitory order in respect of any land or lease has been transferred to Danaharta pursuant to this paragraph, no further transfer of such lienholder's caveat, private caveat or prohibitory order shall be registered.
- (5) The registration of such transfer shall be effected under this paragraph notwithstanding anything inconsistent therewith or contrary thereto contained in Chapter 6 of Part Sixteen and Part Nineteen.

4A. Rights as a chargee.

- (1) Danaharta shall, in addition to the rights of a chargee under the Code, have at all times the right-
- (a) to employ guards to protect and secure the land and all buildings on the land;
 - (b) by itself or by its agents, by giving not less than two clear days' notice to the chargor, to enter the land and all buildings on the land-
 - (i) to inspect the state of maintenance, cultivation and repair of the land and all buildings on the land;
 - (ii) without prejudice to any other remedy, to take such action as is necessary to keep the land in a reasonable state of maintenance and cultivation and all buildings on the land in repair;
 - (iii) together with any intended purchaser, to inspect the land and all buildings on the land.
- (2) The costs properly incurred by Danaharta in exercising its rights under this paragraph shall be added to and deemed to form part of the amount due under the charge.

[Ins. P.U.(A) 437/2000]

5. Sale by private treaty.

- (1) Danaharta shall have, in addition to the remedies of a chargee under Chapter 3 and Chapter 4 of Part Sixteen, the remedy of a sale by private treaty.
- [Subs. P.U.(A) 437/2000]
- (2) In this paragraph-
- (a) the chargee means "Danaharta"; and
 - (b) a sale by private treaty includes a sale effected by private contract, auction or tender.
- [Subs. P.U.(A) 437/2000]
- (3) Where Danaharta sells by private treaty, the provisions of this paragraph shall apply.
- [Subs. P.U.(A) 437/2000]
- (4) The chargee shall-
- (a) notify the chargor in writing of the breach in question including the amount due to the chargee;
 - (b) require it to be remedied within one month of the date of the notice; and
 - (c) warn the chargor that if the notice is not complied with, the chargee shall proceed to sell the land charged by private treaty.
- [Subs. P.U.(A) 437/2000]
- (4A) Notwithstanding any other law, any error in stating the amount due to the chargee in a notice issued under subparagraph (4) shall not be a ground to invalidate any sale by private treaty.
- [Ins. P.U.(A) 437/2000]
- (5) Subject to subparagraph (5A) , if on the expiry of the period specified in the notice under subparagraph (4) the breach in question has not been remedied, the amount due to the chargee shall (if it has not already done so) become due and payable and the land or lease may be sold by private treaty by the chargee, provided that the chargee has taken such reasonable care to obtain the market value of the land or lease.
- [Subs. P.U.(A) 437/2000]
- (5A) A chargor may, at any time before the conclusion of a sale under this paragraph, pay-
- (a) the amount due to the chargee as at the date of payment; and
 - (b) an amount sufficient to cover all expenses incurred in connection with the sale by private treaty.

[Ins. P.U.(A) 437/2000]

(5B) Upon the chargor making the payment as specified under subparagraph (5A) , any proceedings taken to sell by private treaty shall be deemed to be terminated.

[Ins. P.U.(A) 437/2000]

(5C) A sale by private treaty shall be deemed to be have been concluded at the time when there is a binding agreement between the chargee and the purchaser notwithstanding that the agreement is conditional or that the land or lease has not been transferred and without limiting the foregoing-

- (a) in the case of a sale effected by auction, at the time when a bid is accepted;
- (b) in the case of a sale effected by tender, at the time when the letter of award is issued.

[Ins. P.U.(A) 437/2000]

(5D) For the purpose of a sale by private treaty, the chargee shall be deemed to be authorised by the chargor to effect the transfer of the land or lease in question to the purchaser.

[Ins. P.U.(A) 437/2000]

(6) Where the sale by private treaty has been completed, the land or lease in question may be transferred to the purchaser by either a transfer certificate or an instrument in Form 1(B) B.

[Subs. P.U.(A) 437/2000]

(7) Any Form 1(B) B or transfer certificate given to a purchaser under subparagraph (6) shall be treated as an instrument of dealing and registrable accordingly and the provisions of section 267 shall apply mutatis mutandis as they apply to a certificate of sale, and the provisions of section 336 shall apply as if a reference to a certificate of sale was a reference to a Form 1(B) b or transfer certificate, as the case may be.

[Subs. P.U.(A) 437/2000]

(8) The purchase money arising on any sale under this paragraph shall be applied as follows:

- (a) firstly, in the payment of any rent due to the State Authority and any other outgoings payable to the State Authority or any local authority;
- (b) secondly, in payment of all expenses incurred in connection with the making and carrying into effect of the sale by private treaty;
- (c) thirdly, in payment off of prior charges, if any, in the order of their priority; and
- (d) fourthly, in the order specified in paragraphs (c) , (d) and (e) of subsection (1) and subsections (2) and (3) of section 268.

[Subs. P.U.(A) 437/2000]

6. Power of attorney.

A power of attorney in favour of a seller which before the vesting date was duly registered under Chapter 5 of Part Eighteen shall be read and construed as a reference to and proof of a power of attorney given in favour of Danaharta, upon production of a vesting certificate to the Register or as a reference to and proof of a power of attorney given to the acquiree upon production of a transfer certificate to the Registrar.

[Am. P.U.(A) 437/2000]

7. Rights as a lienholder.

Danaharta as a lienholder shall have, in addition to the remedies of a lienholder under Chapter 6 of Part Sixteen, the remedy provided for under paragraph 5 of this Schedule without having to obtain judgment for the amount due to it and the provisions of paragraph 5 of this Schedule shall apply as if Danaharta was a chargee of the land or lease in question.

[Subs. P.U.(A) 437/2000]

8. Caveat or prohibitory order shall not prevent a registration, endorsement or entry.

[Am. P.U.(A) 437/2000]

Any caveat or prohibitory order which was registered, endorsed or entered prior to a vesting shall not prevent the registration, endorsement or entry on the register document of title of any registered interest or the registrable interest or other right or entitlement whatsoever stipulated in the vesting certificate or transfer certificate, as the case may be.

[Am. P.U.(A) 437/2000]

9. Rights in acquiring land or lease.

Notwithstanding anything to the contrary in any law, Danaharta or any subsidiary of Danaharta (as defined in the Pengurusan Danaharta Nasional Berhad Act 1998) may, without having to pay and deposit, acquire any land or lease

disposed of under this Schedule and be entitled to set off the purchase price against any liability owed to any one or more of the following:

- (a) Danaharta;
- (b) any subsidiary of Danaharta.

[Ins. P.U.(A) 437/2000]

10. Additional rights.

Danaharta's rights under this Schedule-

- (a) may be exercised notwithstanding any orders for sale made whether pursuant to any rules of court, the Code or any other law and notwithstanding any steps or proceedings taken or pending to sell the land or lease;
- (b) may be exercised without the need for any approval, confirmation or order of court;
- (c) are cumulative and not exclusive of any other rights or remedies provided by the Code or any other law or contract;
- (d) may be exercised concurrently with any rights or remedies provided by the Code or any other law or contract.

[Ins. P.U.(A) 437/2000]

11. Protection of officers.

No officer appointed under the Code shall be liable to be sued in any civil court for any act or matter done or omitted to be done by him in good faith and in the intended exercise of any power or performance of any duty conferred or imposed on him by or under this Schedule or the Pengurusan Danaharta Nasional Berhad Act 1998.

[Ins. P.U.(A) 437/2000]

National Land Code

Form 1(B)A

(Paragraph 4, Fifteenth Schedule)

TRANSFER OF LIENHOLDER'S CAVEAT, PRIVATE CAVEAT OR PROHIBITORY ORDER

To the *Registrar/Land Administrator

I, of being a person having a claim to the *land/lease/sublease or *interest in the *land/lease/sublease described in the schedule below:

- (a) In consideration of the sum of RM....., the receipt of which sum I hereby acknowledge;
- (b) In consideration of-.....;
- (c) For no consideration,

hereby transfer to the transferee named below the *lienholder's caveat/private caveat/prohibitory order that is being claimed by me.

Dated this day of 19.....

Signature (or other form of execution) by or on behalf of the transferor

*I/We, *Danaharta/acquiree of accept this transfer.

.....

...

*Signature (or other form of execution) by or on behalf of *Danaharta/acquiree*

[Schedule as in Form 13A of the First Schedule]

National Land Code

Form 1(B)B

(Paragraph 5, Fifteenth Schedule)

CERTIFICATE OF SALE BY PRIVATE TREATY

To the *Registrar/Land Administrator

*I/We, *Danaharta/acquiree of, as chargee hereby certify that the *land/lease/sublease or *interest in the *land/lease/sublease described in the schedule below has been sold by private treaty to in consideration of the sum of RM

Dated this.....day of 19....

.....
Signature (or other form of execution)
by or on behalf of
**Danaharta/acquiree*

[Schedule as in Form 13A of the First Schedule]

*Delete as appropriate.

*[Ins. Am. A1034:
s.4]*

National Land Code Act No 56 Of 1965

LIST OF AMENDMENTS

<i>Amending law</i>	<i>Short title</i>	<i>In force from</i>
P.U. 91/1967	National Land Code (Malacca) Order 1967	1-1-1967
P.U. 184/1968	National Land Code (Amendment of First and Tenth Schedules) Order 1968	3-5-1968
P.U. 500/1968	National Land Code (Penang and Malacca) Order 1968	1-1-1966
Act A26/1969	National Land Code (Penang and Malacca) Order 1968	1-5-1969 [P.U. (B) 96/69]
P.U. (A) 414/69	Essential (National Land Code) Regulations 1969	22-10-1969 [Revoked by P.U.(A)73/71]
P.U. (A) 532/69	Essential (National Land Code) Regulations 1969	31-12-1969 [Revoked by P.U. (A) 73/71]
P.U. (A) 73/71	Emergency (Essential Powers) Ordinance No. 88, 1971	[Repealed by Act A124/72]
Act A124/72	National Land Code (Amendment) Act 1972	1 st Schedule : 21-10- 1969 2 nd Schedule : 30-12- 1969
P.U. (A) 231/1973	National Land Code (Amendment of Fifth Schedule) Order 1973	31-8-1973
Act A264/74	National Land Code (Amendment) Act 1974	16-8-1974
P.U. (A) 267/75	National Land Code (Amendment of First Schedule) Order 1975	15-12-1975
Act A322/75	National Land Code (Amendment) Act 1975	1-1-1977 [P.U.(B) 704/76]
P.U. (A) 222/76	National Land Code (Amendment Fifth (Schedule), Order 1976	15-2-1972
Act A386/77	National Land Code (Amendment) Act 1977	18-3-1977 shall apply to the Federal Territory as well as to the states.
P.U. (A) 126/78	National Land Code (Amendment of Fifth Schedule) Order 1978	28-4-1978
Act A444/79	National Land Code (Amendment) Act 1979	16-2-1979 shall apply to the Federal Territory and the states - s.6
Act A518/81	National Land Code (Amendment) Act 1981	29-5-1981 shall apply to the Federal Territory as well as to the states.
P.U. (A) 59/82	National Land Code (Amendment of Fifth Schedule) Order 1982	5-3-1982
P.U. (A) 542/82	National Land Code (Amendment) Act 1982	14-5-1982 shall apply to the Federal Territory and the states -

Act A587/84	National Land Code (Amendment) Act 1984	25-3-1985 shall apply to the states of West Malaysia
Act 318/85	Strata Title Act 1985	1-6-1985: s.83, 4th Schedule shall apply to West Malaysia and the Federal Territory
Act A615/85	National Land Code (Amendment) Act 1985	1-6-1985 shall apply to West Malaysia and the Federal Territory
Act A624/85	National Land Code (Amendment) (No.2) Act 1985	13-9-1985 (West Malaysia) 25-3-1985 (Federal Territory)
Act A658/86	National Land Code (Amendment) Act 1986	1-1-1987 Applicable throughout West Malaysia
Act A752/90	National Land Code (Amendment) Act 1990	23-2-1990 Applicable throughout Federal Territory as well as to the state & see s. 13
Act A832/92	National Land Code (Amendment) Act 1992	1-1-1993 for West Malaysia and Federal Territory <i>[P.U. (B) 677/92]</i>
Act A941/96	National Land Code (Amendment) Act 1996	16-2-1996 for West Malaysia and Federal Territory <i>[P.U. (B) 65/96]</i>
P.U.(A) 203/97	National Land Code (Modification) Order 1997	8-5-1997
P.U. (A) 318/97	National Land Code (Amendment of Fifth Schedule) Order 1997	22-8-1997
Act A1034	National Land Code (Amendment) Act 1998	11-9-1998 all States in West Malaysia including the Federal Territory
P.U. (A) 437/2000	National Land Code (Amendment of the Fifteenth Schedule) Order 2000	11-9-1998
P.U.(A) 213/2001	Federal Territory of Putrajaya (Modification of National Land Code) Order 2001	1-2-2001
Act A1104	National Land Code (Amendment) Act 2001	1-3-1998 [s.7 and s.41 have deemed to come into operation] 1-12-2001 The remaining sections of the Amendments to all States in Peninsular

Malaysia, including the
Federal Territory of
Kuala Lumpur.
[P.U.(B) 559/2001]

P.U.(A) 164/2002	Corrigendum Federal Territory of Putrajaya (Modification of National Land Code) Order 2001	
P.U.(A) 180/2002	Federal Territory of Putrajaya (Modification of National Land Code) Order 2002	24-8-2001 all except paragraph 2(h) 1-2-2001 Paragraph 2(h)
P.U. (A) 278/2003	Corrigendum Federal Territory of Putrajaya (Modification of National Land Code) (Amendment) Order 2002	
P.U.(A) 220/2004	Federal Territory (Modification of National Land Code) Order 2004 - <i>Amendment to the Federal Territory (Modification of National Land Code) 1974 [P.U. (A) 56/1974]</i>	2-7-2004

SIXTEENTH SCHEDULE

[Section 5D]

ELECTRONIC LAND ADMINISTRATION SYSTEM

Interpretation

1. In this Schedule, unless the context otherwise requires—

“computer” means any device for storing or processing information and includes the necessary input and output and database of a computer;

“computer document of licence or permit” means any computer printed document of licence or computer printed document of permit prepared by use of a computer;

“computer document of title” means any computer register document of title or computer issue document of title stored virtually in the land database, and includes print out thereof;

“digital data” means all land related information recorded into land database by electronic technology that generates, stores, preserves and processes data in terms of a computer file containing land titles, images, documents or spatial and textual data, in which the outputs are available in computerized formats upon the coming into force of the Electronic Land Administration System;

“digital signature” means a transformation of a message using an asymmetric cryptosystem such that a person having the initial message and the signer’s public key can accurately determine—

(a) whether the transformation was created using the private key that corresponds to the signer’s public key; and

(b) whether the message has been altered since the transformation was made;

“disaster”, in the context of the Electronic Land Administration System, means any natural or man-made disaster or hardware failure that causes an extended service interruption to the data processing services which cannot be corrected within an acceptable time which necessitates the use of an alternate site or equipment for recovery;

“Electronic Land Administration System” means an integrated electronic processing of applications on land matters, registration of titles, documents required to be prepared thereby and any entry in any document of title through the use of a computer which includes both manual and computerized procedures;

“entry”, in relation to any document of title, includes any endorsement, memorial, note, correction, cancellation or deletion or any other entry thereon by use of a computer;

“existing document of title” means any register document of title or issue document of title issued manually or by use of a computer registered before or after the commencement of the Electronic Land Administration System;

“land database” means a resource of information that contains all kinds of digital data or computer registers of titles or any other land related information, electronically stored in computerized formats upon the coming into force of the Electronic Land Administration System in a land Registry;

“matter” means any instrument presented for registration or any order, notification, application or other document presented for entry into the register.

Mode of making an entry on a document of title under the Electronic Land Administration System

2. For the purposes of this Act, whenever an entry is required to be made on the computer document of title the Registrar shall—

(a) make the entry; and

(b) prepare a new computer document of title and shall cancel and destroy the previous version of the computer document of title.

Forms for Registry title

3. For the purpose of section 86, in the case of land to be alienated under Registry title—
- (a) the computer register document of title shall consist of a grant in Form 5Be or a State lease in Form 5Ce, according as the land is to be alienated in perpetuity or for a term of years; and
 - (b) the computer issue document of title shall be in the same form as Form 5Be or Form 5Ce, as the case may be.

Forms of documents for Land Office title

4. For the purpose of section 87, in the case of land to be alienated under Land Office title—
- (a) the computer register document of title shall consist of a Mukim grant in Form 5De or a Mukim lease in Form 5Ee, according as the land is to be alienated in perpetuity or for a term of years; and
 - (b) the computer issue document of title shall be in the same form as Form 5De or Form 5Ee, as the case may be.

Forms of documents for qualified titles

5. For the purpose of subsection 177(2), documents of qualified titles shall consist of—
- (a) the computer register document of title in Form 11Ae or 11Be, according as the land in question is to be held under the form of qualified title corresponding to Registry title or that corresponding to Land Office title; and
 - (b) the computer issue document of title in the same form as Form 11Ae or 11Be, as the case may be.

Plan for computer document of title

6. (1) The plan of the land to be alienated under final title shall—
- (a) in the case of land held under Registry title, be issued by the Registrar in Form B1e separately to the proprietor and he shall duly authenticate it under his digital signature; or
 - (b) in the case of land held under Land Office title, be issued by the Land Administrator in Form B1e separately to the proprietor and he shall duly authenticate it under his digital signature; and
 - (c) be virtually stored in the land database by the Registrar or the Land Administrator, as the case may be.
- (2) The plan of the land to be alienated under qualified title shall—
- (a) in the case of land held under Registry title, be issued by the Registrar in Form B2e separately to the proprietor and he shall duly authenticate it under his digital signature; or
 - (b) in the case of land held under Land Office title, be issued by the Land Administrator in Form B2e separately to the proprietor and he shall duly authenticate it under his digital signature; and
 - (c) be virtually stored in the land database.

Conversion to computer register document of title

7. (1) Upon the coming into force of the Electronic Land Administration System in a land Registry, the Registrar shall convert the existing register documents of title, to the computer documents of title and shall authenticate the same under his digital signature.
- (2) An existing register documents of title shall continue to be in force and valid for all purposes of the Code until a computer documents of title is prepared and duly authenticated by the Registrar.
 - (3) After the conversion of an existing register document of title to the computer document of title, the existing issue documents of title in respect thereof shall continue to be in force and valid for all purposes of this Code until the relevant computer issue document of title is prepared and issued to the proprietor.
 - (4) The computer documents of title to be prepared in respect of an existing printed document of title prepared under this Code shall be in Forms 5Be, 5Ce, 5De, 5Ee, 11Ae or 11Be of this Schedule, as the case may be.
 - (5) In respect of an existing printed document of title registered under the previous land law, the computer document of title shall be deemed to be a process for the preparation of titles in continuation.

- (6) Upon the conversion of an existing document of title to a computer document of title under the preceding subparagraphs, the Registrar shall—
 - (a) enter the plan into Form B1e or B2e as the case may be, and duly authenticate it under his digital signature;
 - (b) make a note of cancellation on the existing register document of title to the effect that the title in question has been converted to the computer document of title; and
 - (c) destroy the existing document of title when submitted to him.

Mode of preparing documents of title

8. (1) Every document of title to be prepared upon alienation of land or title in continuation or replacement of a computer issue document of title, under the Electronic Land Administration System, shall be prepared by the use of a computer.

(2) A computer document of title prepared shall be viewed via a computer for verification purposes.

(3) Upon request by the Registrar or as required for any purpose of the Code or any other written law, a copy of the computer register document of title or computer issue document of title shall be printed out in the respective form.

Delivery to proprietor of a copy of the plan

9. Where a document of title is prepared upon alienation of land or title in continuation or replacement of a computer printed register document of title, the Land Administrator shall deliver to the proprietor the computer issue document of title together with a copy of the plan of the land in Form B1e or Form B2e, and shall be duly authenticated under his digital signature.

Conclusiveness of every computer register document of title

10. For the purposes of section 89 and subsection 178(3), every computer register document of title virtually stored in the land database is conclusive evidence of the particulars recorded therein.

Computer document of title to be kept in database

11. For the purposes of sections 158, 159 and 177, every computer document of title registered under this Code whether upon alienation of land or title in continuation or replacement of a computer printed register document of title, shall be stored in the land database.

Presentation Record and Correction Note-Book

12. (1) The Registrar shall maintain records, to be called the "Presentation Record" and "Correction Note-Book", in which there shall be entered a short description of every matter presented or corrected for registration or entry, as the case may be.

(2) The Presentation Record and Correction Note-Book shall consist of—

- (a) the presentation number given by the computer in respect of each matter presented;
- (b) the date and time of presentation;
- (c) a description of the matter;
- (d) in the case of dealing, the name of the person presenting the matter;
- (e) the title description of the land affected by the presentation; and
- (f) a note whether the matter has been registered, endorsed or entered, as the case may be, or rejected or withdrawn.

Contents of computer document of title to be verified

13. (1) After the Registrar has determined that an instrument is fit for registration in accordance with the provisions of Chapter 3 of Part Eighteen or that any other matter shall be entered into the computer document of title, he shall verify the contents of the verification document and if he finds the verification document to be in order, he shall authenticate the document under his digital signature.

(2) After the Registrar has registered any instrument of dealing or enter any other matter into a computer document of title, the verification document shall be virtually stored in the land database upon his authentication.

Mode of registering instrument

14. For the purpose of paragraph 304(2)(a), the memorial in the terms set out in subsection 304(3) thereof shall be entered into the computer in respect of the register document of title to which the land relates.

New printed issue document of title

15. Upon making the memorial in the manner provided in paragraph 14 where it relates to a dealing or upon determining that any other matter shall be entered into any document of title, the Registrar shall—

- (7) cause to be updated the register document of title kept in the land database; and
- (8) cause to be printed a new computer issue document of title.

Conclusiveness of registration of title

16. (1) Every register document of title prepared pursuant to paragraph 15 and authenticated under the digital signature of the Registrar shall be conclusive evidence of the registration to which it refers and the effective time and date thereof.

(2) Notwithstanding the requirement of authentication under subparagraph (1), the requirement of seal under Registrar's authentication shall be dispensed with.

Disaster Recovery Centre

17. The Disaster Recovery Centre shall act as a land database of Registry in times of disaster for such a period, as may be specified by the State Authority, when the Registry fails to continue its normal business operation.

Forms for a computer document of licence or permit

18. (1) For the purposes of section 67 and section 69, a temporary occupation licence or a combination of a temporary occupation licence and permit for removal of rock material, the computer document of licence shall be prepared in Form 4Ae or Form 4Be respectively.

(2) For the purposes of sections 72 and 75c, in the case of land to be issued a permit for removal of rock material or a permit for the use of air space above State land or reserved land, the computer document of permit shall be prepared in Form 4Ce or Form 4De respectively.

Plan for a computer document of licence or permit

19. (1) For the purpose of paragraph 17, the plan of the affected land shall be issued separately to the licensee or permit holder in Form L1e or Form L2e or Form P1e or Form P2e, as the case may be.

(2) The Land Administrator shall cause to be stored in the land database, a copy of the plan of the land to which it relates as approved by the Director or by the State Authority, as the case may be.

(3) A copy of the plan in Form L1e or Form L2e or Form P1e or Form P2e shall be duly authenticated under the digital signature of the Land Administrator.

(4) The Land Administrator shall deliver the printed computer document of licence or permit to the respective licensee or permit holder together with the respective copy of the plan as described in subparagraph (1).

Renewal of a temporary occupation licence

20. For the purpose of section 67, where it relates to a note of renewal to be entered into a computer document of licence, the Land Administrator shall—

- (a) authenticate the computer document of licence virtually stored in the land database; and
- (b) cause to be updated the existing printed computer document of licence submitted to him.

Conclusiveness of licence or permit

21. Every computer document of licence or permit prepared pursuant to paragraphs 18 and 19 and authenticated under the digital signature of the Land Administrator shall be conclusive evidence of its issuance.

Electronic searches

22. (1) Upon the coming into force of the Electronic Land Administration System, any electronic searches shall be applicable to private titles searches pursuant to section 384.

(2) Subject to the payment of the prescribed fee, any person may inspect and take notes of or extract any information from any computer document of title which is accessible through the Electronic Land Administration System maintained by the Registrar.

(3) Any Registry or Land Office shall be accessible to public for private search services at any time during normal office hours.

(4) Notwithstanding paragraph (3), private searches may be conducted at places other than the Registry or Land Office, at such times as may be fixed by the State Director, with the approval of the State Authority and the State Director may fix different operating hours for different purposes.

(5) An electronic search shall be applicable to any information stored, subject to the direction of the State Authority as may be so prescribed.



-END-

J. Dean