

CHAPTER 68

LAND

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ARRANGEMENT OF SECTIONS

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SCHEDULES

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### LAND ORDINANCE (Sabah Cap. 68)

#### LIST OF AMENDMENTS

<i>Ordinance/ Enactment No.</i>	<i>Sections amended</i>	<i>Effective date of amendment</i>
10/1948	46, 59	26-8-1948
G.N.S. 124/1948	Sch. IV	15-11-1948
G.N.S.136/1949	Sch. VIII, IX	15-12-1949
G.N.S. 114/1950	50, 53 (iv)	15-8-1950
2/1953	3, 4 (definition of "lease"), 6, 12, 17 (1), (2), (3), 35, 39, 40 (19), 48, 56, 64 (1), (2), 74, 98 (19), 122	13-2-1953
19/1953	2 (definition of "title"), 13, 17 (ii), (iii), 18 (i), (ii), 55-63, 70 (ii) (b), (c), (iii), 71, 78, 79	30-4-1953
24/1954	4 (definition of "Commissioner", "Director" and "transfer"), 18 (2), 30 (2), 33 (1), 39, 41 (1), (2), 42, 43, 44 (1), (2), 47 (1),	26-11-1954

	(3), 64 (2), 70 (2) (c), (3), 71 (b), 75, 78 (4) (b), 84, 119, 133, 162 (1), (2), (3), 163	
11/1956	17(4)	12-5-1956
31/1956	24	22-12-1956
11/1959	4 (definition of "minor")	14-10-1959
5/1960	79	7-4-1960
20/1960	24 (2)	1-1-1961
3/1962	51 (2)	11-5-1962
12/1962	71, Sch. XIA	22-9-1962
G.N.S. 129/1963 Art.48 (1)	24 (1), Sch. IV	16-9-1963
G.N.S. 139/1963	Long title, 4 (definitions of "alienate", "country land", "crown land" and "owner"), 5, 6, 7, 8, 9 (1), 10, 12, 17 (4), 18 (1), 22, 24 (2), (3), 28 (1), (2), (3), 29 (c), 30 (1) (f), 32 (1), 36 (1), (2), (3), 41 (1) (d), 46, 47 (1), 48, 50, 53 (4), 54, 55, proviso, 56 (1) (b), (c), 57, 58, 70 (1), (2), (3), (4), 76, 78, (1), (3), (4) (b), (5), 79 (1), (2), 80, 85, 97 (1), 112 (2), 121 (2), 162 (1), (2), 164, 166, 167, Sch. III,	16-9-1963

	IV, XXXVII, XXXVIII	
G.N.S. 87/1965	6, 10 (c), (d), 17 (4), 36 (2), (3), 41 (1) (a), 44 (1), 46 (a), 78 (1), 80, 100, 101, 110, 172, Sch. V, IX	16-9-1963
G.N.S.129/1963 Art.52 (2) (b)	56 (2)	16-9-1963
19/1966	17 (2)	28-12-1966
G.N.S. 3/1967	Sch. XXVIII	3-1-1967
11/1967	Sch. IX ("Kota Kinabalu" substituted for "Jesselton")	30-12-1967
4/1968	97 (1)	23-8-1968
Fed.Ord.No.8, 1969	53 (6), 171A	9-8-1969
9/1970	53 (6), 171A	24-9-1970
8/1971	53 (6), 171A	19-9-1970
G.N.S. 10/1971	Sch. VIII, X, XI, XIII, XV, XVI, XXVIII, XXXII, XXXIV	1-4-1971
8/1972	36A	27-7-1972
17/1972	97(1) (a)	28-12-1972

Act 160	Throughout the Ordinance “ringgit” and “sen” substituted for “dollars” and “cents” respectively	29-8-1975
20/1978	17 (2), 70 (2) (c), 70 (3), 78 (3), (4), (4) (a)	1-1-1979
22/1978	64, 98 (1)	28-12-1978
9/1982	17 (1)	26-8-1982
9/1983	32 (2), 134	22-12-1983
4/1989	17 (5), 70 (2)	28-12-1989
G.N.S. 17/1993	Sch. III	3-6-1993
8/1994	71 (a)	15-9-1994
7/1995	4 (definition of “foreshore”), 6, 10 (b), (c), 15 (b), 17 (4), 30 (1) (d), (f), 31 (1) (d), 32 (1), (2), 40 (1), 41 (1) (a), 42, 46 (a), 47 (1), 53 (2), (3), (4), (5), 54, 56 (2), 69, 70 (2), (3), 71 (a), (b), 81, 82, 83, 84, 86, 94 (2), (3), 97 (1), 100, 101, 116 (1), (4), 119, 121 (1), (2), 142, 152, 153 (1), 154, 156 (1), 157 (1), 160 (1), 161, 166, 167, 168, 170, 171B, Sch. XXI	27-7-1995

2/1996	4, 9 (1), 55	18-6-1996
4/1997	6, 16, 17(4), 27, 31(1)(d), 97(1), 100, 104, 105, 109A, 114(2), 116, 171C, Schedule XV, New Schedules XVIIIA and XVIIIIA, Schedule XIX and New Schedule XXA	31-12-1997
5/2000	17 (5), 171B	30-12-2000
1/2002	30 (1), 71	29-8-2002
9/2002	4, 54A	21-11-2002
15/2004	23, New Section 23A, 31, 121, 137, 166, 168, 169, 171, Deletion of Section 171B. 171C, New Part X and New Schedule XXXX	27-01-2005
7/2009	76, 97 and 121	10-12-2009
5/2012	New Section 9A and New Schedule IIA	09-08-2012
4/2018	4	13-12-2018
3/2023	4, New Section 23B, 30, 34, 46	19-06-2023

To regulate the alienation and occupation of State lands.

[13th December, 1930]

PART I  
PRELIMINARY

**Short title**

1. This Ordinance may be cited as the Land Ordinance.
2. (Omitted under the Revised Edition of the Laws Ordinance and the Interpretation Ordinance.)

**Saving**

3. Nothing except as herein specially otherwise enacted shall affect the past operation of any written law relating to land tenure heretofore in force in the Mainland or in Labuan or of any order made or the validity or invalidity of anything done or suffered or of any right, title or interest created thereunder.

**Interpretation**

4. In this Ordinance the following terms shall, if not inconsistent with the context or subject matter, have the respective meanings hereby assigned to them-

“abandonment” means the failure on the part of any holder of a title to land to use such land for the purposes for which it was alienated for such period and to such extent as may be prescribed in each case;

“agricultural purpose” includes the cultivation of any crop (including trees cultivated for the purpose of their produce), herbs, market gardening, the breeding and keeping of honey-bees, livestock and reptiles, and aquaculture or any combination thereof;

“alienate” means to lease, or otherwise dispose of State land on behalf of the Government in consideration of the payment of such rent and of such premium, if any, as may be required;

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

“charge” means any charge created on land for the purpose of securing the payment of money, and also the instrument by which the charge is created;

“chargee” means the person in whose favour a charge is created, and includes the person for the time being entitled to the benefit of such charge;

“Collector” means any Collector of Land Revenue or Assistant Collector duly appointed under this Ordinance;

“country land” means all State or alienated land not included within the boundaries of a town declared under this or any previous Land Ordinance;

“Court” means the High Court;

“cultivation” means the use and maintenance of the land for the purpose for which it was alienated;

“dealing” means any transaction of whatever nature by which land is affected under this Ordinance;

“deliver” includes to transmit by hand or post;

“Director” means the Director of Lands and Surveys or the Deputy Director of Lands and Surveys;

“foreshore” means all that land lying between the high-water mark and low-water mark of ordinary spring tides;

“guano” includes the excrement of bats and birds;

“forest produce” shall have the same meaning assigned to it under the Forest Enactment, 1968 [En. 2/1968.];

“land” includes—

- (a) the 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;

- (e) land covered by water;
- (f) the bed of any river, stream, lake or water-course;
- (g) the area of the continental shelf being the seabed and its subsoil which lies beneath the high seas contiguous to the territorial waters of Sabah under the North Borneo (Alteration of Boundaries) Order in Council 1954; and
- (h) the column of the air space above the surface of the earth on the land;

“land revenue” means every sum now due or which shall hereafter become due to the Government on account of premium or rent due in respect of land and fees of any kind chargeable under this Ordinance;

“lease” means any lease of land given on behalf of the Government;

“Malay Archipelago” shall include the State of Brunei Darussalam, the State of Sarawak, the States of Malaya, the Republic of Singapore, the Republic of Indonesia and the Sulu Group of the Philippine Islands;

“memorandum” means the document recording any dealing, decision or order required to be registered under this Ordinance;

“Native Court” means the Native Court as constituted by the Native Courts Enactment, 1992 [*En. No. 3/1992.*];

“Native Title” means an entry in the Native Title Register or in the Field Register under Part IV;

“owner” means the individual person, incorporated company, or body corporate, for the time being registered as the lessee of State land or as the holder of land comprised in an entry in the Native Title Register or Field Register, and includes a legally appointed trustee, executor, administrator, liquidator or Official Receiver;

“prescribed” means authorised by this Ordinance;

“Register of Titles” means the files or volumes of the original titles to land;

“Registrar” means a Registrar of Titles appointed under this Ordinance, and includes a Deputy Registrar of Titles;

“rent” means whatever is to be rendered on account of the use or occupation of land, whether in money or in kind;

“spectrum” shall have the same meaning assigned to it in section 6 of the Communications and Multimedia Act 1998 [Act 588];

“sub-lease” includes a letting by the owner of land held under Part IV;

“State land” means all lands which have not been and may not hereafter be reserved for any public purpose, or which have not been and may not hereafter be leased or granted to or are not and may not hereafter be lawfully occupied by any person, and includes all lands which, at the commencement of this Ordinance, may have become or which hereafter may become forfeited by reason of any breach of the conditions on which the same have been lawfully occupied, or which have been or may hereafter be surrendered to the Government by the lawful owner thereof;

“survey” means emplacing boundary marks and making, recording or computing such measurements as are necessary to define the position of boundary marks or to establish the situation and area of any land;

“title” means any Lease, Provisional Lease, or entry in the Native Title Register or in the Field Register issued under the provisions of this Ordinance;

“Town Land” means all land included within the boundaries of a town declared under this or any previous Land Ordinance;

“transfer” used in connection with land or a charge means the passing of such land or charge by act of the owner or chargee or by order of the Collector or Director or of the Court, and also the memorandum in which such passing is recorded.

#### **Government property in land**

5. The entire property in and control of State land or land reserved for a public purpose is and shall be vested solely in the Government.

#### **Unlawful occupation not to establish any rights**

6. (1) Notwithstanding anything to the contrary contained in this Ordinance or in any written law relating to limitation of suits in force in Sabah, no unlawful occupation of State land or land reserved for a public purpose or residential purpose or occupation under temporary licence for however long a period shall establish any right, title or interest in State land or land reserved for a public purpose or residential purpose or create any right to demand a title to such land from the Government.

(2) 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 owner or any

person entitled to an interest therein, and accordingly, any written law relating to the limitation of suits in force in Sabah shall in no circumstances operate to extinguish any title to, or interest in land.

#### **Classification of State land**

7. State land for the purpose of this Ordinance is divided in the following classes-
- (a) Town Lands.
  - (b) Country Lands.

#### **Declaration of town land**

8. The Minister may declare any land within certain specified limits to be town land. After the date of such declaration no more land within the defined limits may be alienated, except under section 18, otherwise than in accordance with Part III.

#### **Alienation of State land**

9. (1) Subject to any general or special direction of the Cabinet the Director may alienate State land on such terms or in such manner as is authorised by this Ordinance and may also impose special conditions in respect thereof to be set out in the title.

(2) In particular such conditions may specify the particular product or class of products which or which alone is to be cultivated, and may forbid the cultivation of any particular product or class of products.

#### **No alienation of State land in certain areas**

9A. Notwithstanding section 9, there shall be no alienation of State land in the areas specified in Schedule IIA.

#### **State land to whom alienable**

10. State land may be alienated only to -
- (a) an individual person or persons:

Provided that in the case of a minor an adult person shall be added as guardian;

- (b) a company, body corporate or society registered or specifically exempted from registration under any written law:

Provided that it is not prohibited by its constitution from holding land;

- (c) (Deleted);
- (d) any other person or body which may hereafter be empowered by the Minister by rule hereunder to hold land within Sabah.

#### **Co-proprietors**

11. Except in the case of land held by trustees, when land is held by co-proprietors they shall be entitled to the land in undivided shares equally, unless some other proportion shall have been registered.

#### **Applications for State land**

12. Applications for State land may be made to the Director, or to the Collector, and shall be substantially in the form of Schedule III.

#### **Enquiry as to native rights**

13. Upon the receipt of any application for unalienated country land it shall be the duty of the Collector to publish a notice calling upon any claimant to native customary rights in such land who is not yet in possession of a registered documentary title to make or send in a statement of his claim within a date to be specified in the notice. If no claim is made the land shall be dealt with as if no such rights existed.

#### **Collector to decide claims**

14. Claims to native customary rights shall be taken down in writing by the headman or by the Collector, and shall be decided by the Collector.

#### **Definition of customary rights**

15. Native customary rights shall be held to be -
- (a) land possessed by customary tenure;
  - (b) land planted with fruit trees, when the number of fruit trees amounts to fifty and

upwards to each hectare;

- (c) isolated fruit trees, and sago, rotan, or other plants of economic value, that the claimant can prove to the satisfaction of the Collector were planted or upkept and regularly enjoyed by him as his personal property;
- (d) grazing land that the claimant agrees to keep stocked with a sufficient number of cattle or horses to keep down the undergrowth;
- (e) land that has been cultivated or built on within three years;
- (f) burial grounds or shrines;
- (g) usual rights of way for men or animals from rivers, roads, or houses to any or all of the above.

#### **Procedure when rights established**

16. (1) Native customary rights established under section 15 shall be dealt with either by money compensation or by a grant of the land to the claimant and in the latter case a title shall be issued under Part IV.

(2) Where the Collector decides that native customary rights established under section 15 shall be dealt with by money compensation, the affected land together with all buildings, erections and crops thereon shall vest in the Government free from all encumbrances and shall be deemed to have been surrendered by the lawful claimant thereof upon such decision being made.

#### **Land dealings with natives**

17. (1) Except with the written permission of the Minister all dealings in land between non-natives on the one hand and natives on the other hand are hereby expressly forbidden and no such dealings shall be valid or shall be recognised in any court of law unless they shall have been entered into and concluded before the 16th day of January, 1883, or in the terms of the next following clause.

(2) Any non-native desirous of purchasing land from a native shall address his application to the Secretary of Natural Resources who, if he sees fit to sanction such purchase, shall, if the native owner consent, require such native owner to execute a memorandum of surrender of the title and shall fix the premium and rent at which the land shall be leased by the Government to the applicant and such new lease shall be issued under Part II or III.

(3) Nothing in subsection (1) or (2) shall be held to prevent dealings in land between any non-native and a native who is the holder of a lease issued under Part II or Part III in respect of such land.

(4) Notwithstanding the provisions of this section and of section 64 it shall be lawful for the owner of land held under the provisions of Part IV to execute a memorandum of charge over such land in favour of the Sabah Credit Corporation incorporated under the provisions of the Credit Corporation Enactment 1981 [En. 22/1981.] or any bank or finance company licensed under the provisions of the Banking and Financial Institutions Act 1989 [Act372.], any Islamic bank licensed under the provisions of the Islamic Banking Act 1983 or any other company or body corporate approved by the Yang di-Pertua Negeri,\* and in such case the Corporation, bank or other authorised person, for the purposes of the registration of any such charge or the exercise of any legal powers vested in it by the terms of such charge or under the provisions of this Ordinance in respect of such charge shall have and may exercise all the rights and powers as if such land were charged to a native and may transfer its interest under such charge or, if thereto entitled, cause the land to be transferred to any such persons as, having regard to the conditions of title, may obtain registration of such transaction.

#### **Sublease of Native Title to non-native**

(5) Notwithstanding the provisions of this section and of section 64, it shall be lawful for the owner of land held under the provisions of Part IV to grant a sublease of such land to a non-native for a term not exceeding thirty years.

#### **Temporary titles**

18. (1) The Collector may issue Temporary Occupation Licences in the form of Schedule IV for the use of any State land for temporary purposes as may be specified in

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\* Yang di-Pertua Negeri substituted for Yang di-Pertua Negara by virtue of Enactment No. 17 of 1976.

such licences. Any Temporary Occupation Licence issued under this subsection shall be non-transferable and shall be subject to the payment of such fee and to such other conditions as the Collector shall be endorse on such licence.

(2) No such licence shall be issued for a longer period than three years:

Provided that the Collector may renew such licence from time to time for any period provided that no licence shall be extended so that the total consecutive period of such licence, including any renewals, extends beyond three years unless the Director by writing under his hand agrees to such extension.

### **Survey**

19. (1) Except as provided in subsection (2) all lots shall be surveyed, and lines, boundary stones or other landmarks be set up and kept in repair by or at the expense of the lessees to the satisfaction of the Collector.

(2) The survey of lots held under Temporary Occupation Licence may be dispensed with if the Collector shall think fit.

### **Boundaries how determined**

20. A title shall be deemed to alienate only the land within the boundaries as marked on the ground at the time of the survey on which the title is based.

### **Date of commencement how determined**

21. The date of commencement of any title shall be the date on which the selection of the block of land has been approved, unless otherwise expressly provided.

### **Land revenue to be paid before issue of title**

22. No definitive lease or title shall be issued until survey shall have been completed and all expenses and fees that may be due to Government in connection with the land comprised in the title shall have been paid by the owner:

Provided that the Minister may in particular cases or generally permit the postponement of payment of such expenses and fees on such conditions as he may deem fit.

**Title to convey surface rights only**

**23.** In the absence of any express provision to the contrary, every document of title issued under the provisions of this Ordinance shall be deemed to vest in the holder thereof a surface right only in the land granted, and no right shall be conveyed thereby to extract, remove or transport within or beyond the boundaries of the said land, without licence, any timber or other forest produce or any earth, gravel, stones, coral, shell, guano, sand, loam or clay, or any bricks, lime, cement or other commodities manufactured from the materials aforesaid.

**Materials in rivers or sea**

**23A.** It shall be an offence for any person to extract, remove or transport any stone, sand, coral, shell, loam, clay, root or vegetation from any river or sea without licence:

Provided that the Director may authorise in writing the doing of any act which would otherwise be prohibited by this section.

**Use of land for carbon storage**

**23B.** (1) No person, whether or not he is a registered owner or a lawful occupier of any alienated land, may use or permit the use of his land for carbon storage without the approval of the Minister and a licence issued to him by the Collector.

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

(3) For the purpose of subsection (1), the Minister may impose additional premium or rent of the land or add or substitute such terms or conditions in the document of title as he may think fit.

(4) Any person who contravenes subsection (1) or breaches any terms or conditions under subsection (3) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding five years or to both.

### **Minerals reserved to the Government**

24. (1) All coal, minerals, precious stones and mineral oils are, and are deemed always to have been, reserved to the Government, together with the right to enter upon any lands and to search for, win, carry away and dispose of such articles in, on or under the same, and to resume such portions of land as may be necessary for examining or working any mines or for the removal of the products thereof, upon payment of compensation to the owner for damage to such lands or buildings thereon.

(2) It shall be lawful, and shall be deemed always to have been lawful, for the Minister to grant licences under this Ordinance to others to search for, win, carry away and dispose of mineral oils and to grant leases of the same, together with the right to enter upon and occupy any lands for the purpose of operations under any such licences or leases, and all such other rights incidental or supplementary thereto as to him may seem proper.

(3) Every such licence or lease shall be for such period and upon such terms as the Minister may think fit, provided that such licence or lease shall be subject to the condition that the licensee or lessee shall pay reasonable compensation for all damage or injury to the property and rights of other persons which may be done or caused by such licensee, lessee or his servants or agents in exercise of the powers and liberties conferred by such licence, lease or right.

(4) In this section the expression "mineral oils" includes natural petroleum gas, bitumen, asphalt and other bituminous substances, with the exception of coal.

25. (Repealed).

### **River and seashore reserves, and ridges of hills**

26. (1) Unless otherwise expressly provided in any title, the entire property in and control of the waters of all rivers, creeks, streams and watercourses, and of the seashore below high water mark is and shall be vested solely in the Government.

(2) The Government also has power to reserve such portion of land as may be deemed advisable along the banks of rivers, streams or creeks, or along the seashore above high water mark, or along the ridges of hills. Such reservations shall be shown on all documents of title.

### **Amount of compensation**

27. The amount of compensation payable under sections 16, 24, 25 and 30 shall be

determined, in so far as may not be inconsistent with the provisions of these sections, in accordance with the procedure laid down in the Land Acquisition Ordinance [Cap. 69].

### **Reserves for public or residential purpose**

**28.** (1) The Yang di-Pertua Negeri may reserve any State lands which in his opinion are required for any public purpose or for a residential reserve. Such reservation shall fully describe the land and the purpose for which it is reserved and shall be conclusive evidence that the land is reserved for a public or residential purpose.

(2) When any land has been reserved under this or any previous Land Ordinance and such reservation has not been revoked, every disposition thereof, except for the purpose for which such reservation was made, shall be void:

Provided that the Yang di-Pertua Negeri may, in any case in which a reserve has been created solely for the protection and furtherance of public works, authorise the officer for the time being having the control of such reserve to sanction the issue of leases by the Collector of the whole or any portion thereof, for any period not exceeding twenty-one years.

(3) The Yang di-Pertua Negeri may revoke any such reservation in whole or in part:

Provided that except in the case of any reserve created solely for the protection and furtherance of public works, there shall be no revocation unless -

(a) notice that it is proposed to revoke such reservation together with particulars of a time and place at which persons desiring to show cause against such revocation will be heard shall have been posted locally, and shall also have been published in two consecutive ordinary issues of the *Gazette*; and

(b) the persons attending at the time and place so appointed shall have been heard.

### **Implied obligations in titles**

**29.** In every title there shall, by virtue of this Ordinance, be implied, in the absence of an express provision to the contrary, the following obligations on the part of the owner-

(a) the owner will duly pay, at the time and place and to the person prescribed for that purpose, the rent specified in the title, and any other land revenue that may be or become due:

Provided that when the land is held by co-proprietors they shall be jointly and

severally liable;

- (b) all landmarks by which the boundaries of such land are defined shall be duly maintained;
- (c) no portion of such land shall be used for the burial of a human body without the written authority under the Burials Ordinance [Cap. 19].

The aforesaid obligations shall run with the land, and shall bind the owner or owners thereof for the time being in like manner as if their name or names were substituted in the title for that of the original owner.

### **Specific rights reserved**

30. (1) The following specified rights are reserved to the Government -

- (a) the right at all times to take timber, earth, stone, clay, sand and other road-making material for the construction and repairs of railways, telegraphs, roads, bridges and other public works from alienated lands on payment of compensation for actual damage sustained by the owner;
- (b) the right of making drains and sewers, constructing irrigation works and survey stations, laying down water pipes, erecting wires for telegraphs and other electric communications, and using, repairing and maintaining the same upon such land without paying compensation therefor. The officers of the Government and all persons thereunto duly authorised shall, at all reasonable times, have free access to such land for such purposes:

Provided that, where such works interfere with improvements, buildings or cultivated ground, compensation shall be allowed for disturbance or damage and the amount of such compensation shall be determined in accordance with the procedure laid down in the Land Acquisition Ordinance [Cap. 69.];

- (bb) the right of constructing supply lines for conveying, transmitting or distributing electricity, laying down gas pipelines, fibre optic cables and any other cable for the purpose of communication in the form of sound, data, text, visual images, signals or any other form or any combination of those forms, constructing telecommunication network facilities, and using, repairing and maintaining the same upon such land with payment of full

compensation to all persons interested for any disturbance, damage or disability that may be caused thereby and the amount of such compensation shall be determined in accordance with the procedure laid down in the Land Acquisition Ordinance [Cap. 69]. The officers of the Government and all person thereunto duly authorised shall, at all responsible times, have free access to such land for such purposes;

- (bc) the right to regulate and control the use of spectrum in the column of the air space above the land;
- (bd) the right to regulate or control the use of land either on the surface of the earth or below the surface of the earth thereof, for carbon storage;
- (c) the right to authorise others to exercise the powers reserved in paragraphs (a), (b) and (bb);
- (d) the right to resume without payment from any land held under a Provisional Lease or entry in a Field Register a section not exceeding twenty metres in width for the purpose of making a public road, railway, tramway, right of way, canal, irrigation channel, aqueduct, watercourse, drain or sewer through the said land in any direction provided always that reasonable compensation shall be paid to any person for any actual damage caused to his property by exercise of such right;
- (e) the right to the Collector to cause any tree on alienated land to be felled, trimmed or removed on payment of compensation for the actual damage involved;
- (f) the right of the Collector of the district in which the land referred to is situated, on payment of compensation for the actual damage involved, to mark out over the said land a road or way to provide means of approach or access to any State land or Forest Reserve for the purpose of the removal therefrom of timber or other forest produce whether by a public servant or by any person duly authorised by the Government in that behalf, and in such case public servants and persons duly authorised as aforesaid shall for the purpose of the removal of such timber or other forest produce, but not otherwise, be entitled to the use and benefit of such road or way in the same manner and to the same extent as if the said road or way were a public road or way and the owner of the land shall not obstruct such use;

- (g) the right to the Collector and the officers duly authorised by him to have free access at all reasonable times to any alienated land.

(2) The amount of compensation payable under paragraphs (a), (d), (e) and (f) of subsection (1) shall be assessed by the Collector subject to an appeal to the Director whose decision shall be final.

#### **Implied conditions in titles**

31. (1) Every title shall, by virtue of this Ordinance, be subject, in the absence of an express provision to the contrary, to the following implied conditions in respect of the land contained therein -

- (a) the land revenue due in respect of such land shall be a first charge on such land;
- (b) a Provisional Lease or Field Register shall give no claim to any area occupied in excess of the area mentioned therein;
- (c) payment of rent on the area mentioned in a Provisional Lease or Field Register shall give no right to registration of a Lease or Native Title to the whole extent of that area if on survey the area is found not to be available;
- (d) any owner of alienated land, whether his title be of a date prior or subsequent to the commencement of this Ordinance, may apply to the Collector of the district in which his land is situate for a right of way from his land over any other alienated land to the nearest public road or a river or foreshore, or for permission to construct a pipeline, drain or irrigation channel across such land, and the Collector shall deal with the application in the manner prescribed;
- (e) any owner of alienated land shall not commence any development on the land which shall change the use of the land except with the permission of the Minister.

(2) The owner or occupier of any land over which a road or way shall be marked out under the provisions of subsection (1) (d) shall have no claim to compensation in respect thereof otherwise than as prescribed.

(3) When a right of way has been marked out under the powers conferred by section 30 or by this section the Collector shall have power to call for the production to him of any document of title involved and to endorse, or cause to be endorsed, on any such document of title a description and plan of such right of way.

### **Revision of rent**

**32.** (1) Subject to the provisions of the following subsections, the rent of all State lands sold or alienated prior to or after the coming into force of this Ordinance shall be liable to periodical revision, which may result in either enhancement or reduction.

(2) The first revision under this section may take place on or after 1st January, 1940, and subsequent revisions may take place at successive intervals of not less than fifteen years.

(3) At each such revision the rent reserved to the Government in respect of any such land may be revised by the Collector, but in making such revision no improvements made by the landowner or his predecessors in title shall be taken into account.

### **Fulfilment of conditions**

**33.** (1) In the case of any owner who shall have fulfilled the condition of his lease as to cultivation, there may be endorsed on his lease and signed by the Director a memorandum to the effect that such condition has been fulfilled and that no further liability attaches to the said land in respect thereof.

(2) No memorandum endorsed on a lease under this section shall be held to bar or nullify any subsequent action that may be taken under section 36 in the event of the abandonment of the land held under the said lease.

### **Breach of conditions**

34. (1) In the absence of an express condition to the contrary in the document of title, except in the case of section 23B, there shall by virtue of this section be implied in every document of title the condition that in case of a breach or default in the observance of any of the conditions of the said title, whether expressed or implied by this Ordinance, or any previous Land Ordinance, the Government may re-enter upon the land held thereunder and resume the whole or any portion thereof.

(2) The retention by an owner of land alienated under Part III or Part IV of such an area under jungle or uncultivated as may be necessary in the opinion of Government for the purpose of protecting existing cultivation or for the proper and effectual management of the estate shall not be held to be a breach of conditions of title within the meaning of this section.

### **Non-enforcement of conditions not to constitute waiver**

35. (1) No acceptance by or on behalf of the Government of any land revenue nor any permission to occupy in expectation of registration of title nor any omission by the Government to enforce any right of resumption or escheat arising from the failure of an owner to comply with the terms of any cultivation clause or other condition of title shall be held to have operated or to operate as a waiver by the Government of any right of forfeiture or resumption or escheat accruing by reason of any breach of or default in the observance of any term or condition expressed or implied to which such title or permission may be subject.

(2) This section shall apply to all titles whether issued prior to or after the date of this Ordinance.

### **Abandoned land**

36. (1) When any land or portion of any land held under this Ordinance shall appear to the Collector to have been abandoned by the owner thereof for three years or upwards notwithstanding that rent may have been paid during the whole or any part of such period, the Collector with the sanction of the Minister may declare, by a notice substantially in the form of Schedule V published three times at least in the *Gazette*, served, if possible, upon the owner and posted on the land or in places of public resort in the district, that if the cultivation

or occupation of such land or such portion thereof as may be specified is not resumed within six months, he will re-enter upon the land on behalf of the Government.

(2) At the expiration of the period so allowed the Collector shall make a report to the Yang di-Pertua Negeri of the proceedings taken by him, which report shall contain a description of the land, together with the boundaries thereof, and shall state whether such cultivation or occupation shall have been resumed.

(3) Upon receipt of such report the Yang di-Pertua Negeri may declare that such land or such portion thereof as may be specified has been resumed by the Government, and the same shall thereupon revert to and become the property of the Government:

Provided that when cultivation or occupation has been partially or wholly resumed in a *bona fide* manner at the time of the report mentioned in subsection (2), the portion of the land so cultivated or occupied shall not be liable to resumption under this section.

(4) In the absence of special conditions -

- (a) agricultural land shall be deemed to have been abandoned if not kept under cultivation to the extent of one third of its area by the owner or by any person on his behalf,
- (b) residential or shop lots shall be deemed to have been abandoned if the buildings thereon shall have been demolished or not maintained for the period prescribed in a habitable or usable state of repair.

#### **Reversion where owner is absent from the State**

**36A.** (1) When it shall appear to the Collector that the owner of any land has left the State and for a period of ten years has been absent continuously from the State and has failed to appoint an Attorney or an agent resident in the State in relation to the said land, the Collector with the sanction of the Minister may, notwithstanding that rent may have been paid during the whole or any part of such period, declare by a notice published in the *Gazette* to that effect and that if the owner shall fail to disprove such facts within three months, he will re-enter upon the land on behalf of the Government.

(2) If at the end of the three months from the date of the publication of the *Gazette*, the fact that the owner has left the State and has been absent from the State continuously for a period of ten years without appointing an Attorney or agent resident in the State in relation to the said land shall not be disproved, the Collector shall present to the Registrar a memorandum to that effect, and upon registration thereof the entire property in and control of the said land shall revert to and vest in the Government, and all rights and interests of any person thereunder shall cease.

#### **Reversion where no representative**

37. (1) If the Collector shall at any time have reason to believe that there is no owner of any land surviving, he shall present to the Registrar a memorandum to that effect, and the Registrar shall thereupon register it as prescribed in Part V.

(2) Within three months from the date of such memorandum the Collector shall, by a notice in the form of Schedule VI to be published in four ordinary issues of the *Gazette* and posted, if practicable, upon the land, declare that he has reason to believe that there is no owner surviving and that if, by a date to be specified in the notice, the fact that there is no owner surviving shall not have been disproved, or no proceedings shall have been instituted for the appointment of a legal representative or successor to the late owner, the land shall be resumed by the Government.

(3) The date to be specified in the notice shall be five years from the date of the memorandum mentioned in subsection (1).

(4) If upon the specified date the fact that there is no owner surviving shall not have been disproved, and no proceedings shall have been instituted for the appointment of a legal representative or successor, the Collector shall present to the Registrar a memorandum to that effect in the form of Schedule VII, and upon registration thereof the entire property in and control of the said land shall revert to and vest in the Government, and all rights and interests of any person thereunder shall cease.

#### **Surrender of title**

38. Land held under a title issued either before or after the commencement of this Ordinance may at any time be surrendered to the Government in accordance with the procedure laid down

in section 112 and the document of title delivered up, and upon registration of such surrender as hereinafter provided, the land shall vest in the Government free of all encumbrances:

Provided that -

- (a) notice of the intention to surrender shall have been served upon all persons having interests registered against the title, and they have had an opportunity of showing cause to the Collector why such surrender should not be accepted; and
- (b) the Collector may refuse to accept a surrender unless all arrears of rent or other land revenue that may be due from such land shall have been paid.

#### **Combination of titles**

39. In the absence of an express condition to the contrary in the document of title any owner of two or more contiguous lots may, subject to the provisions of any written law for the time being in force relating to Town Planning or governing the size, shape or area of land to be held under any single title, combine the same in one lot, and the title to such one lot shall be subject to such of the conditions set forth in the documents of title to the several lots as the Director may select.

#### **Sub-division of titles**

40. (1) If the owner of any land comprised in any document of title is desirous of dividing or partitioning such land, application shall be made to the Collector to accept a surrender of such title and to issue new leases or make new entries in the Register relating to the land comprised therein in such lots as the owner may desire. The Collector shall thereupon in lieu thereof and subject to the provisions of any written law for the time being in force relating to Town Planning or governing the size, shape or area of land to be held under any single title, issue such titles as may be required, on the terms of the original title:

Provided that all arrears of rent and charges, if any, due under the original title shall have been satisfied:

And provided further that the Director shall impose additional premium and the rent payable to the Government in respect of each of such sub-divisions and shall enter such

amounts on the new titles and also impose special conditions in respect thereof to be set out in the titles.

The rent, if any, reserved on each parcel shall not be less than fifty sen in the case of a lease or twenty sen in the case of a Native Title.

(2) When land is held by co-proprietors, any one of them may claim to have a partition of the land made:

Provided that if the land be subject to a charge or sublease no partition shall be made unless the chargee or lessee as the case may be shall have given his consent to such partition.

(3) In the absence of agreement between the parties the question of partition shall be decided, in the case of Native Titles by the Native Court, and in other cases by the Collector in accordance with rules hereunder.

#### **Appeal**

41. (1) An appeal shall lie from any order or decision of a Collector, Surveyor or Registrar given under this Ordinance to the Director, and again from any order or decision of the Director, whether original or an appeal, to the Court:

Provided that no appeal shall be admitted -

- (a) after the expiration of thirty days from the date of the order or decision appealed against;
- (b) until the prescribed fees shall have been paid;
- (c) if it is expressly provided that the order or decision shall be final or if any other form of appeal is prescribed;
- (d) from any decision of the Director under section 9 of this Ordinance.

### **Jurisdiction of Courts barred**

(2) Except as herein expressly provided, no Court shall exercise jurisdiction as to any claim or question in respect of which jurisdiction is given by this Ordinance to a Collector or the Director.

### **Revision**

42. The Director may at any time call for the record of any case heard by any Collector or other officer under this Ordinance and may of his own motion revise or overrule the decision on given, or make such order thereon as may appear just. An appeal shall lie from any order given on such revision in accordance with the provisions of section 41:

Provided that no order or decision shall be made to the prejudice of any person unless such person has been given an opportunity of being heard.

### **Enforcement of orders**

43. Any order or decision of a Collector or of the Director given under this Ordinance may be enforced as regards monetary payments by the procedure prescribed in Part VII:

Provided that no order for the sale of land shall be made during the pendency of any appeal that may have been instituted under section 41. Orders affecting land shall be registered as required by Part V and may be enforced under section 121.

### **Powers to enforce attendance of witnesses**

44. (1) For the purpose of any enquiry made by a Collector or by the Director, the Collector or Director, as the case may be, may require by a summons under his hand any person being within Sabah to attend before him and, if necessary, to produce all documents in his possession relating to any right to or interest in such land.

(2) The Collector or Director, as the case may be, may also examine upon oath, or solemn affirmation having the force of an oath, any person so summoned touching any right to such land or interest in the same.

(3) Every person so summoned or examined shall be legally bound to attend as required by the summons, and to produce all such documents as aforesaid, and to answer on oath or affirmation any lawful question put to him.

**Copies of documents to be evidence**

45. A copy of any application, letter, document or instrument of any kind whatsoever relating to any purchase, reservation, grant or title in respect of land, certified as correct by the officer having the custody thereof, shall be admissible in evidence in every case in which the original would be admissible.

**Yang di-Pertua Negeri may make rules**

46. The Yang di-Pertua Negeri may -

- (a) make rules\* not inconsistent with the provisions of this Ordinance for more effectually carrying out the land administration of Sabah, and in particular, but without prejudice to the generality of the foregoing, may by such rules make provision with respect to-
  - (i) the mode and manner in which applications for State land are made;
  - (ii) the issue of licences for the purposes of removal of articles specified in sections 23, 24 and 25 and the regulation and control of the operations under such licences;
  - (iii) the control and management of land reserved under sections 28 and 78;
  - (iv) the procedure for the sale of land by public auction required by or under the Ordinance to be sold;
  - (iva) the regulation and control of the use of air space above the land including spectrum and other property found in the column of the air space above land and the erection, maintenance and occupation of any structure in that air space;

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\* See Land Rules.

Land (Temporary Planting Permit) Rules.

Rent Revision Rules, 1958.

- (ivb) the regulation and control of the use of land for carbon storage on the earth or below the earth of the land within the boundary of Sabah and matters incidental thereto;
  - (v) the payments to be made under licences and permits issued under the Ordinance;
  - (vi) the fees to be paid in connection with any matter arising under the Ordinance;
  - (vii) the forms to be used in connection with any matter arising under the Ordinance;
  - (viii) the mode and manner of collection of land revenue;
  - (ix) the manner and procedure for dealing with any enquiry and application under the Ordinance;
  - (x) the mode of service of notices required to be served under the Ordinance;
  - (xi) the partition of land under section 40(3);
  - (xii) the user of land alienated under the Ordinance;
  - (xiii) the powers and duties of any officer appointed under section 47;
  - (xiv) offences for the contravention of such rules and penalties thereof; and
  - (xv) all procedural and other matters which by this Ordinance are required or permitted to be prescribed or which are necessary or convenient to be prescribed;
- (b) add to, alter or rescind any of the forms contained in the Schedules or substitute other forms therefor or prescribe additional forms.

#### **Appointment of officers**

**47.** (1) The Minister may from time to time, by notification in the *Gazette*, appoint, and when appointed cancel the appointment of, a Director of Lands and Surveys, a Deputy Director of Lands and Surveys and such Land Officers, Collectors, Assistant Collectors, Surveyors, Registrars and other officers, for such districts and for such duties as he may consider necessary for carrying out the provisions of this Ordinance and he may by such notification or by subsequent notification declare that any duty imposed upon or power vested

in any appointee under this subsection may or shall be carried out by or exercised by any other such appointee.

(2) In any district in which there may be one or more Assistant Collectors as well as a Collector, every Assistant Collector shall exercise his powers and perform his duties in conformity with the directions of the Collector.

(3) In addition to the powers conferred upon him by this Ordinance the Director may exercise the powers of a Collector.

## PART II COUNTRY LANDS

### **Form of lease**

48. Subject to any special exceptions made by the Minister in particular cases every lease under this part shall be substantially in the form of Schedule VIII, and shall be for a term not exceeding ninety-nine years.

### **Collector may authorise occupation pending survey**

49. (1) If the immediate survey of any land is impracticable, the Collector may authorise the use and occupation of such land and shall thereupon issue a Provisional Lease in the form of Schedule IX subject to the conditions on which a lease would ordinarily issue.

(2) Such document shall specify the extent and describe as nearly as may be the situation of the land to which it relates, and after the survey of the land so occupied it shall be called in and cancelled and a lease issued in lieu thereof.

### **Terms for Country Land**

50. Subject to any general or special direction by the Minister the premium, rent and other terms upon which a lease may be granted under this Part shall be subject to the approval of the Director.

### **Premium**

51. (1) In cases where premium is required, the situation and quality of the land and the value of the timber thereon will form the basis for calculating the amount of premium chargeable.

### **Payment of premium**

(2) The premium must be paid on or before the issue of the title:

Provided that the Collector may, in his discretion, allow premium to be paid in instalments over a period not exceeding six years. If default is made in the due payment of any premium the land shall revert to the Government and any monies paid on account thereof shall be forfeited.

### **Sale by auction in certain cases**

52. Country lands may also be disposed of in lots by public auction, the upset price, rent and other particulars being clearly stated in the conditions of sale.

### **Cultivation**

53. (1) In all cases a *bona fide* commencement to bring land under cultivation must be made within six months from the date of the commencement of the title.

(2) In cases where the area does not exceed 40 hectares the whole area shall be brought into cultivation within three years.

(3) In cases where the area exceeds 40 hectares but does not exceed 250 hectares one-fifth of the total area shall be brought into cultivation during each successive year.

(4) In the case of lands exceeding 250 hectares the lease shall be granted in accordance with the provisions of this Ordinance, but with such conditions as to cultivation, rent, forfeiture or otherwise as may be imposed in each case by the Minister:

Provided that in the event of the sub-division of any such lease, and the sale or transfer of any part thereof, every part so sold or transferred shall be subject to such rent per acre and

to such other conditions as to cultivation, forfeiture and otherwise as the Minister may think fit in each case to impose:

And provided further that no rent shall be chargeable on sub-division of rent-free leases.

(5) In the absence of any special condition as to cultivation, every sub-division of any grant shall be subject to the provisions of subsection (2), (3) or (4) above according as the area of such sub-division does not exceed 40 hectares, exceeds 40 hectares but does not exceed 250 hectares or exceeds 250 hectares; and the date from which the cultivation clause shall take effect shall be the date of registration of such sub-division.

(6) This section shall only apply to land held under a document of title which contains no special conditions as to cultivation.

#### **Land to be used for agricultural purposes only**

**54.** Land which has been alienated under this Part or under similar part of any previous Land Ordinance shall not be used for other than agricultural purposes except with permission of the Minister who may impose additional premium or rent or add or substitute such terms and conditions as he may think fit.

#### **Implied conditions affecting land alienated for agricultural purposes**

**54A.** (1) Whenever any land is alienated for agricultural purposes, there shall be implied the condition that no building shall be erected on the land other than a building or buildings to be used for one or more purposes specified or referred to in subsection (2).

(2) The purposes referred to in subsection (1) are the following:

- (a) one dwelling house for the owner of the land or any other person lawfully in occupation thereof;
- (b) such other buildings as may be necessary for accommodating any domestic servants of the owner of the land or of any other person lawfully in occupation thereof;

- (c) such other buildings as may be necessary for accommodating persons lawfully employed on the land in connection with the use of the land for agricultural purposes as may be approved by the Director.

PART III  
TOWN LANDS

**Town Land to be alienated by auction**

**55.** No Town Land shall be alienated otherwise than to the highest bidder at a public auction or auction restricted to persons declared to be competent to bid thereat:

Provided that the Cabinet may in any particular case authorise the alienation of such land without auction and in such case the terms, conditions, covenants and restrictions applicable to such alienation shall be as the Cabinet may direct.

**Terms and conditions of auction and land tenure to be approved by Minister**

- 56.** (1) No Town Land shall be auctioned unless and until-
- (a) the land shall have been delineated on a survey plan;
  - (b) the upset price (if any) of the land to be auctioned and the terms and conditions of the auction thereof shall have been approved by the Minister;
  - (c) the terms, conditions, covenants and restrictions applicable to such alienation shall have been approved by the Minister; and
  - (d) a notice of the intended auction and of the terms and conditions thereof shall have been published in the *Gazette* not less than one month prior to such auction.

(2) No Government officer having any duty to perform in connection with any auction of land under this Part shall either directly or indirectly bid for, acquire or attempt to acquire any interest in the land offered at such auction without the permission of the State Secretary first had and obtained.

**Form and term of lease**

57. Subject to any special exception made by the Minister in the form or term of any particular lease, every title to Town Land alienated under this Part shall be a Town Lease substantially in the form of Schedule VIII and shall be for a term not exceeding ninety-nine years.

58. (Repealed).

**Use of land**

59. Where any Town Land has been classified under the provisions of any former written law or made the subject of a restrictive covenant or condition as to its use, such land shall not be used for any other purpose and any use of Town Land otherwise than in accordance with such classification, covenant or condition shall be deemed to be a breach of condition as referred to in section 34.

60-63. (Repealed).

PART IV  
NATIVE LANDS

**Application limited to lands held by natives**

64. (1) This Part shall apply only to lands held by natives, and no non-native may purchase any land held under this Part, unless in accordance with the terms of section 17, or acquire any interest therein by way of charge or otherwise.

(2) Notwithstanding the provisions of any written law, any power of attorney whereof the donee or any donee is a non-native, if it relates to any land held under this Part, shall be null and void.

(3) In respect of any country land held in Labuan under any title by any native prior to the 31st day of December, 1952, such native may, at any time not later than the 1st day of February, 1954, apply in writing to the Director through the Collector for the district of Labuan

to be registered as the owner of such land by entry in the Register of Natives Titles kept in the Labuan district under this Part and upon being satisfied that such applicant is a native and that the land is used for any of the purposes set out in subsection (2) of section 70 the Director may, upon the registration of a memorandum of surrender of the former title to such land executed by the applicant, direct the Collector for the district of Labuan to register a Native Title for such land in the name of the applicant. Every such Native Title shall be subject to payment of an annual rent at the rate of fifty sen per acre from the date of registration thereof and to such express conditions as may be imposed by the Director.

### **Customary tenure**

**65.** “Customary tenure” means the lawful possession of land by natives either by continuous occupation or cultivation for three or more consecutive years or by title under this Part or under the Poll Tax Ordinance\* [*Cap. 102.*], or Part IV of the Land Ordinance, 1913 [*N.B. Ord. No. 3 of 1913*].

### **Rights and obligations of customary tenure**

**66.** Customary tenure shall confer upon the holder thereunder a permanent heritable and transferable right of use and occupancy in his land subject only, in addition to the general provisions of Part I of this Ordinance to –

- (a) the duty of preparing his padi fields and planting padi, cleaning, working and cultivating his garden, orchards or sago lands in such manner as may be prescribed;
- (b) the liability to give his labour free, when required by the Collector or Native Chief or Headman, for the performance of such works and duties for the common benefit of himself and neighbouring land holders as may be prescribed.

### **Native Title Register**

**67.** (1) A Register of Native Titles shall be kept in each district in the form of Schedule X.

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\* Poll Tax Ordinance was repealed by Ordinance No.14 of 1962.

**Title for land held on customary tenure**

(2) Any native who holds his land under customary tenure without documentary title may be required by order of the Collector in writing to take out title by entry in the Native Title Register and to pay the prescribed fees for such title.

**Extract from Register**

(3) A certified copy of the entry in the Native Title Register may be issued to the owner and shall be signed by the Collector and shall have marked thereon a plan of the land to which it refers.

**Field Register**

68. (1) If the immediate demarcation of any land is impracticable the Collector shall authorise by entry in the Field Register in the form of Schedule XI the use and occupancy of such land subject to the conditions which attach to title by entry in the Native Title Register, and may issue to the owner a copy of the entry in the Field Register.

(2) Such entry shall specify the extent and describe as nearly as may be the situation of the land to which it relates and, after the demarcation of the land so occupied, it shall be cancelled and an entry in the Native Title Register made in lieu thereof.

**Claims to land based upon customary tenure**

69. Claims to land based upon customary tenure shall be decided by the Collector acting under section 82 subject to the appeal provided for in sections 41 and 84.

**Applications for State land**

70. (1) Applications for State land under this Part shall be made to the Collector, and shall be dealt with without delay and as far as possible in the order in which they are received.

**Use of land for agricultural purposes**

(2) Land which is to be or has been alienated under this Part or under similar part of any previous Land Ordinance shall not be used for other than agricultural purposes except with the permission of the Minister who may impose additional premium or rent or add or substitute such terms and conditions as he may think fit.

**Limit of area**

(3) No State land shall be alienated under this Part for an area which shall exceed twenty hectares:

Provided that the Director may, with the consent of the Secretary of Natural Resources, alienate any area exceeding twenty hectares upon such special terms and conditions as he may think fit to impose including any conditions expressed in the consent of the Secretary of Natural Resources.

**Cultivation conditions**

(4) When an application for State land under this Part has been approved, *bona fide* cultivation shall be commenced within six months and the whole area shall be brought into cultivation within three years. In the event of failure to comply with the terms of this subsection there shall be reserved to the Government the right to re-enter on the land in question and to resume such portions thereof as are not then under cultivation.

**Rent payable**

71. Land alienated under this Part shall be free of rent for the first six years and shall thereafter be liable to an annual rent at the appropriate rate set forth in Schedule XIA. No rent shall be payable on native reserves declared under section 78 or 79:

Provided that in respect of any land alienated under this Part, other than land referred to in subsection (3) of section 64 -

- (a) held in the ownership of any one native the rent to be charged in respect of any area in excess of twenty hectares shall be such amount as the Director may fix;

- (b) which has previously been alienated and improved and subsequently surrendered or resumed by Government, re-alienation of such land shall be subject to such premium as the Director may fix having regard to the improvements on the land and to such rent as the Director may fix.

### **Rents due on 1st January**

72. (1) All rents fall due on the first day of January in each year but no Notice of Demand shall be issued under the provisions of Part VII in respect of any rent until the first day of May of the year the rent falls due.

### **Part VII to apply**

(2) Subject to the terms of this section the provisions to Part VII for the collection of land revenue shall apply of land held under this Part.

### **Mutations of title to be registered**

73. All mutations of title and dealings therewith shall be registered by the Collector in accordance with the procedure laid down in Part V except as herein otherwise directed, on payment of the fees prescribed for registration under this Part.

### **Succession to land**

74. On the death of a native land holder the question of succession to his land held under this Part shall be decided in accordance with the provisions of the Administration of Native and Small Estates Ordinance\* [Cap. 1].

### **Exchange of title**

75. The owner of a native title may with the consent of the Director exchange his title for a lease under Part II or Part III on payment of the fees prescribed for leases under such Part, and of such premium and rent as may be imposed in each case.

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\* See Small Estates (Distribution) (Amendment And Extension) Act, 1972 (Act A127).

### **Communal titles**

76. In cases where any State land planned by the Government for the natives of Sabah or a claim to customary tenure of land has been established or a claim to native customary rights has been dealt with by a grant of land and such land is to be held or is held for the common use and benefit of natives and is not assigned to any individual as his private property, it shall be lawful for the Minister to sanction a communal native title for such land to be issued in accordance with the relevant provisions of this Ordinance in the name of the Collector as trustee for the natives concerned but without power of sale and such communal native title shall be held to be a title under this Part, but shall be subject to such rent as the Minister may order.

### **Sub-division of communal title**

77. A communal title may, with the sanction of the Collector, be sub-divided and wholly or in part assigned to individual owners, who shall thereupon receive native titles in their own names. In such cases it shall be lawful for the Collector to sign a transfer on behalf of the community.

### **Native Reserves**

78. (1) The Yang di-Pertua Negeri may, if he thinks it necessary to protect the present and future interests and well-being of the natives of Sabah or any community thereof, declare any area of State land, the boundaries of which have been surveyed, to be a Native Reserve for any purpose approved by him.

(2) Every such declaration shall -

- (a) fully describe the land declared to be a Native Reserve and for this purpose a reference to such land by its Survey Lot number shall be taken and deemed to be a full description thereof;
- (b) state the purpose for which land has been reserved;
- (c) state the term of and the conditions upon which such reservation has been made; and

(d) be published in two consecutive issues of the *Gazette*.

(3) The Yang di-Pertua Negeri may, if he thinks fit, appoint one or more trustees to control and manage, subject to the directions of either the Secretary of Natural Resources or District Officer as the Yang di-Pertua Negeri may direct, any Native Reserve declared under this Ordinance for the purposes declared.

(4) In any case when it is proved to the satisfaction of the Secretary of Natural Resources that –

- (a) a trustee so appointed refuses, neglects or fails to carry out with efficiency his duties as trustee or has died, it shall be lawful for the Secretary of Natural Resources to discharge a defaulting trustee and to appoint a new trustee in lieu of the trustee who was formerly appointed or has died; or
- (b) the members of the native community in whose interest and for whose benefit a Native Reserve has been declared wilfully or without reasonable cause will not comply with the conditions to which such reserve is subject, he shall certify his opinion to the Director who shall recommend to the Yang di-Pertua Negeri that such reserve be revoked.

(5) The Yang di-Pertua Negeri may, if he thinks fit, at any time by order revoke and cancel the declaration of any area of State land which has been declared a Native Reserve or a Provisional Native Reservation under this or any former written law and may add to, vary or revoke any terms or conditions attached to such Reserve or Reservation.

#### **Restriction on alienation in Reserve**

**79.** (1) No document of title shall be registered in respect of any land lying within a Native Reserve declared under the provisions of this or any previous Land Ordinance but the Yang di-Pertua Negeri may, if he deems fit either generally or in any particular case, sanction the alienation to natives by entry in the Register of Native Titles or Field Register of any area of land within a Native Reserve declared under section 78 or under any such previous Land Ordinance to be a Native Reserve for the purpose of providing land for future cultivation by natives.

(2) The Yang di-Pertua Negeri may, if he deems fit either generally or in any particular case, sanction the alienation to natives in accordance with any of the provisions of this Ordinance of any area of land lying within any provisional reservation for native use declared under the provisions of any previous Land Ordinance.

#### **Proclamation of settlement**

80. The Yang di-Pertua Negeri may by notification in the *Gazette*\* and by notices locally promulgated proclaim any area or district in Sabah for settlement under this Part.

#### **Native claims to be sent to Collector**

81. It shall be obligatory on all natives claiming land within the district or area proclaimed who do not already hold a documentary title therefor, or who claim other native customary rights therein, to state their claims to the Collector or his agent either verbally or in writing within the period stated in the notification, which period shall not be less than four months from the date thereof.

#### **Collector to register and decide claims**

82. The Collector shall enter in a register all claims submitted within the period assigned in the notification and being guided by the conditions laid down in the definitions of customary tenure and of native customary rights in this Ordinance he shall record his decision as to the ownership of the land and the claims to other native customary rights.

#### **Compensation or resumption by Government**

83. The Collector may if so directed order that any land, the claim to which is admitted by him under the preceding sections, shall be resumed by Government; and in such cases he shall proceed in the manner provided in the Land Acquisition Ordinance [*Cap. 69.*], to determine the amount of compensation to be paid:

Provided that no land held under a documentary title shall be liable to resumption under this section.

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\* See G.N. 705/1960, 360/1963.

**Unclaimed land to become State land**

**84.** All land which has not been claimed or the claim to which has been rejected shall become absolutely the property of Government:

Provided that if a claim has been rejected by the Collector, the claimant may lodge an appeal to the Director in accordance with the provisions of section 41.

**Compulsory registration of title**

**85.** The Yang di-Pertua Negeri may, in the notification referred to in section 80, order that on completion of the settlement all natives whose claims to land within the area or district proclaimed have been established shall be required to take out titles under this Part and to pay the necessary fees. When the settlement has been completed no later claim to land based upon customary tenure or upon other native customary rights shall be admissible within the area or district settled.

**Powers of Collector**

**86.** For the purposes of this Part the Collector shall have the powers assigned to Collectors and Surveyors under Part VIII.

PART V  
REGISTRATION

**Application of this Part**

**87.** The provisions of this Part shall unless otherwise expressly provided apply to all dealings after the coming into operation of this Ordinance, whether the title concerned was issued prior or subsequent to the coming into operation of this Ordinance.

**No title or claim to land valid unless registered**

88. No new title and no dealing with, claim to or interest in any land except land still held under native customary tenure without documentary title shall be valid until it has been registered in accordance with the provisions of this Part.

**Meaning of term registration**

89. Every title shall be deemed to be registered under the provisions and for the purposes of this Ordinance so soon as the same shall have been marked by the Registrar with the folium and volume or number so as to indicate its place in the Register and every dealing shall be so deemed to be registered as soon as a memorial thereof as hereinafter described shall have been entered in the register upon the folium constituted by the existing title on the land affected.

**Titles to be in duplicate**

90. All Leases, Provisional Leases and Temporary Occupation Licences shall be in duplicate, one of which shall be delivered by the Registrar to the lessee and the other retained by him.

**Separate Register to be kept**

91. Separate Registers shall be kept for Leases, Provisional Leases, Native Titles, Field Registers and Temporary Occupation Licences and the Registrar shall record therein all titles and dealings required or entered in the Register.

**Continuation of titles**

92. The Registrar, when in his opinion any register or issue document of title cannot for want of space or other cause conveniently bear any further endorsement, may require the owner to take a fresh issue document of title and may insert additional sheets in the Register document of title, and such fresh issue document of title shall be prepared on the terms of the original title, in the name of the owner for the time being, and shall have endorsed thereon only the memorials of any then existing registered interests. The Collector shall sign and date

such endorsements, and such fresh title shall be deemed to be in continuation of and not in substitution for the original title, which shall be surrendered and destroyed.

### **Register of Memorials**

93. The Registrar shall keep a book to be called the Register of Memorials in which shall be entered a short description of every memorandum registered. Such book shall be in the form of Schedule XII.

### **Notice of all changes to be given to the Collector**

94. (1) Every person acquiring the possession of land or the profits thereof or any interest therein whether as purchaser or on the death of the owner, or as chargee, or otherwise, howsoever, shall give notice of such acquisition, immediately after it has taken place, to the Collector:

Provided that no land shall be transferred or sub-leased except to an individual person or persons, company or body corporate such as is defined in section 10.

(2) The Collector on receiving such notice shall call upon the parties concerned to comply with the requirements of this Part.

(3) Any person neglecting to comply with the requirements of this section within six months from the date of the dealing or transfer or acquisition of interest or omitting without reasonable excuse to comply with any order of the Collector made under subsection (2) within the time stated in such order shall be guilty of an offence against this Ordinance and shall be liable to a fine of five thousand ringgit and to the payment of a sum equivalent to double the amount of any unpaid stamp duties and fees payable on the dealing and registration thereof.

### **Place of registration**

95. All dealings shall be registered in the office in which the title concerned is registered.

### **Presentation**

96. Any person may upon payment of the fees prescribed for registration, deliver or transmit to the Registrar a duly attested memorandum of the dealing to be registered, together with the issue document or documents of title concerned. Such memorandum maybe in duplicate or more, if required by the parties concerned.

### **Attestation**

97. (1) The signature of each party to every memorandum and title shall be attested by any officer specially appointed by the Minister or by one of the following persons -

(a) in Sabah—

a Magistrate, Justice of the Peace, Notary Public, Commissioner for Oaths, an Advocate or the Collector;

(b) in any place within Malaysia other than Sabah or in any place within the Commonwealth—

a Magistrate, Justice of the Peace, Notary Public or Commissioner for Oaths;

(c) in any other place -

a Malaysian Consular Officer or a Notary Public:

Provided that in the case of a document executed under seal of a company incorporated or registered under the laws of Malaysia and bearing the signature of the secretary and at least one director of the company, attestation shall not be required.

(2) (Deleted).

### **Power of Attorney**

98. (1) Subject to sub-section (2) of section 64, where any memorandum purports to be signed by any person as attorney for another, such person's power of attorney shall, unless registered under the provisions of any written law providing for such registration, be attested

in the manner prescribed in section 97 for the attestation of signatures, and shall be delivered with the memorandum, and it or a copy thereof shall be filed in the Land Office with the memorandum to which it refers:

Provided that in the case of a subsequent memorandum executed under the same power of attorney, it shall not be necessary to file another copy, but a reference shall be made on the memorandum to the previous dealing.

(2) The Registrar may require proof to his satisfaction of the continuance in force of any power of attorney and may reject any instrument executed under such power of attorney if such proof is not furnished.

#### **Rejection of memorandum**

99. If the Registrar on examination of the document presented shall decide that it is unfit for registration or defective, he may either refuse registration or return the document for the necessary rectification or correction.

#### **Registration how effected**

100. If the Registrar shall decide that the document presented is in order and fit for registration, he shall, in the absence of any lawful prohibition of registration thereof and on receiving payment of the prescribed fees, endorse upon the document of title and upon the issue copy or extract from the Register a brief memorial showing the nature of the dealing and date of registration and also, except in cases of discharge of charge, satisfaction of charge and surrender of title for cancellation, exchange or sub-division, the names of the parties and hour of registration. Every such endorsement shall be made or attested by the Registrar and shall contain a reference to the memorandum on which it is based and its serial number in the Register of Memorials:

Provided that if the document presented is a judgment, order or decree issuing from any Collector or any court in Malaysia, the Registrar may refuse registration until the expiry of the period of appeal against such judgment, order or decree.

**Memorandum to be filed**

**101.** An original of every such memorandum shall be filed in the Land Office in which registration takes place:

Provided that if the memorandum be a judgment, order or decree issuing from any court in Malaysia, a true copy thereof, certified by the Registrar or other official of the said court, may be accepted in place of an original.

**Return of title**

**102.** After registering the dealing as hereinbefore described, the Registrar shall return to the party entitled to the custody thereof the issue document of title or extract from the Register, together with the duplicate, if any, of the memorandum.

**Priority**

**103.** All memorials and memoranda shall be numbered serially in order of priority of registration. For purposes of priority the time of presentation shall be taken as the time of registration, without regard to the date of execution of the memorandum, or to any express or implied or constructive notice contained in the document:

Provided that if a memorandum has been returned for correction under section 99 it shall take priority from the time it is presented afresh.

**Form of memorandum**

**104.** When any land or interest therein is intended to be transferred or charged or sub- leased, the parties shall execute a memorandum substantially in one of the forms in Schedule XIII, XIV, XV, or XVI, with such variations as the Registrar may permit, which are necessary or desired and not inconsistent with anything in any Ordinance for the time being in force.

**Proviso for sub-leases**

**105.** (1) Any sub-lease of land granted for a term not exceeding one year shall be valid without registration:

Provided that no right to purchase the land contained in any such sub-lease shall be valid as against any subsequent purchaser of the land unless such sub-lease be registered:

And provided further that the registered owner shall be liable jointly and severally with the sub-lessee for all rents which shall become payable to the Government during the continuance of the sub-lease.

(2) Any sublease registered under this Ordinance may, with the agreement of the person for the time being entitled to the reversion expectant thereon, be surrendered to that person by a memorandum in the form of Schedule XVIII A and the interest of the sublease shall determine as from the date on which the memorandum is registered:

Provided that a sublease which has been charged shall only be surrendered with the consent thereto in writing of the chargee.

**Undivided share and undivided part**

**106.** An undivided share in land may be transferred or charged, but no area not being the whole area of the land comprised in any document of title shall be transferred or charged until the land shall have been sub-divided and fresh documents of title registered for each sub-division.

**Transfer of charged land**

**107.** In every dealing by which any land is transferred subject to a charge, there shall be implied the following agreement by the transferee with the transferor and, so long as the transferee shall remain the owner, with the chargee, that is to say, that the transferee will pay such sums as are secured by the charge in accordance with the terms thereof, and will carry out such other conditions as are specified therein:

Provided that unless the memorandum of transfer shall have been signed also by the chargee with an express statement that the transferor is exempt from all further liability in

respect of the charge, the chargee shall, in the event of the transferee failing to observe the conditions of the charge, retain the right to recover from the transferor the whole or any part outstanding of the principal and interest secured by the charge.

**Release of one of several titles charged**

**107A.** (1) When any charge is registered against more than one title any of the titles under the charge may be released from the said charge upon registration of a memorandum substantially in the form of Schedule XVIIA hereto signed by the chargee.

(2) Such memorandum shall be attested and registered in the manner hereinbefore prescribed and the Registrar shall also cause the word “released” to be written or stamped across the memorial relating to such charge in the Register and on the titles released together with the relative memorial number and the date of release and shall also endorse on the relative memorandum of charge a memorial showing the titles released and the amount, if any, repaid.

**Transfer of charge**

**108.** Upon the registration of the transfer of a charge, the right to recover the principal and interest secured thereunder shall be transferred so as to vest the same in the transferee.

**Satisfaction of charge how effected**

**109.** When any charge has been satisfied, the chargee shall sign a memorandum substantially in the form of Schedule XVII and such memorandum shall be attested and registered in the manner hereinbefore prescribed; the Registrar shall also cause the word “satisfied” to be written or stamped across the memorial relating to such charge in the title and Register, and across the office copy of the memorandum of Charge and shall append his signature thereto.

**Satisfaction of charge without full payment**

**109A.** Notwithstanding the provisions of section 109, any chargee may without receiving full satisfaction of payment for his charge, by a memorandum in the form of Schedule XVIIA, discharge the land or sublease to which his charge relates (or, if it relates to more than one

title or sublease, all or any of them) from further liability thereunder, and the discharge shall take effect as from the date on which the memorandum is registered.

**Satisfaction in case of absence of chargee from Sabah**

110. If any person shall be entitled to pay off the charge and the chargee cannot be found within Sabah and there be no person authorised to give a receipt for the money, the Registrar for the district in which the charged land is situated may receive such money with all arrears then due in trust for the person entitled thereto, and may upon being satisfied that the correct amount has been paid make an order discharging such charge which order shall upon registration have the same force and effect as a satisfaction signed by the chargee.

**Sale of land on application by chargee**

111. If default be made in the payment of the principal sum, interest or periodical payment or any part thereof secured by a charge, or in the observance of any agreement expressed or implied in such charge, it shall be lawful for the Collector, on the application of the chargee and on being satisfied that such default has been made and has continued for the space of one month after the notice has been served by the chargee upon the chargor, in accordance with rules hereunder to order the sale by auction of the whole or any part of the land comprised in the charge.

**Registration of surrender or cancellation of title**

112. (1) When any title is surrendered for cancellation, exchange or sub-division, the owner shall execute a memorandum substantially in the form of Schedule XVIII which shall be registered in the manner prescribed in this Part.

(2) When any title has been cancelled the fact of such cancellation shall be endorsed upon the Register of Titles, with a reference to the number of the *Gazette* notification and date, and shall be signed by the Registrar.

**Consent to surrender by chargee or sub-leasee**

113. No title to charged land shall be so surrendered as aforesaid without the consent thereto in writing of the chargee or chargees, and no surrender of a title whether by operation

of law or by act of parties shall effect any registered sub-lease, or any unregistered sub-lease for a term not exceeding one year.

**Registration of title by executors, etc.**

114. (1) An executor or administrator or person claiming by any form of succession may become the registered owner of land by the registration as provided by sections 100 and 101 of the probate or letters of administration granted to him.

(2) A trustee in bankruptcy, or receiver of any insolvent estate, or other person claiming by any order of court or act of law, may, in like manner, become the registered owner of land upon satisfactory proof of his title thereto:

Provided that no land, charge or interest shall vest in the trustee in bankruptcy or receiver of an insolvent estate or any other person above-mentioned until it has become registered in his name pursuant to this provision.

(3) Registration under subsection (1) or (2) of this section shall entitle the person registered to deal with the land comprised in his title as though he were absolute owner, but shall in nowise be held to affect or vary his fiduciary position or his responsibility to the Court which appointed him for the due performance of his duties.

**Change of name**

115. Upon presentation of an official certificate or other sufficient proof of the change of name of an owner or chargee, such as by marriage, or by a company under the provisions of the Act or Ordinance under which it is incorporated, the Collector may register a memorial of such change of name.

**Caveat**

116. (1) A caveat substantially in the form of Schedule XIX may be registered at any time with respect to any lands by any person claiming to be entitled to any interest in such lands, and a memorial of such caveat shall be endorsed on the register in the manner prescribed in section 100:

Provided that it shall not be necessary for the issue copy of the title to be presented for endorsement. No such caveat except a caveat by the Collector shall be in force for a period exceeding three years from the time of registration.

**Notice to caveatee**

(2) Upon the registration of a caveat, the Registrar shall cause a notice of such registration to be served upon the caveatee in the form of Schedule XX.

**Effect of caveat**

(3) So long as any caveat shall remain in force, the Registrar shall not register any memorandum executed by the caveatee unless such memorandum shall be in accordance with the requirements of such caveat.

**Withdrawal of caveat**

(3A) (a) A caveat may be withdrawn at any time by a notice in the form of Schedule XXA accompanied by the prescribed fee and presented to the Registrar by the person at whose instance it was entered.

(b) On receiving any notice of withdrawal, the Registrar shall -

- (i) cancel the entry of the caveat on the document of title, noting thereon for the cancellation and the date thereof; and
- (ii) give notice of the withdrawal to the person in whom the land or interest formerly bound by the caveat is for the time being vested.

(c) Every cancellation under sub-paragraph (i) of paragraph (b) shall be signed and sealed.

**Removal of caveat**

(4) Any person whose land or interest is bound by a caveat may, except in the case of a caveat by the Collector, make application to the Collector in writing to remove the caveat, and thereupon the Collector may serve a notice upon the caveator in the form of Schedule

XXI requiring him to show cause why the said caveat should not be removed, and the Collector shall, after hearing the parties, make such order as he shall think just.

**Caveat by Collector**

(5) The Collector may present a caveat in the form of Schedule XXII prohibiting any dealing with any land in which an interest is claimed by the Government or with regard to which it shall appear to him that an error has been made, or for the prevention of suspected fraud or improper dealing, and such caveat shall remain in force until withdrawn by the Collector or cancelled by the Court. Such caveat shall take priority over any memorandum already presented but registration of which has not been completed.

**Rectification of title**

117. If any document of title under which land is claimed by any person contains, in the opinion of the Collector, no means within itself of identifying with reasonable certainty the land to which it relates, or contains errors or omissions either in the original title or in later endorsements, the Collector may, by notice in writing under his hand, require such person to deliver up the same in order that such corrections or additions may be made thereto, whether by the endorsement of a plan thereon or otherwise, and such person shall be bound so to deliver up the same within one month from the date of the service of the notice. When such corrections or additions as aforesaid have been duly made the Collector shall return such document of title to the person entitled to the custody thereof.

**Rectification of register, etc.**

118. (1) Except as is provided by subsections (4) and (5) any person claiming any estate or interest in land may at any time apply to the Collector for an order that any register, book or journal kept in his Land Office under this Ordinance shall be rectified, or that any entry may be made or interpolated in any such register, book or journal, or that any entry therein may be cancelled; and the Collector, after giving such notice of the application and making such enquiry as he may think fit, may either refuse such application, or, if satisfied as to the justice of the case, may make such order in reference thereto as he may think just.

(2) The Assistant Collector and every other person affected by such order of the Collector shall obey the same upon being served with a copy of such order.

(3) If in the opinion of the Collector any alteration or rectification of the Register should be made, his order shall be in the form of Schedule XXIII and shall be registered in the manner prescribed in this Part.

(4) Whenever any application made by a native is based upon an alleged native custom, the Collector shall refer the matter for decision to the Native Court, and appeals shall lie as provided in the constitution of the said court.

(5) Nothing in this section shall be held to affect or vary the procedure prescribed for claims to succession to a deceased owner.

#### **Rectification by the Director**

**119.** It shall be lawful for the Director at any time on his own motion after giving the parties affected an opportunity of being heard to revise or over-rule the decision of the Collector, or to take such proceedings as he may deem fit for the purpose of cancelling, altering, rectifying or otherwise dealing with the registration of any title.

#### **Loss of title**

**120.** (1) If any document of title is lost or destroyed the person lawfully entitled to the custody thereof together with other persons, if any, having knowledge of the circumstances may file in the Land Office of the district in which the land is situated an affidavit or statutory declaration containing a full description of such document of title and the circumstances under which it was lost or destroyed.

(2) The Collector shall thereupon cause to be published in the *Gazette* or locally in the district, for the period of not less than one or more than three months a notice in the form of Schedule XXIV.

(3) If no objection is lodged within the period stated, the Collector shall thereafter, on receipt of the prescribed fees, issue to the person lawfully entitled to the custody thereof a certified copy of the document of title, and such certified copy shall be available for all purposes and uses for which the original title so lost or destroyed would have been available, and as valid to all intents as such title:

Provided that the Collector shall not in any case issue such certified copy unless he is satisfied as to the truth of the affidavit or declaration and the good faith of the applicant for the same.

**Delivery of titles for cancellation or endorsement**

121. (1) When any document of title or extract from the Register is cancelled or is forfeited or expires or is superseded or is required for the purpose of correcting any error or of endorsing any memorial thereon, the Collector may by a notice in the form of Schedule XXV served on the holder thereof require him to deliver up such document, and the holder shall thereupon be legally bound so to deliver it.

**Penalty for-non-delivery**

(2) If default be made in delivering up any document of title required to be delivered up under subsection (1) the Collector may impose a penalty not exceeding one thousand ringgit which penalty shall be recoverable in the manner prescribed in Part VII, and may further with the sanction of the Director declare that such title has been cancelled by the Government, and thereupon all rights and interests thereunder shall cease.

(3) Where a document of title has been cancelled under subsection (2), the Collector may issue a certified copy of such title for the purpose of correcting the error or endorsing the memorial thereon, and thereafter deliver it to the person entitled to the custody thereof, and such certified copy shall be available for all purposes and uses for which the original document of title so cancelled would have been available, and as valid to all intents as such title.

**Inspection of Registers**

122. The Register of Title, the Register of Memorials and all instruments registered shall be open to public inspection on every working day during office hours, on payment of the prescribed fees, and shall be public documents within the meaning of the Evidence Act, 1950 [Act 56.].

**Official searches**

123. On receipt of the prescribed fee and a requisition in writing containing full particulars of the search required to be made in any of the Registers or documents referred to in the previous section the Collector or Registrar shall direct a diligent search to be made, and shall give a certificate of the result of such search to the person making the requisition, and every such certificate shall be receivable in evidence.

**Certified copies**

124. On payment of the prescribed fees, copies or extracts certified by the Collector or Registrar, of or from any document or Register referred to in section 122 shall be given to any person making application for the same.

PART VI  
*(Repealed)*

PART VII  
COLLECTION OF LAND REVENUE

**Application of Part**

130. The provisions of this Part shall unless otherwise expressly provided apply to all titles whether issued prior to or after the coming into operation of this Ordinance.

**Proviso for Native Titles**

131. Nothing contained in this Part shall be held to vary the special provisions in Part IV with regard to rent due on Native Titles.

**Rents when due**

132. All rents shall become due on the 1st January in each year except where otherwise specially provided.

**Land revenue how recoverable**

133. Every sum now due or payable or which shall hereafter become due or payable to the Government on account of land revenue or any amount assessed or ordered to be paid as compensation or fine or otherwise by the Collector or Director in any order under this Ordinance, or any other sums which may be expressed in any other Ordinance to be recoverable in the manner provided for the recovery of rent or land revenue, may be recovered in the manner hereinafter provided.

**'Arrear' and 'defaulter'**

134. When any such sum has fallen due and a written notice of demand, in the form of Schedule XXVIII has been served on any one of the persons liable therefor, and a period of fifteen days, or such further time as may have been allowed by the Collector, has elapsed from the date of such service without such sum having been paid or satisfied a surcharge equivalent to 24 per centum of such sum shall be levied and such sum together with the surcharge thereof shall be deemed an "arrear" and every person liable for it shall be a "defaulter":

Provided that the Director, with the approval of the Secretary of Natural Resources, may in any particular case for reasons to be endorsed by him on the document concerned exempt any person from payment of the whole or any part of the surcharge thereof.

**Proceedings for recovery of arrear**

135. With a view to the recovery of an arrear, the Collector may issue an attachment in the form of Schedule XXIX, and may seize, by virtue thereof, any movable property of the defaulter wherever the same may be found, and may also seize any effects or any crops to whomsoever belonging which may be found on the land in respect of which the arrear is due, and may, not less than three days after such seizure, sell the same by public auction:

Provided that in the case of growing crops it shall be lawful for the purchaser to retain possession thereof on the ground until ripe, and thereafter to reap or remove the same.

**Attachment of property**

136. (1) The attachment may be made by an officer deputed by the Collector for that purpose, who shall issue a notice, in the form of Schedule XXX and shall take an inventory of the property attached. If he is unable to execute the warrant he shall return it to the Collector with an endorsement stating the reason of his failure.

(2) Such officer shall be deemed to be a public servant within the meaning of the Penal Code [*F.M.S. Cap. 45.*].

(3) The expense of maintenance or custody of any property or thing seized under this Part shall be part of the costs of the attachment.

**Attachment of property may be dispensed with**

137. It shall be lawful for the Collector to dispense with the issue of a warrant of attachment under section 135 and to proceed at once against the land in the manner next hereinafter provided.

**Proceedings against land**

138. If the arrears and costs are not paid in full within the time required in the notice issued under section 134, or have not been recovered by the sale of any movable property attached under the provisions of section 135 the Collector may proceed against the land in respect of which the arrears and costs are due.

**Notice of sale**

139. (1) The Collector shall issue a notice of sale substantially in the form of Schedule XXXI and serve it if possible upon the defaulter, stating that after the expiration of three months from the date of the said notice the land will be sold for the recovery of arrears and costs:

Provided that no failure to serve or irregularity in serving any notice of sale under this subsection shall invalidate any sale which has been or which shall be held under the provisions of this Part or give rise to any cause of action against the Government or any officer thereof by reason of such failure or irregularity.

(2) The Collector shall also issue and post at the District Land Officer or other public place, and publish in the *Gazette*, notices of sale substantially in the form of Schedule XXXII specifying the lands in respect of which rent has not been paid and notifying that such lands will be sold for the recovery of arrears and costs at a specified place and date, which date shall not be less than one month from the date of issue of the notice in each case.

#### **Land to be auctioned**

140. (1) Except as hereinafter provided, all lands so specified shall at the time and place notified, or on the day to which the Collector may postpone the sale, be put up to public auction by the Collector, and shall be sold to the highest bidder.

(2) No officer employed in the Land Office of the district and no officer having any duty to perform in connection with any sale under this Part shall either directly or indirectly bid for, acquire or attempt to acquire any interest in property offered at such sale.

#### **Power to stop sale**

141. If any person tenders to the Collector the amount of the arrears and costs at any time previous to the sale, the Collector shall upon receipt of the same desist from all further proceedings in respect thereof.

#### **Procedure if sufficient bid not made. Land to revert to Government**

142. If at any such sale as aforesaid there shall be no bid at all or no bid sufficient to cover amount due for arrears and costs, the Collector shall record the fact in the auction sale book, and shall register in the manner prescribed in Part V a memorandum in the form of Schedule XXXIII, and upon such registration being made the land shall revert to and be vested in the Government and all right, title and interest of the defaulter therein shall cease.

#### **Application of proceeds of sale**

143. The proceeds of any sale under sections 135 and 139 shall be applied in the first place in satisfaction of the arrears and costs, and in the event of there being any surplus remaining, the Collector shall, if he is satisfied as to the right of any person claiming such surplus, pay

the amount to such person and, if he is not so satisfied, shall place the amount on deposit in the Treasury to be held in trust for the person who may ultimately succeed in establishing his claim thereto.

**Sale when final**

144. The Collector shall declare at any sale under section 139 to what bidder, if any, the land has been sold, and his decision on this point shall be final, and the sale shall become final and conclusive on payment of the full amount of the purchase money.

**Default of payment and re-sale**

145. In default of the payment of purchase money or of any part thereof within the time required, the land shall be put up for re-sale, and the defaulting purchaser shall forfeit any amount already paid.

**Title conferred on purchaser**

146. On payment of the purchase money and the prescribed fee, the Collector shall deliver to the purchaser an order in the form of Schedule XXXIV, and the purchaser shall thereupon be entitled to have the title to the land so purchased by him duly registered in his name in the manner provided in Part V without the payment of any further fee therefor, and such registration shall have the effect of transferring to and vesting in him such land or interest free of all encumbrances created by or derived from the defaulter or his predecessor in title, except such as are expressly reserved by the Collector at the time of sale.

**Notice to deliver title**

147. (1) The Collector may, by a notice in the form of Schedule XXV, require the defaulter or any person in possession of any document of title relating to the land which, or a part of which, has been so sold as aforesaid, to deliver to him such document of title, and such defaulter or other person shall be legally bound to comply with such notice.

(2) In any case in which it may be found impossible to recover such document of title, the Collector shall proceed in accordance with the provisions of section 121.

**Penalty for dishonest and fraudulent use of title**

148. Any person dishonestly and fraudulently using any document of title relating to the land which, or a part of which, has been so sold as aforesaid, in a manner inconsistent with the rights of the purchaser, after service on him of the notice required by the preceding section, shall be deemed to have committed, or to have attempted to commit, the offence defined in section 415 of the Penal Code [F.M.S. Cap. 45].

**Application to Court against attachment**

149. If any person whose property, crops or land has been attached or advertised for sale under the provisions of this Part disputes the property of such attachment or sale, he may, in the case of movable property, apply to the Court of the nearest Magistrate and, in the case of immovable property, to the High Court for an order to stay the proceedings, and such Court, after hearing the Collector and making such further enquiry as may be necessary, shall make such order as may seem just.

**Recovery through court**

150. If after the procedure prescribed by this Part has been followed the arrears together with costs and expenses have not been recovered in full the Collector may recover any balance outstanding by suit in a court of competent jurisdiction.

PART VIII  
DEMARICATION AND SURVEY

**Application of Part**

151. The provisions of this Part shall, unless otherwise expressly provided, apply to all titles whether issued prior to or after the coming into operation of this Ordinance.

**General powers under this Part**

152. Any Collector or Surveyor may, at any reasonable time, enter upon all lands which he is required to survey or settle and upon lands contiguous thereto and may make all enquiries and may fix or place any stone, post, or pillar or other boundary mark in or upon the land and

may dig up any ground for the purpose of fixing the same and may cut down and remove any timber or other growth which may obstruct any survey line or any boundary:

Provided that as little damage as possible shall be done to the land or to any property thereon.

**Notice to procure attendance**

**153.** (1) The Collector or Surveyor may cause a notice, substantially in the form of Schedule XXXV, to be served on any person owning, occupying, or otherwise interested in any such land and any land abutting thereon or on any person employed on or connected with such land requiring such person to attend before him at a time and place to be stated in the notice for the purpose of pointing out the boundaries of such land or rendering aid in setting up or repairing the boundary marks or of affording assistance or information for the purpose of the survey or settlement.

(2) Every person upon whom such notice may be served shall be legally bound to attend as required by the notice and, so far as he may be able, to do any of the things mentioned therein.

**Clearing of boundary lines**

**154.** The Collector or Surveyor may cause a notice, substantially in the form of Schedule XXXVI, to be served on any owner or occupier of or applicant for such lands requiring him to clear any boundary line or to cut any line which may be necessary for the purposes of survey or to provide labour or otherwise assist in such work; and if it is necessary to employ hired labour for such purposes the surveyor may assess and recover from such owner, occupier or applicant the cost of the same.

**Compensation for injury done by clearance**

**155.** (1) If it is necessary to remove or destroy any trees, fences, crops or other property of value in order to effect the clearance of any line, the surveyor shall assess the value of the same and shall pay or tender the amount so assessed to the owners thereof.

(2) The assessment shall be made before the property is removed or destroyed.

(3) Any dispute regarding the sufficiency of the amount so paid or tendered shall be referred to the Collector for decision.

**Notice to persons to give information or to produce documents**

156. (1) The Collector or Surveyor may issue a notice, substantially in the form of Schedule XXXV, calling upon any person who can give any information respecting the boundaries of the land, or in whose possession or power any document relating to such boundaries is alleged to be, to attend before him and give such information or produce such document on a date and at a place to be mentioned in the notice.

(2) Every person on whom such notice is served shall be legally bound to attend and to give such information and produce such document as is required by the notice.

**Boundary marks to be erected**

157. (1) The Collector or Surveyor may after making due enquiry mark out the boundaries of the land and may, unless permanent boundary marks of a suitable description have already been erected, cause the same to be erected in such manner and number as he may consider sufficient, and may recover the cost thereof from the owner.

(2) No sub-division or combination of existing titles shall be allowed which contravenes the provisions of any approved town plan or any Town Planning or other Ordinance for the time being in force and affecting the land sought to be divided or combined.

**Power to re-erect and repair boundary marks**

158. Whenever a Collector becomes aware that any boundary mark in his district has been injured, destroyed or removed he may cause the same to be replaced or repaired and may recover the expenses of so doing from the person who is bound to preserve such mark.

### **Duties of headmen**

**159.** It shall be the duty of every headman to report immediately to the Collector any boundary mark found to be defaced, obliterated, moved, altered, injured, missing or otherwise impaired, destroyed or rendered useless.

### **Removal of or interference with survey and land marks**

**160.** (1) No landmark, boundary mark, trigonometrical station, semaphore or other survey mark shall be defaced, obliterated, moved, injured or otherwise impaired, destroyed or rendered useless, except by a person duly authorised thereto by the officer having control of such station or mark, and any person acting in contravention of this section shall be liable, upon conviction by a Magistrate, to the penalty provided by the Penal Code [*F.M.S. Cap.45.*] and may further be ordered to pay a sum not exceeding ten times the cost of repairing or replacing such station or mark and of making any survey rendered necessary by the act for which such conviction was had, the amount to be recovered by the process provided for the recovery of fines.

(2) If any person shall have occasion to require the temporary or permanent removal or alteration of any such station or mark he shall make an application in writing to that effect to the officer having control of the same, setting forth the reasons for such application, whereupon such officer may comply with such application and shall be entitled to recover from the applicant the cost of such work as may be thereby entailed.

### **Collector may order boundaries to be defined**

**161.** If at any time the owner of any land which shall have been surveyed is called upon to point out or define his boundaries and shall neglect or be unable to do so, it shall be lawful for the Collector after fourteen days notice to survey and define the said boundaries and to recover from the owner of the land the cost of such work as may be thereby entailed:

Provided that such cost shall not exceed the sum as prescribed by rules.

### **Duties of Director**

**162.** (1) The Director shall cause such computations to be made from the records of the surveying officer as may be necessary, in the opinion of the Minister, to prove the accuracy of the survey of the land and the accurate emplacement thereon of the boundary marks together with the dimensions of the land surveyed, and shall cause such computations or measurements to be made as shall define the geographical position of the land surveyed to the satisfaction of the Minister.

(2) The Director shall cause to be prepared a plan embodying, in such form as the Minister may direct, the measurements and dimensions obtained by the surveying officer.

(3) The Director shall be responsible for the safe keeping of all records of survey.

### **Survey fees**

**163.** The fees leviable for surveys shall be as prescribed\* but it shall be lawful for the Director in special cases to charge for surveys by lineal measurement at the special rate prescribed.

## **PART IX**

### **TRESPASSES AND PENALTIES**

#### **Information of unlawful occupation**

**164.** It shall be lawful for a Magistrate, upon the information of the Collector or other public servant charging any person or persons with being in unlawful occupation of State land or land reserved for a public purpose, to issue a summons for the appearance before him of the party or parties so informed against, and of any other person or persons whom it may be necessary or proper to examine as a witness or witnesses on the hearing of any such information.

\* See Land Rules.

**Removal of unlawful occupants**

165. (1) The Magistrate shall proceed in a summary way, in the presence of the parties, or, in case of wilful absence of any person against whom such information shall have been laid, then in his absence, to hear and determine such information; and, on being satisfied of the truth thereof, such Magistrate shall issue his warrant, addressed to any police officer, requiring him forthwith to dispossess and remove such person from such land and on behalf of the Government to take possession of the land, together with all crops growing thereon and all buildings and immovable property upon and affixed thereto and the person to whom such warrant is addressed shall forthwith carry the same into execution.

(2) The said information, summons and warrant may be in the form or to the effect, respectively, of Schedules XXXVII, XXXVIII, and XXXIX.

**Penalties for unlawful occupation**

166. Any person who shall be found after due warning unlawfully occupying any State land, or land reserved for a public or residential purpose, either by residing or by erecting any house, hut or other building thereon, or by clearing, enclosing or cultivating any part thereof or cutting timber or produce thereon, or who shall directly or indirectly abet the commission of such act or trespass by another person, shall be guilty of an offence under this Ordinance and shall be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment not exceeding five years, or to both fine and imprisonment.

**Penalty for unlawful grazing**

167. Any person who shall graze animals on State land or land reserved for a public or residential purpose except under and in accordance with the terms of a permit issued by the Collector shall be guilty of an offence against this Ordinance and shall be liable to a fine not exceeding one thousand ringgit, or in default of payment thereof, to imprisonment not exceeding six months.

**Penalty for other offences**

168. Any person not licensed or otherwise authorised in that behalf under section 23, 23A, 24, 25, or 30 who shall cut, dig or take from any land any product in such section mentioned,

or extract, remove or transport or sell the same, shall be guilty of an offence against this Ordinance and shall be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment not exceeding five years, or to both fine and imprisonment.

#### **Recovery of expenses and revenue**

**169.** (1) It shall be lawful for a court of competent jurisdiction before whom any person shall convicted of an offence under this Ordinance to order such person to pay to the Government, in addition to any fine which shall have been imposed for such offence –

- (a) a sum equivalent to the value of any material under sections 23, 23A, 24 or 25 extracted, removed or transported;
- (b) a sum equivalent to the value of any timber or other forest produce cut, collected, converted, felled, removed or transported within or from State land;
- (c) a sum equivalent to the value of any property destroyed or injured;
- (d) the cost of repairing any damage in respect of the offence committed;
- (e) a sum equivalent to the rent or other payments which would have been payable under this Ordinance;
- (f) the cost of custody or holding of any thing seized;
- (g) the expense of any survey which shall have become necessary for proving any activity contrary to this Ordinance or for ascertaining the extent thereof;
- (h) the expense of conducting the investigations; and
- (i) any other charges payable to the Government.

(2) For the purpose of ascertaining such value and expense, a certificate under the hand of the Collector shall be held until the contrary be proved, to be proof that the sum therein set down is the true amount to be recovered from such person in respect of such value and expenses as aforesaid. Any sum so ordered to be paid may be recovered by the process provided for the recovery of fines.

**Penalty not otherwise provided**

**170.** Any person offending against the provisions of any section of this Ordinance or of any rule made thereunder for which no penalty is expressly provided, shall be liable, on conviction before a Magistrate, to a fine not exceeding five thousand ringgit, or in default of the payment thereof to imprisonment not exceeding two years.

**Encroachment on road, etc.**

**171.** (1) Any person who interferes with or encroaches on any public road, street, highway or waterway by building any structure, or by putting up enclosures or by planting, or by filling up or obstructing any ditch, or by making any drain or water-course, or by breaking up or injuring such road, street, highway or waterway or otherwise shall, unless authorised by the Director, immediately abate and remove such interference or encroachment on the written order of the Collector, and pay such damages and expenses of such abatement as the Collector shall order.

(2) Any person who contravenes this section shall be guilty of an offence and shall upon conviction before a court of competent jurisdiction be liable to a fine not exceeding one hundred thousand ringgit or to an imprisonment not exceeding five years or to both.

**Penalties for breach of provision, term or condition, etc.**

**171A.** (1) When the alienation of State land or state rights in land has been approved or granted subject to such provisions and conditions contained in this Ordinance or any previous Land Ordinance and subject to such terms and conditions as may be imposed by the Director or a Collector to be set out in the title or an agreement, a breach or default in the observance of any such provisions, terms or conditions shall render the owner or prospective owner of such land or rights in land liable, on conviction, to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years, or to both.

(2) This section shall apply to all titles or agreements whether issued or entered into by the Director or a Collector prior to or after the date of this Ordinance.

**171B.** (Deleted)

### **Compounding of offences**

**171C.** (1) The Director or any officer authorised by the Director may, with the general or special approval of the Minister, compound any offence under this Ordinance or rules made thereunder by making a written offer to such person to compound the offence upon payment to the Government of such amount not exceeding the maximum fine for that offence within such time as may be specified in the offer.

(2) (Deleted)

(3) 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 period as may be granted by the Director, prosecution for the offence may be instituted at any time thereafter against the person to whom the offer was made.

(4) Where the amount specified in the offer is paid up within the time specified in the offer or within such extended period as may be granted by the Director, no prosecution shall thereafter be instituted in respect of such offence against the person to whom the offer to compound was made and any thing seized in connection with the offence under paragraphs (g) and (h) of subsection (1) of section 173 shall be deemed to be forfeited.

(5) An offer to compound shall substantially be in the form of Schedule XXXX.

### **Repeal**

**172.** The Labuan Ordinance of the Straits Settlements [S.S. Cap. 6.] and all rules, regulations, orders, appointments, notifications and forms made, issued and prescribed thereunder are hereby repealed, revoked and cancelled:

Provided that for the purposes of the Reconstitution of Land Office Records (Labuan) Ordinance [Cap. 119.], and for no other purpose, such Ordinance, rules, regulations, orders,

appointments, notifications and forms shall be deemed to continue in operation until such date as the Yang di-Pertua Negeri\* may appoint.

PART X  
ENFORCEMENT

**Powers of entry, inspection, seizure and arrest**

173. (1) The Director or any officer authorised by the Director or any police officer may, without warrant-

- (a) arrest any person who he has reason to believe is about to commit or has committed an offence under this Ordinance;
- (b) enter, search and inspect any land, premises, place, vehicle, tractor, boat, agricultural implement, conveyance or other things whatsoever which he has reason to believe has been used in the commission of an offence under this Ordinance;
- (c) inspect any land title, licence, permit, record, certificate or any other documents which he has reason to believe has been used in the commission of an offence under this Ordinance, and make copies of the same;
- (d) take photographs, video or audio recordings or make sketches of the premises or any thing on the premises which he has reason to believe has been used in the commission of an offence under this Ordinance;
- (e) secure the land, premises, place or conveyance which he has reason to believe has been used in the commission of an offence under this Ordinance;

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\*Yang di-Pertua Negeri" substituted for "Governor" by virtue of G.N.5. 87 of 1965 and Enactment No. 17 of 1976.

- (f) seize any conveyance, agricultural implement, machinery or other things whatsoever which he has reason to believe has been used in the commission of an offence under this Ordinance;
- (g) seize any material under section 23, 23A, 24 and 25 which he has reason to believe has been extracted, removed or transported from any land without license or authority; or
- (h) take possession of any building or crop which he has reason to believe has been erected, planted or cultivated unlawfully on State land or land reserved for a public or residential purpose.

(2) In effecting any seizure and detention under subsection (1), the Director or any officer authorised by the Director or any police officer may use such force as may be reasonably necessary.

(3) A person arrested under subsection (1) shall be brought to the police station or be produced before a Magistrate to be dealt with as provided under the Criminal Procedure Code [Act 593].

#### **List of things seized**

**174.** (1) The Director or any officer authorised by the Director or any police officer who seizes any thing or document under this Ordinance shall prepare a list of things seized and forthwith sign the list of things seized.

(2) The Director or any officer authorised by the Director or any police officer shall request the owner, his agent or servant from whom the things or documents were seized to acknowledge the list of things seized.

(3) Except where the seizure is made in the presence of the owner, his agent or servant, as the case may be, the Director or any officer authorised by the Director or any police officer shall whenever possible post a list of things seized conspicuously at the place or premises.

### **General powers to investigate**

**175.** (1) The Director or any officer authorised by the Director may without the order of the Public Prosecutor exercise all or any of the special powers in relation to police investigations given by the Criminal Procedure Code [Act 593.] in any seizable offence under this Ordinance.

(2) The Director or any officer authorised by the Director may in any non-seizable offence under this Ordinance exercise the special powers in relation to police investigations given by the Criminal Procedure Code [Act 593.] after obtaining an order to investigate from the Public Prosecutor.

### **Disposal of perishable things seized**

**176.** (1) The Director or any officer authorised by the Director or any police officer may dispose in a manner he deems proper any thing seized if such thing is subject to speedy and rapid natural decay or deterioration.

(2) The Director or any officer authorised by the Director or any police officer shall keep any proceeds of sale under subsection (1) in a Government trust fund until a court of competent jurisdiction disposes of the case.

(3) The Government shall not be liable to any person for any deterioration, howsoever caused, in the quality of anything of perishable nature seized under this Ordinance.

### **Forfeiture of things seized**

**177.** (1) Anything seized under this Ordinance shall be liable to forfeiture.

(2) Anything seized under this Ordinance in respect of which there is no prosecution, shall be held for a period of one month from the date of seizure and at the end of which period, it shall be deemed to be forfeited, unless a written claim thereto is received within the said period.

(3) Any person asserting that he is the owner of any thing seized under this Ordinance and that it is not liable to forfeiture, may personally or by his agent authorised in writing,

give written notice to the Director or any officer authorised by the Director or any police officer of his claim for the same and the grounds thereof.

(4) Upon receipt of such notice, the Director or any officer authorised by the Director or any police officer shall refer the claim to a court of competent jurisdiction for an enquiry.

(5) The court to whom reference is made under subsection (4) shall issue a summon requiring the person asserting that he is the owner of the thing seized to appear before him, and upon his appearance or default of appearance after due service of such summons, the court shall proceed to examine the claim and upon proof that an offence under this Ordinance has been committed and such thing was the subject matter or was used, or reasonably suspected of having been used in the commission of such offence, order such thing to be forfeited, or in the absence of such proof order its release.

#### **Temporary release of things seized**

**178.** (1) Where anything has been seized under this Ordinance, the Director may temporarily return the thing seized to the owner thereof or to the person from whose possession, custody or control it was seized, subject to such terms and conditions as the Director may impose and subject, in any case, to sufficient security being furnished to the satisfaction of the Director that the things seized shall be surrendered to him on demand and that the said terms and conditions, if any, shall be complied with.

(2) Any person who-

(a) fails to surrender on demand to the Director the things seized temporarily returned to him under subsection (1); or

(b) fails to comply with or contravenes any of the terms or conditions imposed under subsection (1),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both.

#### **Costs of holding things seized**

**179.** The costs of holding the seized item pending completion of investigation or pending disposal of the case shall be borne by the owner and shall be a debt owed to the Government.

#### **Forfeiture and disposal of things seized**

**180.** (1) Where any person is found guilty of an offence under this Ordinance, a court of competent jurisdiction shall, in addition to any other penalty that may be imposed-

- (a) order that the things used in the commission of such offence or in relation to which such offence has been committed be forfeited; or
- (b) order that any other things whatsoever seized in the commission of such offence or the proceeds of the sale of any thing of perishable nature be forfeited,

(2) The Court shall make an order that anything forfeited under subsection (1) be delivered to the Director or any officer authorised by the Director for disposal.

#### **Offences committed by body corporate**

**181.** (1) Where a person charged with an offence under this Ordinance 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 Ordinance 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 omissions of the thing.

**Non-liability of Director and officers**

**182.** (1) No suit shall lie against the Director or any officer authorised by the Director or any police officer in respect of anything done or omitted to be done by him in good faith and in the intended exercise of any power conferred or performance of any duty imposed by this Ordinance.

(2) No suit shall lie against the Government, the Director or any officer authorised by the Director or any police officer for any damage caused to any thing whatsoever seized under this Ordinance in the exercise of his powers and duties.

**Power to prosecute**

**183.** Prosecutions in respect of any offence committed under this Ordinance may be conducted by any public officer authorised in writing in that behalf by the Public Prosecutor.

**Presumption and proof**

**184.** Where in a prosecution for any offence under this Ordinance, in so far as it may be necessary to established the offence charged, it shall be presumed until the contrary is proved-

- (a) that any map, plan or chart made by the authority of the Director is so made and accurate; and
- (b) that any co-ordinates derived from the Global Positioning System surveying made by the authority of the Director are true and accurate.

SCHEDULES I AND II

*(Omitted under the Revised Edition of the Laws Ordinance and the Interpretation Ordinance)*

SCHEDULE IIA

*(Section 9A)*

<i>No.</i>	<i>Locality</i>	<i>Approximate Area in Acre/Hectare(s)</i>	<i>Plan No.</i>
1.	Kota Kinabalu Seafront	3,830 acres (1,550 hectares)	01126813

SCHEDULE III

*(Section 12)*

APPLICATION FOR STATE LAND

*(Under Section 12 of the Land Ordinance (Cap. 68))*

District ..... Application No. .... of 19.... for ..... acres/hectares

Applicant's Name: .....

**(BLOCK LETTERS)**

Sketch of Land

(includes North point, scale or distances, roads, paths, streams, buildings, positions and numbers of nearby titles and land applications and other details, if any)

GRID REF: .....

DRAWN BY: ..... Designation .....

(BLOCK LETTERS)

Received by me this ..... day of ..... 19....

Premium RM Receipt No. ....

Survey Fees RM Receipt No. ....

Registration Fees RM Receipt No. ....

.....  
Assistant Collector of  
Land Revenue.

NOTE: Registration of this land application implies no guarantee or undertaking that land is available or that land will be alienated.

**PART I**  
**TO BE COMPLETED BY APPLICANT**

See Notes 1 to 4

District ..... L.A. No. ....

	Applicant	*Applicant's Spouse (Wife or Husband)
Full Name		
*NRIC. No.		

*Sex	*Date of Birth	*Race	*Marital Status
M <input type="checkbox"/> F <input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
*Occupation/Industry Codes		<input type="text"/>	

I/We hereby apply for .....acres/hectares of State land at .....  
 .....for the purpose of.....  
 cultivation/development to be held on..... terms  
 in the name of the applicant given above.

2. A sketch showing the land is given on page 1.
3. We/My/Our family (applicant and husband or wife and children) hold the following other lands, interests in land (subleases, agreements to purchase), and applications for land:

Title No. Application No. or Customary rights, etc.	District	Acreage/ hectarage held	Acreage/hectarage Under Cultivation /Development	
			Type	Acreage

\* Leave blank if not applicable.

4. Details of an applicant which is a Company incorporated in Malaysia under the Companies Act 1965:
  - A. Particulars of Company -
    - (1) Certificate of Incorporation No. ....
    - (2) Date of issue .....
    - (3) Registered address .....
    - (4) Tel. No. .... Fax No. .... Telex No. ....
    - (5) Type of Company (e.g. Private Limited or Public Company):  
 ..... (6)
      - (a) Authorised capital .....
      - (b) Issued capital .....
      - (c) Paid-up capital .....
    - (7) Percentage of share if any held by non-citizens of Malaysia:  
 .....
    - (8) Company's Auditor: .....
    - (9) Company's Legal Adviser: .....

- (10) Name and address of Company's banks .....
- .....
- (11) Other business (if any) .....
- (12) Details of Directors -

Name and address	NRIC / Passport No.	Citizenship Bumiputera/ Non-Bumiputera	% of share held	Present post held in the Company

- \*(13) Details of Shareholders -

Name and address	NRIC/Passport No.	Citizenship Bumiputera/ Non-Bumiputera	% of share held

\* Applicable to a private limited company only.

B. Documents of the Company to be forwarded -

- (i) A copy of Certificate of Incorporation issued under the Companies Act 1965.
  - (ii) A copy of Memorandum and Articles of Association.
  - (iii) A copy each of Forms 24 and Form 49, Companies Act 1965.
  - \*(iv) Copies of Share Certificates of the Company's shareholders.
  - (v) Letter of Confirmation from the Company's Secretary regarding the position of paid-up-capital.
5. I/We now live in..... with residential address  
 ..... and postal address  
 .....  
 ..... Tel. No. ....
6. I/We hereby declare that the foregoing particulars and information are true and complete.
7. I/We understand that a false statement or an omission may disqualify or cancel any future approval or offer of land made to applicant or me by or on behalf of the Government.

Signature

Date: ..... 19.....  
 .....  
 (Name in BLOCK LETTERS)

(If the applicant is a corporate body, print the name of signatory and legal appointment/relationship to applicant e.g. Director, Chairman, etc., below signature. Applicants who are individuals must sign themselves).

- NOTES:
1. Complete all blanks and boxes. Where applicable, enter NIL.
  2. Occupation Codes: E-employer, employee; P-professional; M-executive; managerial and administrative; C-clerical; T-craftsman artisan or mechanic; S-sales-worker; D-driver (including trucks and bulldozers); N-other technical workers not classified elsewhere; A-estate worker (non-technical); F-Fisherman; G-general worker; W-own account worker not classified elsewhere; Y-family worker (including and mainly business) without formal cash remuneration; H-houseworker; R-retired; U-unknown; Z-others.

\* Applicable to a private limited company only.

3. Industry Codes: O-agriculture, hunting and fishing; 1-forestry, 2-mining and quarrying; 3-manufacturing; 4-building and construction; 5-utilities, electricity and water supply and sanitary services; 6-Commerce; 7-transport and communication; 8-services, government and quasi-government (except Code 5); 9-services, non-government and non-quasi-government; others and unknown.

Where a person has two or more occupations or industries enter the main one.

4. Marital Status: Single, Married, Divorced, Widowed.

PART II  
TO BE COMPLETED BY DISTRICT SURVEYOR

1. What (if any) is growing on the land at present? .....
2. What do you consider to be its value (excluding the bare land and buildings) RM .....
3. Distance from nearest (state "metalled road", "earth road" or "navigable river") ..... is ..... kilometres.
4. Name of nearest centre, i.e. town, village, market place .....  
Distance from that centre to the land is ..... kilometres.
5. Soil Unit (Type) ..... Soil Suitability Group..... Land Capability Class..... (See Soil Reports of area concerned ref. ....)
6. Terrain (if more than one, give % area of each) % area swamp .....  
slopes 0.5 ..... 5.15 ..... 15.25 ..... over 25 .....
7. Nature of adjoining cultivation, if any .....

Date: ..... 19.....

*District Surveyor*

PART III  
TO BE COMPLETED BY ASSISTANT COLLECTOR  
OF LAND REVENUE

1. If Country Land, has section 13 of the Land Ordinance Cap. 68 been complied (Yes or No) .....  
If yes, were any claims to native customary rights in this land received (Yes or No) .....  
Is the SERVED L.S.F. 1201 Notice attached hereto? (Yes or No)
  2. Has this land previously been alienated and, if so, give number of former title? (Yes or No) .....
  3. What resources has the applicant to develop the land: (give answer on separate sheet if necessary)
    - (i) Labour .....
    - (ii) Skills .....
    - (iii) Finance .....
  4. Are there any buildings on the land, if so, what do you estimate their value to be? RM .....
  5. Do you consider any part of this land likely to be required for public purposes in the future (Yes or No) .....
  6. A report on the development of land held by applicant and his family is attached (Yes or No).....
  7. Recommendations .....
- Date: ..... 19.....

Assistant Collector of  
Land Revenue

Director of Lands and Surveys Ref: .....

Date:..... 19.....

Director of Lands and Surveys

PART IV  
TO BE COMPLETED BY SURVEYOR

District ..... SP.No. .... of 19.....  
Date of Survey..... Field Book Nos. .... Page Nos. ....  
Was applicant present when you surveyed this land? .....

Did you personally point out to the applicant the boundary marks em-  
planted around this land? .....

Who cut the rantises? .....

Has any objection been raised on the survey of this land? .....

If yes, give details below:

Other remarks: buildings, crops, etc.

Sketch of land based on the survey:

Scale: .....

North Point:

SURVEYED AND DRAWN BY: .....

(Signature)

Name: ..... Grade.....

(BLOCK LETTERS)

..... 19 .....

This survey is shown on P. No. ....

As Lot No. .... Acreage/hectarage ..... No. of Title Prepared .....

Date of Registration: ..... Signature: .....

Name: ..... Grade: .....

(BLOCK LETTERS)

SCHEDULE IV

(Section 18)

TEMPORARY OCCUPATION LICENCE

No. District

is hereby permitted to occupy for the period from to the portion of State Land described or as shown on the sketch plan) on the back thereof.

2. This licence does not create a tenancy and, as against the Government, does not give exclusive right to occupation of the land described or shown on the sketch plan on the back hereof. It may be revoked at any time without notice or compensation and is subject to the special conditions endorsed on the back hereof.

3. This licence is not transferable or assignable in any manner whatsoever and must be produced on demand to the Director of Lands and Surveys or any Collector or Assistant Collector of Land Revenue.

4. \*No permanent buildings shall be constructed or permitted to be constructed on the land occupied under this licence.

5. \*No rubber, coconut or fruit trees shall be planted or permitted on the land occupied under this licence nor any crop other than short term crops.

6. The licensee shall comply with the reasonable requirements of any Government Health Officer.

7. Breach of any conditions of this licence renders the licence liable to immediate cancellation.

Land Office

..... 19.....

.....

Assistant/ Collector of Land Revenue.

\*To be deleted where not applicable.

(On the reverse of this licence is to be endorsed any special conditions of the licence and the description of land with or without a plan thereof).

SCHEDULE V

(Section 36)

NOTICE OF ABANDONMENT

To \_\_\_\_\_ of \_\_\_\_\_

Take notice that whereas you have abandoned the land\* described in \_\_\_\_\_ No. \_\_\_\_\_ of the \_\_\_\_\_ District containing Acres \_\_\_\_\_ Roods \_\_\_\_\_ Perches and registered in your name, the said land is liable to forfeiture under the provisions of section 36 of the Land Ordinance, and that unless within six months of the date of this notice you are able to show to the satisfaction of the Yang di-Pertua Negeri that you have not abandoned the said land, or unless within the said six months you commence to cultivate or occupy the said land in a *bona fide* manner the said land will, at the expiry of that time, the said land will, at the expiry of that time, be forfeited to and resumed by Government.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

.....  
*Collector.*

---

\*If only part of the land has been abandoned, state what part.

SCHEDULE VI

(Section 37 (2))

NOTICE OF INTENDED RESUMPTION WHEN NO  
OWNER SURVIVES

WHEREAS I have reason to believe that the  
registered owner of the land described hereunder has died/become  
extinct, and no legal representative of or successor to the said  
has been registered, it is hereby notified that unless proceedings  
to establish the claim of a legal representative of or successor to the  
said shall have been instituted before the  
day of , 19 , or the death or extinction of the said  
shall have been disproved, the said land will be  
be resumed by Government under the provisions of section 37 of the  
Land Ordinance.

DESCRIPTION OF THE LAND

<i>Title</i>	<i>No.</i>	<i>District</i>	<i>Area</i>	<i>Registered owner</i>
--------------	------------	-----------------	-------------	-----------------------------

Dated this day of , 19 .

.....  
*Collector of Land Revenue.*

..... *District.*

SCHEDULE VII

(Section 37 (4))

ORDER FOR RESUMPTION OF LAND

Land Enquiry Case.

No.

WHEREAS I have reason to believe that \_\_\_\_\_ the registered owner of \_\_\_\_\_ has died/become extinct and whereas no legal representative of or successor to the said \_\_\_\_\_ has been registered, and whereas due notice has been given in four ordinary issues of the *Gazette*, namely, *Gazettes* Notification in the *Gazette* of \_\_\_\_\_ repeated in the *Gazettes* of the intention of Government to resume the land standing in the name of the said \_\_\_\_\_ provided that no proceedings shall have been instituted to establish the claim of any person to act as such legal representative or successor, and whereas no proceedings have been instituted:

Now I, \_\_\_\_\_, Collector of Land Revenue for the district of \_\_\_\_\_, in accordance with the provisions of section 37 of the Land Ordinance, hereby resume on behalf of Government the land comprised in the said title \_\_\_\_\_ No. \_\_\_\_\_ which resumption shall take effect on the registration of this order in accordance with the procedure of Part V of the Ordinance, and there-upon all right, title and interest of the said \_\_\_\_\_ or any person claiming under him shall cease.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

REGISTERED

Memorial No.
Time:
Date:
Nature:
By:
To:
REGISTRAR

.....  
Collector.

SCHEDULE VIII

(Sections 48 and 57)

FORM OF LEASE

Title No.

THIS TITLE made this       day of       19     , between the Director of Lands and Surveys for and on behalf of the Government of the State of Sabah (hereinafter called "the Director") and

Name No.                                  Name                                  Decimal Share  
(hereinafter called "the Owner(s)" which term shall include executor(s), administrator(s) and assignee(s));

WITNESSETH that, in consideration of the payment to the Government of the State of Sabah of the premium of RM                                  (ringgit                                  ) and annual rent of RM                                  (ringgit                                  ) the Director hereby demises to the said Owner(s) all that piece of land shown as survey lot No.                                  and containing                                  more or less which said land is delineated on the diagram drawn on these presents and more particularly on plan No.                                  deposited in the office of the said Director, TO HAVE AND TO HOLD for the period from                                  day                                  month                                  year to                                  day                                  month                                  year subject to the provisions and conditions contained in the Land Ordinance and to the special terms described herein.

SPECIAL TERMS:

DIAGRAM

District of  
Locality:  
Scale: Chains per inch  
Ref. No.  
Geo Code No.  
Registration Fees RM

Receipts Nos.  
Examined for survey Lot

by:

dated:

terms

by:

dated:

payments

by:

dated:

IN WITNESS WHEREOF, I the said Director and I/we the said  
Owner(s) have hereunto set our hands this            day of           , 19    .  
Signature(s) of    Owner(s)    Director

Signatures of  
attestors to  
the signatures  
of Owner(s) and  
Director above,  
as authorised  
under section 97  
of the Land  
Ordinance

Name and  
Designation  
of attestors:

(BLOCK LETTERS)

REGISTERED this    day of    , 19

*Registrar of Titles.*

SCHEDULE IX

(Section 49)

PROVISIONAL LEASE

Provisional Lease No.                      Registration Fee RM  
District    Receipt No.

THIS DEED made the                      day of                      , 19                      ,  
between the Government of the State of Sabah (hereinafter called  
"the Government") and                      (hereinafter called  
"the Lessee"), witnesseth that in accordance with the provisions of  
section 49 of the Land Ordinance, the Government doth hereby demise  
unto the said Lessee                      acres of land, more or less,  
in the district of                      and situated as nearly as possible  
according to the sketch attached hereto, provided that on survey such an  
area is found to be available the Lessee to have and to hold the said  
land for the term of                      years commencing from the  
day of                      , 19                      , subject to the provisions of the Land  
Ordinance, and to a premium of RM                      per acre and an annual rent  
of RM                      per acre, and to the special terms, if any, as follows: -

IN WITNESS WHEREOF, I                      ,  
Collector of Land Revenue on behalf of the Government and  
I,                      Lessee have hereunto set our hands  
this                      day of                      , 19

-----  
*Witness.*

-----  
*Collector.*

-----  
*Witness.*

-----  
*Lessee.*

Registered at Kota Kinabalu,  
this day of                      , 19                      .

Reference to Approval

L.O. No.  
S.D. No.

SCHEDULE X

(Section 67)

REGISTER OF NATIVE TITLES

Date Made	Native Title Register No.		
	Owner/s		
Name No.	Name	Decimal Share	
Premium:			
Annual Rent:			
Lot No.	Area	Acres/	
Plan No.	Date of Commencement		
Special Terms:			

DIAGRAM

District of:  
Locality:  
Scale: Chains per inch  
Ref. No.  
Geo Code No.  
Registration Fees RM  
Receipts Nos.  
Examined for survey Lot  
by:  
dated:  
terms  
by:  
dated:  
payment  
by:  
dated:

SCHEDULE XI  
(Section 68)  
FIELD REGISTER

Date made  
Field Register No.  
Owner/s  
Name No. Name Decimal Share  
Premium:  
Annual Rent:  
Lot No. Area Acres/  
Plan No. Date of Commencement  
Special Terms:

DIAGRAM

District of  
Locality:  
Scale: Chains per inch  
Ref. No.  
Geo Code No.  
Registration Fees RM  
Receipts Nos.  
Examined for survey Lot  
by:  
dated:  
terms  
by:  
dated:  
payments  
by:  
dated:

SCHEDULE XIA

(Section 71)

ANNUAL RENT PAYABLE ON NATIVE LAND

For every complete acre: ... .. 50 sen

In respect of fractions of an acre:

From .01 to .20 of an acre	...	...	10	„
„ .21 to .40 „ „ „	...	...	20	„
„ .41 to .60 „ „ „	...	...	30	„
„ .61 to .80 „ „ „	...	...	40	„
„ .81 to .99 „ „ „	...	..	50	„

Provided that the minimum rental payable shall be 20 sen.

SCHEDULE XII

(Section 93)

REGISTER OF MEMORIALS

No. of memorial	Date of Registry	Hour Registered	Nature of the Memorial	Land Affected	Assignor	Assignee	Signature of Registrar	Amount	
								RM	sen.

SCHEDULE XIII

(Section 104)

MEMORANDUM OF TRANSFER

Memo Type: LSF. 18

TITLE NUMBER				
Type	District Code	Type Code	Serial No.	CD.

<b>REGISTERED</b>
Register
Memo No.
Memo Seq. in Title:
Time:
Date:
Nature: Transfer
By:
To:
<b>REGISTRAR</b>

Name(s)

Undivided share held  
fraction or decimal

I/We, \_\_\_\_\_ being registered  
as the co/owner(s) of the land described in the title as numbers above  
and registered in the \_\_\_\_\_ Land Registry at  
subject to the sub-leases, charges or other interests registered against  
the title in the Register of Titles:

In consideration of the sum of ringgit

(RM \_\_\_\_\_ ) paid to me / us by

Name(s)

Undivided share  
fraction or decimal

(hereinafter called "the transferee(s)"). the receipt of which sum  
I/we hereby acknowledge, do hereby transfer all my/our rights, title

and interest in the said land to the said transferee(s) to the extent of that share(s) shown in the column headed "share" against my/our name(s) and the name(s) of the transferee(s) respectively

IN WITNESS WHEREOF, I/we have hereunto set my/our hand(s)  
this                      day of                      , 19      .

.....  
*Transferor(s).*

I/We hereby accept this transfer in the terms herein stated.

.....  
*Transferee(s)*

Signed by person(s) qualified under section 97

attesting the  
signature(s) of  
transferor(s)

.....  
(BLOCK LETTERS)

.....  
(Signature).

attesting the  
signature(s) of  
transferee(s)

.....  
(BLOCK LETTERS)

.....  
(Signature).

Accepted by

.....  
*Collector.*

SCHEDULE XIV

(Section 104)

MEMORANDUM OF TRANSFER  
OF CHARGE OR OF SUB-LEASE

I, \_\_\_\_\_, being registered as the chargee/sub-lessee  
of certain alienated land held under \_\_\_\_\_ No.  
and containing A. ' R. P. situated in the district of \_\_\_\_\_  
which said charge/sub-lease was registered on the \_\_\_\_\_ day of  
\_\_\_\_\_ 19 \_\_\_\_\_ in the \_\_\_\_\_ Land Office as  
Memorial No. \_\_\_\_\_ in consideration of the sum of \_\_\_\_\_  
paid to me by \_\_\_\_\_ the receipt of which sum I hereby  
acknowledge, do hereby transfer to the said \_\_\_\_\_ the said  
charge/sub-lease with all my rights thereunder.

IN WITNESS WHEREOF, I have hereunto set my hand this  
day of \_\_\_\_\_, 19 \_\_\_\_\_.

.....  
*Transferor.*

I hereby accept this transfer in the terms herein stated.

.....  
*Transferee.*

Signed in my presence

.....  
*Collector.*

Or, in the case of a transmitted  
document, witness, qualified under  
section 97, attesting the signature of  
transferor  
witness, qualified under section 97  
attesting the signature of transferee  
Accepted by

.....  
.....  
.....  
*Collector.*

REGISTERED

Memorial No.	
Time:	
Date:	
Nature:	
By:	
To:	
REGISTRAR	

SCHEDULE XV

(Section 104)

MEMORANDUM OF CHARGE

Memo Type: LSF. 18

TITLE NUMBER				
Type	District	Type	Serial	CD.
	Code	Code	No.	

REGISTERED
Register
Memo No.
Memo Seq. No. in Title:
Time:
Date:
Nature Charge
By:
To:
REGISTRAR

Name(s)

I/We \_\_\_\_\_ being registered as  
the \*\*owner(s)/sublessee(s) of the \*\*land/sublease described in the title as  
numbered above, and registered in the \_\_\_\_\_ Land Registry at  
subject to the sub-leases, charges or other interests registered against the said  
title in the Register of Titles:

In consideration of the principal sum of ringgit  
\_\_\_\_\_ lent to me/us by  
(hereinafter called "the chargee(s)"), the receipt of which sum I/we hereby  
acknowledge, do hereby, bind myself/ourselves to pay to the  
chargee(s) on the day of every month/year commencing on the  
day of \_\_\_\_\_, 19\_\_\_\_, the said sum and interest thereon at the  
rate \_\_\_\_\_ of \_\_\_\_\_ per cent per annum by  
equal payments of ringgit  
being the total amount of the principal sum and interest then due.

In default of payment of the interest or of any part thereof, or of the principal sum hereby secured, it shall be lawful for the said chargee(s), after the expiration of one month's notice served upon me/us by the chargee(s) or his/their agent as serving officer, to obtain an order from the Collector for the sale of the said land in accordance with the provisions of the Land Ordinance.

If any default be made in payment of the interest due upon this charge the said principal sum shall immediately thereon become due and payable on demand being made by the said chargee(s) by notice served as above mentioned.

\*And I/we; Further bind myself/ourselves that I/we will insure all buildings on the said land for the sum of ringgit in the joint names of the said chargee(s) and myself/ourselves, in such office as he/they may from time to time direct, and should default be made herein it shall be lawful for the said chargee(s) to insure the same, and to recover the costs and charges of so doing in the same manner as arrears of interest.

And for the better securing the repayment of the said principal sum and interest I/we hereby charge the \*\*land/sublease described with such principal sum and interest.

IN WITNESS WHEREOF, I/we hereunto set my/our hand(s) day of \_\_\_\_\_, 19\_\_\_\_\_.

.....

*Owner(s)/sublessee(s).*

Signed by person qualified under, section 97 attesting the signature(s) of the owner(s)/sublessee(s)

.....  
(BLOCK LETTERS)

.....  
(Signature)

Accepted by

.....  
*Collector*

\*This clause may be deleted by consent of both parties.  
\*\* Delete as appropriate.

SCHEDULE XVI

(Section 104)

MEMORANDUM OF SUB-LEASE

Memo Type: LSF. 18

TITLE NUMBER				
Type	District	Type	Serial	CD.
	Code	Code	No.	

REGISTERED
Register
Memo No.
Memo Seq. in Title:
Time:
Date:
Nature: Sub-lease
By:
To:
REGISTRAR

(Name(s))

Undivided shareheld  
fraction or decimal

I/We,  
being registered as the co/owner(s) of the land described in the title as numbered above and registered in the Land Registry at subject to the sub-leases, charges or other interests registered against the said title in the Register of Titles:

In consideration of the immediate initial, payment of ringgit and the regular payment of the sum of by (hereinafter called "the sub-lessee(s)"), which sum is payable to me/us in advance each month/quarter/year, on the day of , I do hereby sub-lease the said land to the said sublessee(s) for the period from the day of ,19 to the day of ,19

Expiry Date

The said sub-lessee(s) shall maintain and upkeep the land including any buildings in a proper manner and good condition during his/their tenancy, and shall further observe the following special conditions (if any): -

IN WITNESS WHEREOF, I/we have hereunto set my/our hand(s) this  
day of .19 .

.....  
*Sub-lessor(s).*

I/We hereby accept this lease in the terms stated herein.

.....  
*Sub-lessee(s).*

Signed by person(s) qualified under section 97

attesting the  
signature(s) of  
the sub-lessor(s)

.....  
(BLOCK LETTERS)

.....  
(Signature).

attesting the  
signature(s) of  
the sub-lessee(s)

.....  
(BLOCK LETTERS)

.....  
(Signature).

Accepted by

.....  
*Collector.*

SCHEDULE XVII

(Section 109)

SATISFACTION OF CHARGE

I, \_\_\_\_\_ of \_\_\_\_\_ do hereby declare  
that I have received full and complete satisfaction of the charge on the land  
described in the Register of the \_\_\_\_\_ district  
as \_\_\_\_\_ No. \_\_\_\_\_ which charge was registered as  
Memorandum No. \_\_\_\_\_ in the \_\_\_\_\_ Land Office.

IN WITNESS WHEREOF, I have hereunto set my hand this  
day of \_\_\_\_\_ 19 \_\_\_\_\_ .

.....  
*Chargee.*

Signed in my presence.

.....  
*Collector.*

Or in the case of a transmitted  
document, witness attesting signature \_\_\_\_\_  
of chargee

Accepted by \_\_\_\_\_  
*Collector.*

REGISTERED

Memorial No. Time: Date: Nature: By: To:  REGISTRAR	
--	--

SCHEDULE XVIII

(Section 109A)

DISCHARGE OF CHARGE

I, ....., the undersigned, of  
....., being charge described in the Schedule  
below of the \*land/sublease so described, hereby discharge from all further  
liability under the charge -

\* the whole of the land/sublease.

\* such of the land/sublease as is marked "Discharged" in the last column  
of the Schedule.

Schedule of \*Land/Interest

(1)	(2)	(3)	(4)
<u>District</u>	<u>Title No.</u>	<u>Memorial No. of Charge</u>	<u>Note of Discharge (where appropriate)</u>

Dated this .....day of ..... 19.....

.....  
Signature of chargee

Signed in the presence  
of person qualified under  
section 97 attesting the  
signature of chargee

.....  
(Block Letters)      Signature of witness

\* Delete as appropriate.

SCHEDULE XVIII

(Section 112)

SURRENDER OF TITLE

I, the undersigned, being the registered owner of the land described in \_\_\_\_\_ No. \_\_\_\_\_ and registered in the Land Office of the \_\_\_\_\_ district do hereby this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_ surrender the same as required by section 112 of the Land Ordinance for the purpose of cancellation/sub-division into/exchange for

.....  
*Owner.*

Signed in my presence.

Collector (or qualified witness under section 97) attesting the signature

Accepted by .....  
*Collector.*

REGISTERED

Memorial No.  
Time:  
Date:  
Nature:  
By:  
To:

REGISTRAR

SCHEDULE XVIII

(Section 105(2))

SURRENDER OF SUBLEASE

I,.....the undersigned, of  
....., being the registered sublessee under the  
sublease described in the Schedule below of the land so described, hereby  
surrender the  
same to the person entitled to the reversion thereof as named below.

Schedule

Dated this ..... day of ....., 19.....

.....  
Signature of sublessee

Signed in the presence  
of person qualified under  
section 97 attesting the  
signature of sublessee

.....  
(Block Letters)

.....  
Signature of witness

I,....., the undersigned, of  
....., being entitled to the reversion on the  
sublease above referred to accept this surrender.

Dated this ..... day of ....., 19.....

.....  
Signature of owner

Signed in the presence of  
person qualified under  
section 97 attesting the  
signature of owner

.....  
(Block Letters)

.....  
Signature of witness

SCHEDULE XIX

(Section 116 (1))

CAVEAT

To the Registrar of Titles

Land Office.

Take notice that I, A.B. claiming an interest in the land held under  
in the district of whereof  
is the owner, on the ground that (here state the  
nature of the interest and the grounds upon which the claim is founded)  
do hereby forbid the registration of any dealing with the above mentioned  
land unless such dealing be subject to my consent until this caveat be  
withdrawn by me or cancelled in accordance with the provisions of the Land  
Ordinance.

Dated this                      day of                      ,19                      .

.....  
*Caveator.*

I, the aboved named A. B. (or C. D. of                      , agent for the  
above named A. B) affirm that the statements in the above caveat are true in  
substance and in fact/as I have been informed and believe.

.....  
*Caveator.*

Affirmed before me this                      day of                      ,19                      .

.....  
*Collector or Magistrate,  
Notary Public or  
Commissioner for Oaths or  
Advocate or Justice of  
the Peace*

REGISTERED

Memorial No.	
Time:	
Date:	
Nature:	
By:	
To:	
REGISTRAR	

SCHEDULE XX

(Section 116 (2))

NOTICE OF CAVEAT

To \_\_\_\_\_ owner of the land held under  
No. \_\_\_\_\_  
Take notice that \_\_\_\_\_ of \_\_\_\_\_ on the  
\_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_ presented a caveat, a copy  
of which is attached, against your land held under  
No. \_\_\_\_\_ and that a memorial of the said caveat was on the  
\_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_ registered on the register  
document of title as Memorial No. \_\_\_\_\_

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_ .

.....  
*Registrar.*

SCHEDULE XXA

(Section 116(3A))

NOTICE TO WITHDRAW CAVEAT

To the Registrar,

I,....., the undersigned, of  
....., being the person who entered caveat  
Memorial No..... against the \*land/interest described in the  
Schedule below, hereby give notice that I wish to withdraw the said caveat undersection  
116(3A) of the Land Ordinance (Cap.68).

2. As required, I submit herewith the prescribed fee of RM.....

Schedule of \*Land/Interest

Dated this ..... day of ....., 19.....

.....  
Signature of caveator

Signed in the presence  
of person qualified under  
section 97 attesting the  
signature of caveator  
.....  
(Block Letters)

.....  
Signature of witness

\* Delete as appropriate.

SCHEDULE XXI

(Section 116 (4))

NOTICE TO CAVEATOR  
FOR WITHDRAWAL OF CAVEAT

To

WHEREAS owner of or person having interest in the land held under No. has applied to me to remove therefrom the caveat made by you on the day of , 19 and registered as Memorial No. you are hereby required to appear before me, personally or by agent, on the day of , 19 to show cause why the said caveat should not be discharged, and should you fail to appear, or to show cause to my satisfaction, the said caveat will then be discharged.

Dated at this day of , 19 .

.....  
*Collector.*

SCHEDULE XXII

(Section 116 (5))

CAVEAT BY COLLECTOR

By virtue of the powers vested in me by section 116 (5) of the Land Ordinance, I hereby forbid the registration of any dealing with the land held under No. \_\_\_\_\_ whereof, \_\_\_\_\_ is the owner unless such dealing be approved by me, or until this caveat be withdrawn.

Dated at this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ .

REGISTERED

Memorial No.  
Time:  
Date:  
Nature:  
By:  
To:

REGISTRAR

.....  
*Collector.*

SCHEDULE XXIII

(Section 118 (3))

ORDER FOR RECTIFICATION OF REGISTER

WHEREAS on the application of \_\_\_\_\_ made on the day of \_\_\_\_\_, 19\_\_\_\_ under section 118 of the Land Ordinance, I have made due enquiry, as recorded in Land Enquiry No. \_\_\_\_\_ of \_\_\_\_\_ district, and am of opinion that the said application ought to be granted.

Now I do hereby order that (here state the Order)

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

REGISTERED

Memorial No.  
Time:  
Date:  
Nature:  
By:  
To:

REGISTRAR

.....  
*Collector.*

SCHEDULE XXIV

(Section 120)

NOTICE OF LOSS OF DOCUMENT OF TITLE

Application having been made to the Collector at \_\_\_\_\_ by  
for a certified copy of \_\_\_\_\_ No. \_\_\_\_\_ in the district of  
\_\_\_\_\_ on the ground that \_\_\_\_\_ is the registered owner  
thereof and that the issue document of title has been lost/destroyed:

In accordance with the provisions of section 120 of the Land Ordinance,  
notice is hereby given that, unless within \_\_\_\_\_ month of  
the date of publication of this notice good cause be shown to the Collector  
of Land Revenue for refusing this application, the certified copy applied for  
will, subject to the provisions of the said section, be issued.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

.....  
*Collector.*

SCHEDULE XXV  
(Sections 121 and 147)  
NOTICE TO DELIVER TITLE

To

By virtue of the powers given to me by sections 121 and 147 of the Land Ordinance, you are hereby required, within \_\_\_\_\_ days from the date hereof, to deliver to me the following titles or documents:-  
for the purpose of

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 .

.....  
*Collector.*

SCHEDULES XXVI AND XXVII  
(*Repealed*).

**SCHEDULE XXVIII**  
(Land Ordinance – Section 134)

Geocode	Title Number

**NOTICE OF DEMAND**

TO

Address

Take notice that you are hereby required to pay within 15 days of the date of this Notice of Demand the arrears of revenue together with notice fee and costs hereunder mentioned at the place indicated hereunder, and in default of payment within the period specified the said amounts will be recovered under the powers contained in Part VII of the Land Ordinance.

Particulars	Arrears Due			
	Before	For	For	Total

Place for payment:

Notice Fee  
Costs  
Total

Dated:

.....  
*Collector.*

**ENDORSEMENT**

I,

, \*notice/

(BLOCK LETTERS)

authorised agent of notice/adult member of the family of the notice residing with him hereby acknowledge the service of this notice.

Dated this            day of            , 19            .

Signed or Marked in the presence of:

.....  
Serving Officer.

.....  
Signature or Mark.

\* Delete where not applicable

SCHEDULE XXIX

(Section 135)

WARRANT OF ATTACHMENT

To

WHEREAS by a notice of Demand served or published on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, \_\_\_\_\_ was required to pay at the sum of RM \_\_\_\_\_ (being an amount recoverable under Part VII of the Land Ordinance) as noted in the margin hereof: And Whereas the said sum of RM \_\_\_\_\_ has not been paid:-

Current Rent for 19.....	RM _____	sen	These are to command you to attach the personal property of the said
Arrears for _____ years,			wherever the same may be found and also any effects or crops, to whomsoever belonging, which may be found on the land held under _____ No.
viz: 19 _____ to			
19 _____ ...			
Notice Fee _____	_____		
Attachment Fee ... _____	_____		
Costs _____	_____		
	<u>TOTAL</u>		of _____ in the district of _____ and unless the said sum of _____ RM together with RM _____ the cost of this attachment be paid, to hold the same until further orders.

You are further commanded to return this Warrant on or before the \_\_\_\_\_ of \_\_\_\_\_, 19\_\_\_\_, with an endorsement certifying the date and manner in which it has been executed, or why it has not been executed.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Fee RM1.00

.....  
*Collector.*

SCHEDULE XXX

(Section 136)

NOTICE OF ATTACHMENT

WHEREAS \_\_\_\_\_ has failed to pay the amount of RM \_\_\_\_\_ including costs due under Part VII of the Land Ordinance: Notice is hereby given that the property specified at the foot hereof has been attached under a Warrant of Attachment issued by the Collector dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and the said \_\_\_\_\_ and all persons are hereby prohibited from disposing of or removing the said property, and all persons are prohibited from receiving the same by purchase, gift or otherwise.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

.....  
*Baliff.*

DESCRIPTION OF PROPERTY

SCHEDULE XXXI

(Section 139 (1))

NOTICE OF SALE OF LAND

To

WHEREAS by a Notice of Demand served or published on the  
day of you were required to pay at  
the sum of RM being an amount recoverable under Part VII  
of the Land Ordinance: And whereas the said sum has not been paid and has  
not been recovered in the manner prescribed in section 135:

Notice is hereby given that at the expiration of three months from the  
date of this notice, I shall proceed to sell by public auction the land here-  
under described (being the land in respect of which the said amount is due).

The place and date of sale will be notified in the *Gazette* and will also be  
shown in a notice posted at the Land Office at  
for one month prior to the date of sale. No other notice of the place and  
date of sale will be given to you.

Given under my hand this day of , 19 .

.....  
*Collector.*

DESCRIPTION OF LAND

SCHEDULE XXXII

(Section 139 (2))

NOTICE OF SALE FOR RECOVERY OF ARREARS

WHEREAS the sums hereunder specified being arrears and costs recoverable under the Land Ordinance on the lands noted below have not been paid:

Notice is hereby given that such lands subject to registered charges or other encumbrances, if any, will be sold for the recovery of such arrears and costs, and that the sale thereof will commence at the Land office at \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Title No.	District	Area	Name of Owner(s)	Arrears Due			
				Rent	Education	Costs	Total

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

.....  
*Collector.*

SCHEDULE XXXIII

(Section 142)

ORDER FOR REVERSION TO GOVERNMENT

WHEREAS at a sale on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
of the land held under \_\_\_\_\_ No. \_\_\_\_\_ in the district of \_\_\_\_\_  
no bid was made sufficient to cover the amount of \_\_\_\_\_  
RM \_\_\_\_\_ being the sum with costs due to the Government under  
Part VII of the Land Ordinance, it is hereby declared that upon the  
registration hereof of the said land shall revert to and be vested in the  
Government free of all encumbrances or other interest in accordance with  
the provisions of section 142 of the said Ordinance.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

REGISTERED

Memorial No.  
Time:  
Date:  
Nature:  
By:  
To:

REGISTRAR

.....  
*Collector.*

SCHEDULE XXXIV

(Section 146)

ORDER OF TRANSFER BY COLLECTOR  
FOR RECOVERY OF ARREARS

Memo Type: LSF. 18

TITLE NUMBER				
Type	District Code	Type Code	Serial No.	CD.

Register  
Memo No.  
Memo Seq. No. in Title:  
Time:  
Date:  
Nature: Transfer by Collector  
By:  
To:

REGISTRAR

WHEREAS by virtue of the power given to me by section 146 of the Land Ordinance, the land held by

Name(s)	Undivided share held fraction or decimal
---------	---

under the title as numbered above, in the district of \_\_\_\_\_  
was sold by public auction on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
for the sum of ringgit \_\_\_\_\_ to \_\_\_\_\_

Name(s)	Undivided share fraction or decimal
---------	--

(hereafter called "the transferee(s)"), I do hereby confirm the said sale and order the transfer to the said transferee(s) of the said land subject to the sub-leases, charges and other interests registered against the title.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

.....  
*Collector.*

SCHEDULE XXXV

(Section 153(1))

NOTICE TO PROCURE ATTENDANCE

To \_\_\_\_\_ of \_\_\_\_\_ in the district of \_\_\_\_\_

Take notice that, by virtue of the power given to me by sections 153, 156 and Rule 9 (7) of the Land Ordinance, you are hereby required to meet me at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon and there to give any information or explanation I may require respecting

.....  
*Surveyor.*  
(or as the case may be).

SCHEDULE XXXVI

(Section 154)

NOTICE TO CLEAR BOUNDARIES

To \_\_\_\_\_ of \_\_\_\_\_ in the district of \_\_\_\_\_

Take notice that, by virtue of the power given to me by section 154 of the Land Ordinance, you are hereby required to

In default of your so doing I shall cause the work to be done at your expense.

.....  
*Surveyor.*  
(or as the case may be).

SCHEDULE XXXVII

(Section 165)

INFORMATION

The information and complaint of \_\_\_\_\_ taken  
this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before the undersigned, a  
Magistrate in and for the district of \_\_\_\_\_ now saith  
that \_\_\_\_\_ of \_\_\_\_\_ is in unlawful occupation of certain  
State lands, namely \_\_\_\_\_

Sworn before me the day and year abovementioned at \_\_\_\_\_

.....  
*Magistrate.*

SCHEDULE XXXVIII

(Section 165)

SUMMONS

In the matter of the Land Ordinance, Part IX \_\_\_\_\_ and  
between \_\_\_\_\_ complainant and \_\_\_\_\_ occupant.

You are hereby summoned to appear at \_\_\_\_\_ before  
\_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock  
in the \_\_\_\_\_ noon to answer the complaint of \_\_\_\_\_ that you are in  
the unlawful occupation of certain State lands, namely \_\_\_\_\_

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. In case you fail to  
attend this summons, upon proof of service of the same the complaint will  
be heard in your absence, and such order made as to the Magistrate shall  
seem fit.

.....  
*Magistrate.*

SCHEDULE XXXIX

(Section 165)

WARRANT TO DISPOSSESS UNLAWFUL OCCUPANT

In the matter of the Land Ordinance, and between complainant, and \_\_\_\_\_ occupant.

To \_\_\_\_\_ the \_\_\_\_\_ of \_\_\_\_\_ and all Police Officers:

Whereas it has been made to appear to me and I have adjudged that the said \_\_\_\_\_ is in unlawful occupation of \_\_\_\_\_

These are therefore to require you, the said \_\_\_\_\_ and others, to eject the said \_\_\_\_\_ and all other persons from the said land, and to take possession thereof together with all crops growing thereon and all buildings and other immovable property thereon on behalf of the Government, and for so doing this shall be your warrant.

Dated under my hand and seal, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

(Seal)

.....  
*Magistrate.*

SCHEDULE XXXX  
(Section 171 C)  
OFFER TO COMPOUND OFFENCE

Office ..... Place .....

Reference No. .... Date .....

Sir/Madam

You, [Name] .....

[NRIC No.]..... have committed an offence  
under section.....of the Land Ordinance.

Date ..... time ..... place .....

Offence\* .....

.....

.....

2. You are hereby informed that pursuant to section 171C of the said  
Ordinance, I am prepared to compound this offence for the sum of RM ....  
.....(Ringgit .....) )

If this offer is accepted, payment shall be made by cash or money order or  
postal order to the office quoted above and an official receipt shall be issued.

3. This offer to compound the offence shall be valid for ..... days  
only from the date of the issue of this offer and if no payment of the said  
sum is received within that period court proceedings shall be instituted.

.....  
*Director/officer authorised by Director*

\*Provide details.