



LAWS OF MALAYSIA

REPRINT

Act 528

PADI CULTIVATORS (CONTROL OF RENT AND SECURITY OF TENURE) ACT 1967

Incorporating all amendments up to 1 January 2006

PUBLISHED BY
THE COMMISSIONER OF LAW REVISION, MALAYSIA
UNDER THE AUTHORITY OF THE REVISION OF LAWS ACT 1968
IN COLLABORATION WITH
PERCETAKAN NASIONAL MALAYSIA BHD
2006

**PADI CULTIVATORS (CONTROL OF RENT AND
SECURITY OF TENURE) ACT 1967**

First enacted 1967 (Act No. 43 of
1967)

Revised 1994 (Act 528 w.e.f.
12 December 1994)

PREVIOUS REPRINT

First Reprint 2002

LAWS OF MALAYSIA**Act 528****PADI CULTIVATORS (CONTROL OF RENT AND
SECURITY OF TENURE) ACT 1967**

ARRANGEMENT OF SECTIONS

Section

1. Short title, commencement and application
2. Interpretation
3. Tenancy agreement to be in writing
4. Registration of tenancy agreement
5. Effect of registration
6. Tenancy agreements for less than three seasons prohibited
7. Tenant entitled to renew agreement
8. Tenancy agreement in excess of prescribed area prohibited
9. Implied conditions of a tenancy agreement
10. Right of tenant to continue occupation of land on death or incapacity of landlord
11. Restrictions on amount of rent
12. Declaration of general failure of crop
13. Power of Committee in case of crop failure
14. Appointment and functions of Registrars
15. Appointment and functions of Enforcement Officers
16. Appointment of Committee or Enquiry Officer
17. Functions of Committee
18. Conduct of enquiry
19. Applications to the Committee
20. Procedure on receipt of application
21. Failure of appearance of parties
22. Substance of evidence and reasons for decision to be recorded
23. Inspection of record of evidence, *etc.*
24. Restrictions on right to possession

Section

25. Stay of execution
26. Appeals to Tribunal
27. Procedure for appeal
28. Hearing of appeal
29. Functions of Tribunal
30. Decision of Tribunal final
31. Legal representation
32. Officers, members of Tribunal and Committee deemed to be public servants
33. Offences by landlord
34. Offences for making false statements
35. Offences for charging or giving of premiums
36. Offences for failure to comply with decision or order of Tribunal or Committee, *etc.*
37. General penalty
38. Attempts and abetment
39. Rules and regulations
40. Effect of Act
41. Repeal and Saving
42. Transitional provisions

FIRST SCHEDULE

SECOND SCHEDULE

LAWS OF MALAYSIA

Act 528

PADI CULTIVATORS (CONTROL OF RENT AND SECURITY OF TENURE) ACT 1967

An Act relating to the control of rent and security of tenure of padi cultivators and matters incidental thereto.

[*Pahang—3 October 1968, Phg. P.U. 18/1968;*
Malacca—1 August 1968, M. P.U. 15/1968;
Terengganu—1 May 1968, Tr. P.U. 2/1969;
Penang—16 July 1969, Pg. P.U. 23/1969;
Perak—1 July 1969, Pk. P.U. 6/1969;
Perlis—1 August 1969, Ps. P.U. 10/1969;
Kedah—1 January 1970, K. P.U. 3/1970;
Kelantan—1 January 1970, Kn. P.U. 43/1970;
**Selangor—1 June 1974, Sl. P.U. 7/1974]*

WHEREAS it is expedient for the purpose of ensuring uniformity of law and policy to amend and reenact the law relating to the control of rent and security of tenure of padi cultivators in Peninsular Malaysia.

NOW THEREFORE, pursuant to the provision of Clause (4) of Article 76 of the Constitution **BE IT ENACTED** by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

Short title, commencement and application

1. (1) This Act may be cited as the Padi Cultivators (Control of Rent and Security of Tenure) Act 1967, and shall apply only to Peninsular Malaysia.

(2) This Act shall come into force on such date as the State Authority may by order published in the *Gazette* appoint and the State Authority may appoint different dates for the coming into force of different provisions of this Act and may bring all or any

*NOTE—Applicable only to the Districts of Kuala Selangor, Sabak Bernam, Ulu Selangor and Ulu Langat.

provisions thereof into force either in the whole of the State to which the order applies or in such area thereof as may be specified in the order.

Interpretation

2. In this Act, unless the context otherwise requires—

“Chairman” means the Chairman of a Committee appointed under subsection 16(1);

“Committee” means a Committee appointed under subsection 16(1);

“Enforcement Officer” means an officer appointed under subsection 15(1) and includes the Chief Enforcement Officer and an Assistant Enforcement Officer;

“enquiry” means an enquiry held under any provisions of this Act;

“landlord” means any person who lets land for the cultivation of padi and includes his agent, chargee, assign or successor in title;

“Minister” means the Minister for the time being charged with the responsibility for land and cooperative development;

“padi land” means land or any portion of land the purpose of which is for the cultivation of padi or on which padi is cultivated excluding any area occupied by a building site and other land;

“prescribed” means prescribed by rules or regulations made under the Act;

“Registrar” means a Registrar appointed under section 14;

“season” means the period from the commencement of preparation of land for the planting of padi until the completion of the padi harvest and, where two crops are planted and harvested within the space of twelve months means the period from the commencement of preparation of land for the planting of the first crop until the

completion of the second harvest;

“tenancy agreement” means any agreement whereby a landlord agrees to let and a tenant agrees to take any padi land for the purpose of cultivating padi and includes any agreement whereby any person agrees to work on any padi land for payment of a share of the crop or any consideration in lieu thereof;

“tenant” means the tenant of any padi land comprised in a tenancy agreement;

“Tribunal” means a Tribunal appointed under section 26.

Tenancy agreement to be in writing

3. (1) No person shall enter into a tenancy agreement unless such agreement is in writing and in the form prescribed in Form A of the First Schedule.

(2) The signatures of both the landlord and the tenant in a tenancy agreement shall be attested by a Penghulu, a public officer of Division III in the public service and upwards or such persons as the State Authority may appoint for the purpose.

Registration of tenancy agreement

4. (1) Every tenancy agreement shall be in triplicate and shall be registered by the landlord within fourteen days of the date of execution thereof with the Registrar:

Provided that nothing herein shall prevent the tenant from registering such agreement.

(2) Notwithstanding subsection (1), the Registrar may extend the time for the registration of a tenancy agreement if he is satisfied that the failure to present it for registration within the period prescribed in subsection (1) was not due to any default on the part of the landlord.

Effect of registration

5. Registration under this Act shall be notice to all persons including purchasers of the padi land and chargees, assigns and successors in title of the landlord of the incumbrance of the padi land held

under the tenancy agreement.

Tenancy agreements for less than three seasons prohibited

6. (1) No landlord shall enter into a tenancy agreement for a term of less than three consecutive seasons.

(2) Without prejudice to any proceedings which may be taken against the landlord, any agreement for a term of less than three consecutive seasons shall be deemed to be a tenancy agreement for a term of three consecutive seasons and this Act shall apply to such agreement and the parties thereto.

Tenant entitled to renew agreement

7. (1) Subject to subsection (2) every tenant shall be entitled at his option to a renewal of his tenancy agreement which shall include the season next following the season to which his last-expired tenancy agreement related and if the landlord fails to grant such renewal the tenant may apply to the Committee for an order requiring the landlord to grant a renewal or to execute a new tenancy agreement.

(2) An option to renew a tenancy agreement shall be exercised not later than two months before the expiry of the tenancy agreement by the tenant filing a notice with the Registrar in Form B of the First Schedule or in such form as to show an intention to renew the agreement.

Tenancy agreement in excess of prescribed area prohibited

8. (1) No tenant shall enter into any tenancy agreement which entitles him to cultivate padi land exceeding such area as may be prescribed by the State Authority generally or in respect of a defined area within the State.

(2) Without prejudice to any proceedings which may be taken against the tenant, any tenancy agreement in respect of an area in excess of that prescribed under subsection (1) shall be null and

void to that extent only.

Implied conditions of a tenancy agreement

9. Notwithstanding anything contained in any tenancy agreement such agreement shall be subject to the following implied conditions:

- (a) the landlord shall pay any quit rent, rates, charges and other outgoings payable under any written law in respect of the padi land;
- (b) the tenant shall not assign, sublet, lease or rent the padi land held under such agreement or any part thereof to any other person under any terms, conditions or stipulations for the cultivation of padi land;
- (c) the tenant shall at all times cultivate the said land according to the principles of good husbandry and shall bear all costs of such cultivation;
- (d) the tenant shall defray all expenses and perform all work necessary for the construction and the putting and keeping in order of any dams, water-wheels, water-courses, division ridges and fences and such other matters as may be prescribed by law to be payable by the occupier of the land;
- (e) the tenant shall pay the rent due at the place of harvest within two weeks of the completion of the harvest;
- (f) the tenant shall be entitled to an option to renew the tenancy agreement in accordance with section 7;
- (g) such other conditions as the State Authority may prescribe from time to time.

Right of tenant to continue occupation of land on death or incapacity of landlord

10. (1) In the event of the death, incapacity or otherwise of the landlord during the continuance of a tenancy agreement the tenant may continue occupation of the land until such time as the ownership of the land has been determined or a legal representative in respect thereof has been appointed.

(2) Any rent or its equivalent in terms of cash at the current value due and payable by the tenant shall be deposited by the tenant with the Registrar until the ownership or legal representative as aforesaid has been determined or appointed when the Registrar

shall pay such rent or its equivalent to the new landlord.

Restrictions on amount of rent

11. (1) The rent reserved under a tenancy agreement shall be set out in the agreement and expressed to be an amount of padi not exceeding the amount set out in the Second Schedule in respect of the class of land to which the land comprised in the tenancy agreement belongs:

Provided that, by mutual agreement between the landlord and the tenant after the crop has been harvested, the tenant may commute the rent for a cash payment calculated on the price of padi ruling at the place of harvest at the time when payment is due and on the quantity payable as rent under this section.

(2) The State Authority may, with the concurrence of the Minister, by order amend the Second Schedule and prescribe the maximum rent reserved under a tenancy agreement in respect of padi lands in the State or within any defined area thereof.

(3) The State Authority may by notification in the *Gazette*—

(a) classify any padi land in the State for the purpose of the Second Schedule; and

(b) declare any part of the State or any padi land to be a double cropping area.

(4) Upon a declaration being made under paragraph (3)(b) a further 30 per centum shall be added to the maximum rent reserved as set out in the Second Schedule or as may be prescribed by the State Authority under subsection (2).

(5) Any landlord or tenant who is dissatisfied with the classification or declaration affecting a padi land under his tenancy agreement may, within 30 days of the classification or declaration, appeal to the State Authority for a review of such classification or declaration.

(6) On review the State Authority may make such order as may be deemed fit as to the classification of the padi land or the rent

reserved in respect thereof and such order shall be final.

Declaration of general failure of crop

12. In the event of a general failure of the padi crop due to natural disaster within the State the Menteri Besar or Chief Minister shall on the advice of the State Agricultural Officer declare in the *Gazette* defining the extent of failure of the crop and boundaries of the affected area and shall state the percentage of the reduction of rent allowed to be paid by the tenant to the landlord.

Power of Committee in case of crop failure

13. (1) If any tenant suffers loss by reason of failure of his crop in an area which has not been gazetted under section 12, he may apply to the Committee for a reduction of his rent notwithstanding that his rent may already have become due and the Committee may, if it is satisfied that the failure of the crop was due to some cause beyond the control of the tenant, reduce the rent payable by the tenant to such amount as it considers reasonable in the circumstances or, where the rent is commuted for a cash payment, reduce the amount of the rent or extend the time for payment thereof, or both reduce the amount of the rent and extend the time for payment.

(2) Any landlord, whose padi land has been declared an area of crop failure under section 12, and who is not satisfied with the declaration or reduction of rent provided in the declaration may make an application to the Committee for reconsideration and if the Committee is satisfied that the land has not been affected by such crop failure, it may reconsider the amount of rent that should be payable to the landlord.

Appointment and functions of Registrars

14. (1) The State Authority may, by notification in the *Gazette*, appoint one or more Registrars for the purpose of this Act and assign any defined area or areas within which they shall exercise the functions under this Act or regulations made thereunder.

(2) The Registrar shall maintain a register in such form and in

such manner as may be prescribed under section 39.

(3) The Registrar shall supply a certified copy of the tenancy agreement registered by him—

- (a) to the Tribunal or Committee if required by the President of the Tribunal or the Chairman;
- (b) to the landlord or tenant under such agreement on application and on payment of such fee as may be prescribed;
- (c) to any party to the proceedings under this Act relating to such tenancy agreement on application and on payment of such fee as may be prescribed.

Appointment and functions of Enforcement Officers

15. (1) The Minister may, by notification in the *Gazette*, appoint a Chief Enforcement Officer for the State, any number of Enforcement Officers and such Assistant Enforcement Officers and other officers for the purposes of this Act.

(2) An Enforcement Officer and any other officer appointed under subsection (1) shall have and may exercise and perform the following functions for the purposes of this Act:

- (a) to enter upon and at all reasonable times have free access to any land in the State, and to make enquiries and to do or cause to be done all things necessary and to investigate cases of non-compliance with this Act;
- (b) to prosecute offenders under this Act;
- (c) to have access to all records in any land office or land registry or of the Registrar; and
- (d) to carry out all other powers conferred upon him by this Act and all such powers ancillary or incidental thereto as may be reasonably necessary.

(3) The Chief Enforcement Officer shall—

- (a) be responsible to the Minister for the enforcement and due administration within the State of this Act; and
- (b) subject to the direction of the Minister exercise general control and supervision over Enforcement Officers, Assistant Enforcement Officers and other officers appointed

under subsection (1).

(4) Every officer appointed under subsection (1) shall carry out and enforce any decision or order made by the Committee or the Tribunal under this Act.

(5) Every Penghulu or Police Officer shall have all the powers of an Enforcement Officer and in exercising such powers he shall be subject to such directions as may be given or such restrictions as may be imposed by the Minister.

Appointment of Committee or Enquiry Officer

16. (1) The State Authority may establish and appoint in and for each State to which this Act applies one or more Committees consisting of three persons, one of whom shall be a public officer who shall be the Chairman, and such officer may be appointed the Chairman of any number of Committees in a State.

(2) Where the State Authority considers it desirable so to do, it may instead of establishing and appointing a Committee under subsection (1) appoint an Enquiry Officer who shall have all the functions and may perform all the duties of the Committee or of the Chairman under this Act and for that purpose any reference in this Act to the Committee or Chairman shall be construed as reference to the Enquiry Officer.

(3) The State Authority shall assign to the Committee an area or areas in which the Committee shall have jurisdiction to exercise the functions conferred upon it by this Act, and such functions may be exercised by such Committee in respect of any tenancy agreement relating to any padi land within such area or areas but no other.

(4) Wherever in this Act the expression “the Committee” is used with reference to any tenancy agreement or to any dispute or application having reference to any tenancy agreement, it shall be construed as referring to the Committee having jurisdiction in the area or areas in which the padi land comprised in such tenancy

agreement is situated.

Functions of Committee

17. (1) The Committee shall have and may exercise the following functions:

- (a) to hear and determine applications made under this Act;
- (b) to hear and determine disputes between landlords and tenants arising out of their tenancy agreement;
- (c) to conduct enquiries and to administer oaths and affirmations, to examine any witness on oath or affirmation, to summon any person before him, take and record evidence of any such person and to award costs to any person appearing and giving evidence before it; and
- (d) to make such decisions or orders as may be necessary to give effect to the determination of any application or dispute.

(2) Except as provided in subsection (3), a decision or order of the Committee in an 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.

(3) A decision or order of a Committee may be reviewed, varied or set aside by such Committee or a succeeding Committee in the following cases:

- (a) where the decision or order was made in consequence of fraud, misrepresentation or mistake;
- (b) where fresh evidence of a material nature, which could not by the exercise of reasonable diligence have been produced when the decision or order was made, is available;
- (c) where the decision or order was made in the absence of any necessary or proper party whose absence was not due to any default or neglect on his part; or
- (d) where, in the opinion of the Committee, substantial injustice has been occasioned by the decision or order.

(4) All decisions or orders of the Committee shall be binding on all present and subsequent landlords, tenants and chargees of

any padi land in respect of which they are made.

(5) For the purpose of exercising the functions under this Act, the Committee or Chairman shall have all the powers of a First Class Magistrate, and may deal with any case of contempt or misbehaviour committed in the view or presence of the Committee or Chairman in accordance with the powers conferred upon such Magistrate.

(6) Any decision or order of the Committee shall be treated as if it was a decision or order of such Magistrate.

Conduct of enquiry

18. (1) For the purpose of an enquiry under this Act, the Committee may procure and receive all such evidence whether oral or in writing and whether the same be admissible or not under any written law for the time being in force relating to evidence or procedure, as it may think necessary or desirable.

(2) Every enquiry shall be held at such place and time as the Committee may direct.

(3) Every enquiry shall be open to the public unless the Committee for reasons to be recorded directs otherwise.

(4) The Committee shall have power to cancel or postpone the holding of any proposed enquiry or adjourn any proceeding or change the venue of any enquiry.

Applications to the Committee

19. (1) Every application by a tenant under this Act, and every application by a landlord for an order for the recovery of land comprised in a tenancy agreement, shall be in writing and shall be addressed to the Chairman.

(2) Any dispute between a landlord and a tenant arising out of a tenancy agreement between such landlord and tenant may be referred to the Committee by either the landlord or the tenant or by both such landlord and such tenant and shall be in writing and

addressed to the Chairman.

(3) Every application or reference under subsection (2) shall be accompanied by a copy of the tenancy agreement in respect of which the application or reference arises, and shall contain a brief summary of the grounds of application or reference of the matter in dispute.

Procedure on receipt of application

20. (1) On receipt of an application or reference the Chairman shall within not later than thirty days notify both parties in writing of the time and place at which the application or reference shall be heard.

(2) A notice delivered to a party on an application or reference by the hand of some person acting under the authority of the Committee or sent by registered post to the address of a party as stated in the memorandum of the tenancy agreement shall be deemed to have been served upon such party.

Failure of appearance of parties

21. (1) If the applicant fails to appear at the time and place specified in the notice issued by the Chairman, the Committee may, if it is satisfied that the notice was delivered or sent by registered post to the applicant's address, dismiss the application.

(2) If the respondent fails to appear as aforesaid the Committee may, if it is satisfied that the notice was delivered or sent by registered post to his address, allow the application, or make such order as it thinks fit in the absence of the respondent.

(3) If an applicant or respondent is, from any cause which the Committee considers sufficient, unable to attend at the time and place specified in the notice and so informs the Committee in writing or by a representative the Committee may either—

(a) adjourn the hearing to another date; or

(b) permit either party to be represented by another person

authorized by the absent party in that behalf.

Substance of evidence and reasons for decision to be recorded

22. In conducting any enquiry it shall not be necessary for the Committee—

- (a) to take down the evidence of any witness verbatim unless it 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 Committee shall record the substance of any evidence which is not taken down verbatim; or

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

Inspection of record of evidence, etc.

23. The record of all evidence, whether oral or documentary, taken by the Committee at any enquiry together with its decision or order thereon—

- (a) shall be made up in a separate file; and
(b) shall at all reasonable times, upon a written application in that behalf, be open to inspection by any party in the enquiry or his agent duly authorized in writing, or his legal representative, any of whom may, upon payment of such fee as may be prescribed, obtain a copy thereof or an extract therefrom.

Restrictions on right to possession

24. (1) No order for the recovery of possession of any land comprised in a tenancy agreement shall be made except in the following cases:

- (a) upon the expiration of the tenancy agreement;
(b) in the event of the death or incapacity or otherwise of the tenant:

Provided that any person or member of the family of the tenant who is actually cultivating the land may apply to the Committee for an order transferring the tenancy

agreement to him, and upon the Committee making such order the register shall be amended by substituting for the name of the tenant the name of such person or member of the family of the tenant;

- (c) if the landlord satisfies the Committee that the tenant has been guilty of bad husbandry so as to cause damage to land or to impair its value;
- (d) if the landlord satisfies the Committee that the tenant has wilfully refused to sign, execute or renew the tenancy agreement under section 7;
- (e) if the landlord satisfies the Committee that the tenant has contravened or failed to observe any of the implied conditions; and
- (f) where the landlord desires to cultivate the land himself:

Provided that no order for recovery shall be made under this paragraph unless—

- (i) the landlord shall have given one year's notice in writing to the tenant that he requires the land for cultivation by himself, and within thirty days from the date of service of such notice, make an application to the Committee for the eviction of the tenant; and
- (ii) the Committee is satisfied having regard to all the circumstances that the amount of land of which the landlord desires to retake possession is reasonable.

(2) If it is shown to the Committee that the landlord who has obtained an order of possession under paragraph (1)(f) is not cultivating the padi land wholly or substantially by his own resources at any time within three years of the date of the order of possession, the Committee may make an order restoring the tenant into possession of the land.

(3) In the event of the landlord being granted an order of possession under paragraph (1)(b) or (g) the Committee may award compensation to the tenant for any improvement of a permanent nature which have been made by the tenant during the period of the tenancy and which were agreed to by the landlord.

Stay of execution

25. On an appeal being filed against the decision or order of the Committee, on the application of any party to the proceedings, the Committee may stay execution of such decision or order pending

the decision of the Tribunal.

Appeals to Tribunal

26. An appeal shall lie from any decision or order of the Committee to a Tribunal consisting of three persons appointed by the State Authority, one of whom shall be a public officer possessing professional legal qualifications, who shall be the President of the Tribunal.

Procedure for appeal

27. (1) Any person who is dissatisfied with the decision or order of the Committee in a proceeding to which he is a party may appeal to the Tribunal against such decision or order by lodging with the Chairman a notice of appeal in writing in quintuplicate—

- (a) within fourteen days from the time of such decision or order being made; or
- (b) within such extended period as the Chairman acting on the direction of the President of the Tribunal may allow.

(2) The notice of appeal shall state the grounds of appeal.

(3) Upon receiving a notice of appeal the Chairman shall send one copy thereof to the respondent and three copies to the President of the Tribunal.

(4) On payment of such fee as may be prescribed the Chairman shall supply a certified copy of the notes of evidence made at the hearing of the Committee, the decision or order of the Committee and the reasons therefor—

- (a) to the party appealing against such decision or order; and
- (b) to the respondent on his making an application therefor.

Hearing of appeal

28. (1) The President of the Tribunal shall notify the parties of the time and place of hearing of the appeal.

(2) The Tribunal shall hear the appellant or his representative and may call upon the respondent or his representative to reply to the arguments of the appellant. The Tribunal shall not be required to hear evidence but may in its discretion do so on the application

of the appellant or the respondent.

(3) If the appellant fails to appear at the time and place specified in the notice issued by the President of the Tribunal, the Tribunal may, if it is satisfied that the notice was delivered or sent by registered post to the appellant's address, dismiss the appeal.

(4) If the respondent fails to appear as aforesaid, the Tribunal may, if it is satisfied that the notice was delivered or sent by registered post to his address, allow the appeal or make such order as it thinks fit in the absence of the respondent.

Functions of Tribunal

29. (1) The Tribunal may confirm, alter or reverse the decision or order of the Committee appealed against, and may, if it thinks fit, refer the case back to the Committee for further evidence to be taken and may postpone its decision until such evidence has been taken.

(2) The Tribunal may award to either party such costs as it may think fit:

Provided that in no case shall the costs exceed one-tenth of the total rent reserved under the tenancy agreement converted into its equivalent in money at the ruling price of padi at the last harvest in the *mukim* in which the land comprised in the tenancy agreement is situated, or where the rent is expressed as a proportion of the crop, one-tenth of the cash value of the crop yielded at the last harvest by the land comprised in the tenancy agreement, such crop being converted into its equivalent in money as aforesaid.

(3) For the purpose of exercising the functions under this Act, the Tribunal or the President of the Tribunal shall have all the powers of a Sessions Court Judge, and may deal with any case of contempt or misbehaviour committed in the view or presence of the Tribunal or the President of the Tribunal in accordance with the powers conferred upon such Sessions Court Judge.

(4) Any decision or order of the Tribunal shall be treated as if it was a decision or order of such Sessions Court Judge.

Decision of Tribunal final

30. Every decision of the Tribunal shall be final and shall not be called in question or be the subject of any proceedings in any court.

Legal representation

31. (1) A party may be represented by a legal practitioner in any proceedings before the Tribunal.

(2) No legal practitioner or pleader shall be entitled to appear on behalf of any party in any proceedings before the Committee under this Act except with the permission of the Committee and the Committee may grant or withhold such permission as it thinks fit.

(3) No solicitors' costs shall be allowed in respect of any proceedings under this Act before the Committee except that the Committee may, for special reasons stated in the order, allow such costs as might be awarded in the Court of a First Class Magistrate in a comparable proceeding.

Officers, members of Tribunal and Committee deemed to be public servants

32. (1) Every officer or member of the Tribunal or Committee appointed under this Act shall be deemed to be a public servant within the meaning of the Penal Code [*Act 574*].

(2) The Public Authorities Protection Act 1948 [*Act 198*], shall apply to every such officer or member.

Offences by landlord

33. (1) Any landlord who—

- (a) imposes or receives rent in respect of any padi land under a tenancy agreement exceeding the rate prescribed in the Second Schedule or such maximum rent reserved as may be prescribed by the State Authority under

subsection 11(2);

- (b) imposes or receives cash payment for such rent as may be commuted in accordance with subsection 11(1) exceeding the price of padi ruling at the harvest;
- (c) receives or demands any rent from a tenant or applies for an order of possession of padi land, the tenancy agreement in respect of which has not been registered in accordance with this Act;
- (d) fails to register a tenancy agreement within the period specified in section 4 or within such period as may be extended by the Registrar under that section;
- (e) without a written order of the Committee ejects a tenant from any padi land comprised in a tenancy agreement; or
- (f) receives from a tenant any addition to the rent lawfully payable under this Act by reason of any quit rent, taxes, rates, charges or other outgoings payable under any written law in respect of any padi land under a tenancy agreement or by reason of any expenses incurred in collecting the rent,

shall be guilty of an offence and shall on conviction be liable to a fine of one thousand ringgit or to imprisonment for a term which may extend to six months or to both.

(2) Where a landlord is convicted of an offence under paragraph (1)(a), (b) or (f), the Court shall order the landlord to repay to the tenant the additional amount received by such landlord.

Offences for making false statements

34. (1) Any person who knowingly makes any false statement or misrepresents or conceals any fact touching any particulars required to be stated in any proceedings before the Tribunal or Committee or in any matter under this Act shall be guilty of an offence and shall on conviction be liable to a fine of one thousand ringgit or to imprisonment for a term which may extend to six months or to both.

(2) A prosecution for an offence under subsection (1) shall not be instituted without the sanction of the Public Prosecutor.

Offences for charging or giving of premiums

35. (1) Any person who—

- (a) as a condition of the grant by him of any land under a tenancy agreement, requires the payment of any premium or other like sum or the giving of any valuable consideration in addition to rent lawfully payable under the Act;
- (b) receives any such payment as consideration;
- (c) offers or makes any such payment; or
- (d) offers or gives any such consideration,

shall be guilty of an offence and shall on conviction be liable to a fine of two thousand ringgit or to imprisonment for a term which may extend to one year or to both.

(2) The Court may, in addition to any penalty imposed, order any person convicted of an offence under subsection (1) to make such repayment or restitution as may be deemed just.

Offences for failure to comply with decision or order of Tribunal or Committee, etc.

36. Any person who—

- (a) fails to vacate a padi land within fourteen days from the date of the service of the order of the Tribunal or Committee directing him to vacate such land;
- (b) remains on the land after the expiration of the period of such order of the Tribunal or Committee;
- (c) cultivates or employs any person to cultivate the land after the expiration of such period; or
- (d) refuses or fails to comply with any decision or order of the Tribunal or Committee,

shall be guilty of an offence and shall on conviction be liable to a fine of two thousand ringgit or to imprisonment for a term which

may extend to one year or to both.

General penalty

37. Any person who contravenes or fails to comply with any of the provisions of this Act for which no penalty is expressly provided shall be guilty of an offence and shall on conviction be liable to a fine of one thousand ringgit or to imprisonment which may extend to a term of six months or to both.

Attempts and abetment

38. Whoever attempts to commit any offence punishable under this Act, or abets the commission of such an offence, shall be punished with the punishment provided for such an offence.

Rules and regulations

39. The State Authority may make rules or regulations for carrying into effect this Act, not inconsistent therewith, and in particular, and without prejudice to the generality of the foregoing power, for all or any of the following purposes:

- (a) regulating the procedure of the Tribunal or the Committee;
- (b) regulating the procedure for endorsing or notating in any issue document of title or any land register or any record of the Land Registry any registration or transaction effected or anything done under this Act;
- (c) regulating the functions of officers appointed under this Act;
- (d) prescribing the form of register and such other forms as may be considered necessary for the purposes of this Act;
- (e) prescribing the remuneration to be paid to members of the Tribunal or Committee;
- (f) prescribing the conditions upon which, and the authorities by whom, any fees payable under this Act or the rules or regulations made thereunder may be varied or remitted, either in whole or in part;
- (g) prescribing fees to be paid for any matter or thing required

or authorized to be done under this Act.

Effect of Act

40. (1) Nothing in this Act shall be deemed to confer upon any person any claim, title, right or interest to or in any land for the purposes of any written law relating to registration of titles.

(2) Where there is any conflict or inconsistency between this Act and any other written law relating to tenancies or leases, this Act shall prevail.

Repeal and Saving

41. The Padi Cultivators (Control of Rent and Security of Tenure) Ordinance 1955 [*F.M. 9 of 1955*], is hereby repealed:

Provided that all appointments, rules, regulations and orders made and any registration of tenancy agreements made under and in accordance with the Ordinance hereby repealed and in force at the commencement of this Act shall continue to be in force and have effect as if they have been made under this Act until other appointments and provisions shall be made under this Act.

Transitional provisions

42. (1) This Act shall apply to any tenancy agreement entered into before the commencement of this Act and still binding upon the parties at the date of such commencement, and in the event of any conflict or inconsistency between this Act and any term, condition or stipulation contained in the tenancy agreement this Act shall prevail and the tenancy agreement shall be amended accordingly before being registered in accordance with section 4.

(2) The power of the Committee under subsection 13(1) shall be exercisable on an application made in respect of rent due for the season immediately preceding the commencement of this Act.

FIRST SCHEDULE

FORM A

[Section 3]

The Padi Cultivators (Control of Rent and Security of Tenure) Act 1967

TENANCY AGREEMENT

Reg. No.....
Date deposited.....
Maximum rent not exceeded
.....
(Signed).....
<i>Registrar</i>

Season District of

AN AGREEMENT made this day of year between
 of
 hereinafter called the landlord and
 of hereinafter
 called the tenant.

It is hereby agreed as follows:

In consideration of the rent specified in the Schedule hereto the landlord lets to the tenant the land described in the said Schedule to be held by the tenant for the term of from the day of year

This agreement shall be subject to the provisions of the Padi Cultivators (Control of Rent and Security of Tenure) Act 1967 and the conditions set out below:

In witness whereof the parties have hereunto set their hands the day and year above written:

.....
(Signature or thumbprint
of Landlord)

.....
(Signature or thumbprint
of Tenant)

Padi Cultivators (Control of Rent and Security of Tenure)

I hereby testify that the Signature/Thumbprint above written/affixed in my presence this day of year is **(a)* to my personal knowledge **(b)* according to information given me by trustworthy and respectable persons viz which information I verily believe, the true Signature/Thumbprint ofwho has acknowledged to me that he is of full age and that he has voluntarily executed this instrument.

I hereby testify that the Signature/Thumbprint above written/affixed in my presence this day of year is **(a)* to my personal knowledge **(b)* according to information given me by trustworthy and respectable persons viz which information I verily believe, the true Signature/Thumbprint ofwho has acknowledged to me that he is of full age and that he has voluntarily executed this instrument.

Witness my hand

Witness my hand

SCHEDULE

<i>Mukim</i>	Title No. or Deed No.	Lot No.	Area of padi land comprised	Class of Land	Rent
.....					<i>gantang</i> per acre
.....					<i>gantang</i> per acre
.....					<i>gantang</i> per acre

*Delete where inappropriate.

FORM B

[Section 7]

The Padi Cultivators (Control of Rent and Security of Tenure) Act 1967

NOTICE BY TENANT TO LANDLORD TO EXERCISE OPTION TO RENEW TENANCY AGREEMENT No

I, the undersigned, hereby give notice that I intend on the determination of the tenancy agreement made on the day of 20 ..., between myself of the one part and the landlord mentioned therein of the other part to renew such tenancy agreement on the terms and conditions as set out therein.

Dated day of 20

Filed in this Registry on
..... day of
(Signed).....
Registrar

.....
Signature of Tenant

SECOND SCHEDULE

[Section 11]

Classification of land	Rent in <i>gantangs</i> per acre
Class I	140
Class II.....	115
Class III.....	70

LAWS OF MALAYSIA**Act 528****PADI CULTIVATORS (CONTROL OF RENT AND
SECURITY OF TENURE) ACT 1967**

LIST OF AMENDMENTS

Amending law	Short title	In force from
	- NIL -	

LAWS OF MALAYSIA

Act 528

**PADI CULTIVATORS (CONTROL OF RENT AND
SECURITY OF TENURE) ACT 1967**

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
	- NIL -	

