

LAND (SUBSIDIARY TITLE) ENACTMENT 2026

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SCHEDULE

Sabah Lawnet

STATE OF SABAH

I assent,

TUN DATUK SERI PANGLIMA (DR.) MUSA
BIN HAJI AMAN,
Yang di-Pertua Negeri.

25 MAY, 2026.

No. 4 of 2026

An Enactment to facilitate the subdivision of building or land into parcels and for purposes connected therewith and incidental thereto.

ENACTED by the Legislature of the State of Sabah as follows:

PART I

PRELIMINARY

Short title and commencement

1. (1) This Enactment may be cited as the Land (Subsidiary Title) Enactment 2026.

(2) This Enactment comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Interpretation

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

“accessory parcel” means any parcel shown in an index plan and storey plan as an accessory parcel which is used or intended to be used in conjunction with a parcel;

“architect” means a person who is registered as an architect under the Architects Act 1967 [*Act 117*];

“authorized officer” means a public officer authorized by the Director under section 29;

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“building” means any completed building, partially completed building or building to be erected on land and capable of being subdivided into parcels under section 4;

“certificate of fitness for occupation” means any certificate issued under any written laws for the purpose of certifying that the building has been completed and is safe and fit for occupation;

“certified plan” means the certified plan prepared for a building under section 9;

“Collector” has the meaning assigned to it in section 4 of the Land Ordinance [*Cap. 68*];

“Commissioner” means the Commissioner of Building Management appointed under the Building Management Enactment 2026;

“common property” means so much of the lot as is not comprised in any parcel and includes —

- (a) the pipes, wires, cables, ducts or other utilities which are used or capable of being used or enjoyed, by occupiers of two or more parcels within that building or are used or capable of being used for the use or enjoyment of the common property;
- (b) conduit or the cubic space enclosed by a structure enclosing pipes, wires, cables, ducts or other utilities mentioned in paragraph (a);
- (c) any structural element of the building which includes an internal or external load-bearing component of the building that is essential to the stability of the building or part of the building, but does not include any inter-floor slab between parcels, door, window or party wall unless otherwise described in the certified plan as comprised in part of, or shown as capable of being or meant to be, an external wall of a building; and
- (d) the waterproof membrane attached to an external wall or a roof but excluding such membranes attached to any roof deck, terrace or other external space that is included within a parcel or an accessory parcel to such parcel;

“comprehensive resolution” means a resolution which is passed with at least eighty percent of the total voting rights at a duly convened general meeting of a management corporation;

“development parcel” in relation to a phased development, means a parcel in respect of a building proposed to be, or in the course of being, erected on a building or land, for which a provisional subsidiary title may be issued;

“Director” has the meaning assigned to it in section 4 of the Land Ordinance;

“document of subsidiary title” means any document of subsidiary title registered and issued in electronic form or otherwise under this Enactment;

“Government surveyor” has the meaning assigned to it in section 2 of the Surveyors Ordinance 1960 [*No. 22 of 1960*];

“index plan” means an index plan under paragraph 6(2)(b);

“landed parcel” means a unit delineated within the land subdivided under Part II, which is comprised of a building held under a subsidiary title, which may have a basement;

“lease” means any title issued under the Land Ordinance or any previous land law, but shall not include a Provisional Lease, Native Title, Field Register or temporary occupation licence;

“lot” in relation to a subdivided building or land, means the land which comprise the whole or several portions of non-contiguous land held under the lease where the building is erected or the landed parcel is situated, as the case may be, and a lot number has been assigned by the Director;

“management corporation” has the meaning assigned to it in section 2 of the Building Management Enactment 2026;

“Minister” means the Minister charged with the responsibility for matters relating to natural resources;

“owner” in relation to a subdivided building or land, means the owner of the lease to the lot immediately before the subdivision and includes the executor or administrator of an insolvent estate, trustee in bankruptcy, liquidator, receiver and manager or such other successor in title as may be conferred by any written law;

“owner of the subsidiary title” means the owner of a parcel issued with a subsidiary title;

“parcel” means —

- (a) in relation to a subdivided building or building intended to be subdivided, one of the individual units comprised in such building;
- (b) in relation to a subdivided land, one of the individual units of a landed parcel;

and its accessory parcel;

“particulars of parcel” means the particulars of the parcels set out in Form A of the Schedule;

“provisional subsidiary title” means the provisional subsidiary title issued under section 11, 12 or 13;

“register of subsidiary title” means any register of subsidiary title maintained and kept in electronic form or otherwise under section 15;

“registered surveyor” has the meaning assigned to it in section 2 of the Surveyors Ordinance 1960;

“Registrar” has the meaning assigned to it in section 4 of the Land Ordinance;

“schedule of parcels” has the meaning assigned to it in section 2 of the Building Management Enactment 2026;

“storey plan” means a storey plan under paragraph 6(2)(c);

“subdivided building or land” means a building or land as subdivided under Part II;

“super structure stage” means the stage upon the completion of the construction of the building super structure as duly certified by an architect, and if applicable, in accordance with the relevant by-laws made under the Local Government Ordinance 1961 [No.11 of 1961];

“voting rights” has the meaning assigned to it in section 2 of the Building Management Enactment 2026;

“wall” includes a door, window or other structure forming part of the wall; and

“window” includes a roof skylight, glass panel, glass brick and any other building material which intends to transmit natural light directly from outside a building into a room of or an interior of the building.

Construction of the Enactment

3. The Land Ordinance and its subsidiary legislation shall, in so far as they are consistent with the provisions of this Enactment and its subsidiary legislations, apply in all respects to all titles registered in the register of the subsidiary title.

PART II

SUBDIVISION OF BUILDINGS OR LAND

Building or land capable of being subdivided into parcels

4. (1) Any building on any lease held as one lot shall be capable of being subdivided into parcels and any land on the same lot shall also be capable of being subdivided into parcels each of which is to be held under a subsidiary title.

(2) Any land having two or more buildings held as one lot shall be capable of being subdivided into landed parcels each of which is to be held under a subsidiary title.

Circumstances in which it is compulsory to apply for subdivision of a building or land

5. (1) The owner of any lease on which there is a building or land capable of being subdivided under section 4 shall, within the period specified in subsection (3), apply in accordance with section 6 for the subdivision of the building or land if he has sold or agreed to sell any parcel in such building or land to any person.

- (2) Where a building or land is issued with provisional subsidiary title —
- (a) under section 11 or 12, the owner shall, within three months after such building or land is capable of being issued with a subsidiary title; or
 - (b) under section 13, the owner of the provisional subsidiary title shall, within twelve months after such building or land is capable of being issued with a subsidiary title,

apply for the issuance of subsidiary title in accordance with section 6.

- (3) The period for applying a subdivision under subsection (1) are as follows:
- (a) in the case where the building is completed before the commencement of this Enactment, within six months from the date of commencement of this Enactment, or before the sale of any parcel after the commencement of this Enactment, whichever is the earlier; or
 - (b) in the case where the building is erected after the commencement of this Enactment, within three months from the date of the certificate issued by the architect certifying that the super structure for the building is completed.

(4) For the purpose of subsection (1), the owner is deemed to have sold a parcel if by an agreement in writing, he has agreed to convey, transfer, assign or otherwise dispose of his estate or interest in the parcel to another person for valuable consideration or otherwise.

(5) For the purpose of paragraph (3)(a), the date on which the building is or was completed shall be the date on which the certificate of fitness for occupation is issued.

(6) For the purpose of paragraph (3)(b), the owner shall within one month from the certificate is issued by the architect, provide a copy of the said certificate to the Director.

(7) The period specified in subsection (3) may, on an application made by the owner before the expiry of such period together with a prescribed fee, be extended once by the Director for a period not exceeding six months.

- (8) Where an application is not made within —
- (a) the period specified under paragraph (2)(a);
 - (b) the period specified under subsection (3); or
 - (c) the extended period under subsection (7),

the owner commits an offence and shall, on conviction, be liable to a fine of not less than two hundred fifty thousand ringgit but not more than one million ringgit and in the case of a continuing offence, to a further fine not exceeding one thousand ringgit for every day or part of a day during which the offence continues after conviction.

(9) Where the owner of a provisional subsidiary title fails to apply for the issuance of subsidiary titles within the period specified in paragraph (2)(b), he commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.

(10) The court may, in addition to any penalty provided for under subsection (8) or (9), order the owner to apply for subdivision of the building or land within a period specified in the order.

Application for subdivision of building or land

6. (1) The owner of any lease may engage a registered surveyor to apply for subdivision of building or land into parcels, each of which to be held by the owner under subsidiary title, for any of the building or land specified under section 4.

(2) Any application for the approval of the Director for the subdivision of any building or land shall be made in writing in Form A of the Schedule and shall be accompanied by —

- (a) such fee as may be prescribed;
- (b) index plan in triplicate containing the details specified in subsection (4) and certified in accordance with subsection (6);
- (c) in relation to each storey of each building, storey plan in triplicate containing the details specified in subsection (5) and certified under subsection (6);
- (d) a certified true copy of the lease to the lot;
- (e) a certified true copy of the schedule of parcels filed with the Commissioner under the Building Management Enactment 2026;
- (f) the particulars of parcel;
- (g) an original copy of the building plans approved by the local authority, but if such approved building plans are not available, the application shall be accompanied by —
 - (i) building plans certified by an architect as having been drawn according to the actual features of the building and as truly representing those features; and
 - (ii) a copy of the certificate of fitness for occupation for the building;
- (h) a copy of certificate of the super structure stage certified by the architect;
- (i) payment certificate issued by the Surveyors Board for the building or land subdivision survey;
- (j) where the land is subject to charge, the chargee's consent in writing to the making of the application; and
- (k) such other documents as may be prescribed.

(3) The documents under subsection (2) may be submitted in any other manner as may be determined by the Director.

(4) Every index plan shall —

- (a) specify the number of the lot and the title number of the land comprised therein;
- (b) delineate the boundaries and boundary marks of the land and the position of all buildings on such land, showing which of those buildings are to be subdivided;

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- (c) specify the total area of each building which is to be subdivided;
 - (d) include a vertical section of each building, showing the floors and ceilings, and the height of each storey; and
 - (e) contain such other details as may be determined.
- (5) Every storey plan shall —
- (a) specify the number of the lot, the title number of the land comprised in such lot, and the numbered building and numbered storey thereof to which the plan relates;
 - (b) define (but without necessary to show any bearings) the boundaries of each of the proposed parcels within the storey;
 - (c) indicate in respect of each such parcel the number by which it is described in Form A of the Schedule;
 - (d) specify the total area of each such parcel;
 - (e) distinguish such parts of the storey as are not to be included in any of the parcels but are to become part of the common property; and
 - (f) contain such other details as may be determined.
- (6) The registered surveyor shall certify —
- (a) in relation to an index plan, that the plan is correct; and
 - (b) in relation to a storey plan, that the plan has been compared by him with the original plans of the building made by the architect responsible for its construction and that the boundaries of the parcels shown in such storey plan are as defined in accordance with paragraph (5)(b), and that the boundaries of all the proposed parcels shown in such index plan and storey plan have been acknowledged by the owner to be correct and in accordance with the parcels that was sold or intended to be sold by the owner.
- (7) The Director shall, upon receiving an application under subsection (2), cause a note of the making of such application to be endorsed on the lease.
- (8) Where an accessory parcel consists of a building or parts of a building and is bounded by external walls, floors and ceilings, the dimensions and boundaries of such accessory parcel shall be shown in the index plan and storey plan in accordance with the requirements of subsections (4) and (5).
- (9) Where an accessory parcel does not consist of a building or parts of a building —
- (a) the external boundaries of the accessory parcel shall be ascertained from the approved building plans by the local authority, and the accessory parcel shall be up to reasonable height or to the extent of any projection above or encroachment below the ground level by another part of the lot; and
 - (b) the proposed index plan and storey plan shall show a diagram of the accessory parcel with similar dimensions as those shown on the approved building plans mentioned in paragraph (a).

(10) Where the application under subsection (2) involves a development parcel, such application shall, in addition to the other requirements under this section, be accompanied with the owner's written statement that he agrees to undertake the development on the development parcel and to complete the development by a specified date subject to any conditions, including any restriction on future development as may be determined and imposed by the Director.

(11) An application for subdivision of building or land in relation to a development parcel shall, subject to such necessary modification as may be determined by the Director, be made in accordance with the provisions of this section.

(12) Any person providing data incidental to the processing of the subsidiary title or provisional subsidiary title shall provide an accurate information to any officer exercising his duties under this Enactment.

(13) Any person who contravenes subsection (12) commits an offence and shall, on conviction —

- (a) where the person is not a body corporate, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both; or
- (b) where the person is a body corporate, be liable to a fine not exceeding five hundred thousand ringgit.

Conditions for approval of subdivision of building or land into parcels

7. The Director shall not approve the subdivision of any building or land into parcels unless the following conditions are satisfied:

- (a) that the subdivision would not contravene any condition or restriction in interest to which the land comprised in that lease is for the time being subject;
- (b) that the subdivision would not be contrary to the provisions of any written law and that any requirements imposed with respect to the subdivision by or under such law have been complied with;
- (c) that no item of land revenue is outstanding in respect of the land;
- (d) that the particulars of parcels is consistent with the index plan and storey plan submitted for approval; and
- (e) that the land is not subject to any charge, unless with written consent of the chargee.

Powers of Director in relation to applications

8. (1) Upon receiving any application made under section 6, the Director shall —

- (a) approve such application, if it appears to him that the conditions specified in section 7 are satisfied and that each of the proposed parcels —

- (i) will have adequate means of access not passing through another parcel;
- (ii) will have adequate means of internal communication not passing through the common property unless otherwise approved by the relevant local authority;
- (iii) will have such minimum areas as may be determined by the Director; and
- (iv) in the case of a development parcel, complies with subsection 6(11); or

(b) in any other case, reject the application.

(2) Notwithstanding paragraph (1)(b), where an application involves a proposal for the creation of one or more parcels extending beyond the limits of a storey, the Director may approve such application —

- (a) if he is of the opinion that there are special circumstances to the case; or
- (b) if such application involves a provisional subsidiary title pursuant to the Building Subdivision Authorisation issued under the Building Management Enactment 2026.

(3) The Director may approve the application in subsection (2) notwithstanding that such application is supported only by a layout plan of the building drawn by the registered surveyor as long as such layout plan is —

- (a) capable of identifying as accurately as possible the position of the parcel and the area and portions to which it relates; and
- (b) drawn according to the actual features of the building.

(4) Where the Director has approved any application for subdivision, he shall —

- (a) transmit the application and the other documents to the Government surveyor;
- (b) issue a Registered Survey Paper to the registered surveyor appointed by the owner authorizing a survey to be carried out any time after the issuance of the super structure stage certificate provided that where the Director considers it expedient, the Registered Survey Paper may be issued notwithstanding the subdivision is yet to be approved; and
- (c) on being notified by the Government surveyor of the estimated amount of the fees chargeable in respect of —
 - (i) any survey to be carried out under paragraph 9(1)(a); and
 - (ii) the preparation of plans and copies of plans, pursuant to paragraphs 6(2)(b) and (c),

require the Collector to call for the payment of that amount by the owner.

(5) Where he rejects any application under this Part, the Director shall notify the owner and shall cancel the note endorsed on the lease pursuant to subsection 6(7).

Action by Government surveyor after approval of subdivision application

9. (1) Where an application has been approved under section 8, the Government surveyor shall —

- (a) by himself or by instructing the registered surveyor appointed by the owner, to carry out a survey of the land and any of the buildings thereon, as he may consider fit;
- (b) from the relevant index plan and storey plans, by himself or by instructing the registered surveyor appointed by the owner —
 - (i) to prepare, or cause to be prepared a certified plan, with such modifications as he may consider necessary; and
 - (ii) to file in his office, such certified plan pursuant to the requirements of subsection (2);
- (c) prepare two copies of the certified plan and a schedule listing all the parcels with the respective certified plan number assigned to such parcels, and such number shall be shown in the subsidiary titles to the parcels; and
- (d) submit to the Director a copy of the certified plan and diagrams so prepared, together with the approved application and a note of any fees underpaid or overpaid in respect of the surveys carried out under this subsection.

(2) The certified plan to be prepared by the Government or the registered surveyor appointed by the owner pursuant to paragraph (1)(b) shall delineate, on as many folios as he may consider suitable for the purpose —

- (a) in relation to a building capable of being subdivided, the storeys of the building to be subdivided, and the parcels within each storey and every folio shall contain a vertical section of the building to be subdivided, showing the position therein of the storey to which it relates and a plan of the land showing the position of every building thereon; or
- (b) in relation to a land capable of being subdivided, the boundaries and boundary marks of the lot and the parcels showing the position of every building thereon.

(3) For the purposes of preparing a certified plan under this section, where a parcel shares a common boundary with another parcel or with any part of the building not comprised in any of the parcels, the boundary shall, unless otherwise provided in the relevant storey plan, be the centre of the floor, wall or ceiling, as the case may be, or in the case of landed parcels, the boundary shall be defined by its demarcation on the land.

Issuance of subsidiary title to individual parcels

10. (1) Upon receiving the documents referred to in paragraph 9(1)(d), the Director shall direct the Collector to request the owner —

- (a) to deliver the lease to the lot for endorsement; and
- (b) for the payment of —
 - (i) any amount underpaid in accordance with paragraph 9(1)(d); and
 - (ii) the fees for preparation and registration of documents of subsidiary title to the individual parcels.

(2) Where —

- (a) the lease to the lot is submitted for endorsement; and
- (b) the owner has paid such fees under subsection (1),

the Director shall direct the Registrar to open a file of the register of the subsidiary title in accordance with section 15, and to prepare, register and issue the documents of subsidiary title in accordance with section 17.

(3) When a land has a charge or other encumbrances, the owner shall —

- (a) ensure that such charge or other encumbrances do not affect or be carry forward to the lease of the lot that is to be vested into the management corporation as common property; and
- (b) in relation to unsold parcels that are beneficially owned by the owner, ensure that such charge or other encumbrances are carried forward to such unsold parcels.

Issuance of provisional subsidiary title

11. (1) The Director may, upon receiving an application in section 6, direct the Registrar to open a file of register of subsidiary title and issue, subject to any terms and conditions as he may impose, a provisional subsidiary title in Form B of the Schedule, if —

- (a) the immediate survey of the building is impracticable;
- (b) the number of parcels of the building or the complexity of the subdivision will necessitate a longer processing time;
- (c) the building has been completed for not less than three years and there has been sale of a parcel in such building to any person; or
- (d) such other circumstances relating to the subdivision of the building or land as the Director considers appropriate.

(2) The provisional subsidiary title issued under subsection (1) shall —

- (a) specify the extent and describe as accurately as possible the position of each parcel to which it relates; and
- (b) upon a building or land is capable of being issued with subsidiary title, be surrendered to the Registrar and the owner shall apply for the issuance of subsidiary title pursuant to section 6.

(3) A provisional subsidiary title issued under this section shall have the following

effect:

- (a) shall be deemed to be effective for the purposes of this Enactment and all dealings, with the permission of the Director, under the Land Ordinance;
- (b) shall give no claim to any area occupied in excess of the area mentioned therein;
- (c) shall not represent the fitness for occupation of the building;
- (d) shall not represent the boundaries of the parcels; and
- (e) shall not entitle the owner to claim compensation for any reduction in the area as shown in the provisional subsidiary title.

(4) The boundaries of the parcel or any parts of the building or land issued with provisional subsidiary title shall not be deemed to be final.

(5) All existing charges or subleases registered on the lease to the lot in respect of any part of the building shall be carried forward to the relevant provisional subsidiary title.

Issuance of provisional subsidiary title for development parcel

12. (1) The owner shall make an application for the issuance of provisional subsidiary title pursuant to section 6 before the sale of any development parcel.

(2) The Director may, upon receiving an application in section 6, direct the Registrar to open a file of register of subsidiary title and issue, subject to any terms and conditions as he may impose, a provisional subsidiary title in Form D of the Schedule.

(3) Such provisional subsidiary title issued under subsection (2) shall specify the extent and describe as accurately as possible the position of the parcel to which it relates and contain the following special terms:

- (a) that the provisional subsidiary title is issued in anticipation of the completion of the building in accordance with the approved planning permission and the approved building plan; and
- (b) expected date of the completion of the building.

(4) Without prejudice to the generality of other provisions in this Enactment, the provisional subsidiary title issued under subsection (2) shall contain the following implied terms:

- (a) the development parcel shall provide adequate means of access passing through the common property; and
- (b) the development parcel shall allow for the creation of common property upon its subdivision.

(5) The provisional subsidiary title issued under this section shall comply with the requirements in subsection 11(2) and have the same effects in subsections 11(3), (4) and (5).

Issuance of subsidiary title or provisional subsidiary title for Building Subdivision Authorisation

13. (1) The Director may, in any application for subdivision of building under section 6 made pursuant to a High Court order in accordance with a Building Subdivision Authorisation issued under the Building Management Enactment 2026 —

- (a) where the Director is satisfied that the requirements for the issuance of a subsidiary title under this Enactment have been complied with, issue a subsidiary title; or
- (b) where any of the circumstances in subsection 11(1) arises, issue a provisional subsidiary title.

(2) The issuance of the provisional subsidiary title under this section shall comply with the procedure set out under section 11.

PART III
REGISTER OF SUBSIDIARY TITLE

Conversion of existing register document of title, etc., into electronic form

14. (1) The Registrar shall, as soon as reasonably practicable, convert any existing register document of subsidiary title, existing index and statements of register of subsidiary title, and existing copies of certified plans into electronic form and shall authenticate the same under his electronic signature.

(2) After the conversion of any existing register document of subsidiary title into electronic form under subsection (1), the existing issue document of subsidiary title in respect of such register document of subsidiary title shall continue to be in operation and valid for all purposes of this Enactment until such issue document of subsidiary title is converted into electronic form and authenticated by the Registrar through his electronic signature.

(3) Upon the conversion of any existing document referred to under subsection (1), the Registrar shall —

- (a) make a note of cancellation —
 - (i) by way of an endorsement across the surface of the relevant document of subsidiary title; or
 - (ii) of any types of endorsement in any circumstances where an endorsement across the surface of the relevant document of subsidiary title is impossible,

to the effect that the title in question has been converted to the

- electronic document of subsidiary title;
- (b) cancel the existing issue document of subsidiary title and capture its image to be virtually stored or through such other electronic means as approved by the Director;
 - (c) ensure that any authentication previously done by hand and seal is replaced by electronic signature subject to any other conditions as imposed by the Director;
 - (d) be accountable for the authentication of all existing documents of subsidiary title and entries made with his electronic signature, which shall constitute conclusive evidence of the registration and the particulars recorded therein; and
 - (e) provide certified copies, upon request of any person, of printouts or extracts from the register of subsidiary title virtually stored and such certified copies shall be considered conclusive evidence of the recorded information and admissible in any legal proceedings.

Preparation and maintenance of the register of subsidiary title

15. (1) The Registrar shall prepare and maintain a register of subsidiary title, in electronic form or otherwise, for the purposes of this Enactment.

(2) The register of subsidiary title shall consist of a series of files, each relating to one lease, and every such file shall contain —

- (a) an index in Form E of the Schedule to the individual parcels comprised in the lease;
- (b) a statement in Form F of the Schedule which, subject to subsection (6), shall —
 - (i) set out so far as they relate to matters capable of affecting any of those parcels, all memorials, endorsements and other entries which appeared on the lease to the lot; or
 - (ii) confirm that there were no such memorials, endorsements and other entries;
- (c) the schedule prepared pursuant to paragraph 9(1)(c);
- (d) the register document of subsidiary title to each parcel;
- (e) the certified plan; and
- (f) where there is a charge on the land, the chargee's written confirmation on which parcel such charge shall be carried forward to.

(3) The Commissioner shall submit the name of the management corporation, and the address for the service of documents as stated in Form G of the Schedule to the Registrar.

(4) For the purposes of preparing the statement in Form F of the Schedule, any sublease

or tenancy that relates to a specific part of a building which corresponds exactly to a parcel created after subdivision are not required to be included.

(5) Notwithstanding subsection (4), any sublease, tenancy or charge shall be endorsed on the register document of subsidiary title to the parcel in question.

(6) The Registrar shall, in the case of caveats or Collector's caveats appearing on the lease to the lot and if satisfied that such caveats affect only particular parcels created on subdivision, endorse such caveats on the register documents of subsidiary title to the parcels in question, and endorse or cause to be endorsed, a note of the cancellation of such caveats on the register document of title to the lot.

(7) In the case of a charge appearing on the lease to the lot, the Registrar shall, in accordance with the chargee's written confirmation, carry forward and endorse such charge on the register documents of title to the parcel or parcels as confirmed, and endorse or cause to be endorsed, a note of the cancellation of such charge on the register document of title to the lot.

Modification of register of subsidiary title

16. Upon the issuance of subsidiary titles under section 10, the Registrar shall, in addition to the requirements under section 15 —

- (a) replace the copy of the original certified plan in the relevant book of the register of subsidiary title with the copy of the new certified plan prepared for his retention;
- (b) amend the existing particulars of parcels and make such other alterations in the register of subsidiary title as are necessary to take account of the change made by the completion of the building within the development parcel;
- (c) endorse on the register of subsidiary title which relates to such development parcel a statement to the effect that subsidiary titles which specify the title numbers thereof have been issued to the new parcels; and
- (d) deal with the lease which relates to such development parcel in the like manner as if it is a lease to the lot.

Documents of subsidiary title

17. (1) The documents of subsidiary title to be prepared by the Registrar in respect of any parcel within a subdivided building or land shall consist of —

- (a) a register document of subsidiary title in Form B, C or D, as the case may be, of the Schedule; and
- (b) a lease, consisting of a copy of the register document of title to which shall be attached —
 - (i) the relevant certified plan number assigned to the parcel concerned as contained in the schedule prepared for that purpose under paragraph 9(1)(c); and

- (ii) where appropriate, a copy of the statement in Form F of the Schedule.

(2) Every document of subsidiary title shall be prepared in the name of the person last registered as owner of the lease in question except in cases where the lease is registered under two or more owners, such documents of subsidiary title may be prepared and allotted respectively to the name of a co-owner in the manner agreed in Form A of the Schedule.

(3) No document of subsidiary title shall include any building or part of a building or space outside the boundaries of the lot, or development parcel, as the case may be.

(4) In the case of subdivision of a co-ownership building as provided for in the Building Management Enactment 2026, in preparing subsidiary titles pursuant to an application made pursuant to a Building Subdivision Authorisation, the Director shall direct the Registrar —

- (a) to endorse any relevant charge, sublease or caveat on the subsidiary title or provisional subsidiary title for the relevant parcel;
- (b) to delete such endorsements on the lease; and
- (c) to vest the lease to the lot in the management corporation pursuant to section 23.

(5) The registration of register documents of subsidiary title shall be authenticated by the Registrar through his electronic signature, and the date of registration shall be endorsed by him on every such document.

Effect of opening file of register of subsidiary title

18. (1) For the purpose of this section, “entry” means any endorsement, memorial, note, correction, cancellation or deletion on the lease.

(2) On authenticating the statement in Form F of the Schedule required to be contained in any file of the electronic register of subsidiary title, the Registrar shall make on the lease to the lot in question an entry to the effect that the file has been opened, and that the common property has been vested in the management corporation pursuant to section 23, and shall return the lease to that management corporation.

(3) No entry shall thereafter be made either on the lease except one affecting the common property.

(4) Upon the vesting of the common property in the management corporation pursuant to section 23, the lease in question shall be free from encumbrances.

(5) Notwithstanding subsection (4), any existing charge, sublease or other encumbrances on such lease shall be carried forward to all the parcels or to only those parcels with written confirmation from the chargee, lessee or caveator, as the case may be.

(6) The date of vesting of the common property in the management corporation under subsection (1) shall not prejudice the operation of the Building Management Enactment 2026 or any other law where the common property may be deemed as vested earlier or as

giving the management corporation custody over the common property.

PART IV

SUBDIVISION AND AMALGAMATION OF PARCELS

Subdivision and amalgamation of parcels

- 19.** (1) The owner of the subsidiary title may, with the approval of the Director —
- (a) subdivide his parcel into two or more new parcels, each to be held by him under a separate subsidiary title; or
 - (b) where he holds two or more contiguous parcels, amalgamate them to form one parcel to be held by him under a single subsidiary title.
- (2) For the purpose of paragraph (1)(b), any two or more parcels shall be taken to be contiguous if each of them shares at least one horizontal or vertical boundary including a boundary which consists of a wall, floor or ceiling.
- (3) In relation to application involving a development parcel, this section shall apply with necessary modifications as may be approved by the Director.

Conditions for approval of subdivision and amalgamation of parcels

- 20.** The Director shall not approve a subdivision or amalgamation unless the following conditions are satisfied:
- (a) that the proposed subdivision or amalgamation would not contravene any restriction in the interest of which any of the affected parcel is subjected to;
 - (b) that the proposed subdivision or amalgamation would not be contrary to the provisions of any written law, and that any requirements imposed with respect to the subdivision or amalgamation by or under any such law have been complied with;
 - (c) that no item of contribution is outstanding in respect of any affected parcel as at the date of application;
 - (d) that consent in writing to the making of the application has been obtained from every person who at the time when the approval was applied for, was entitled to the benefit of —
 - (i) a charge of an affected parcel; or
 - (ii) a sublease of an affected parcel or any part thereof, other than, in the case of a subdivision, a part corresponding precisely with or included within one of the new parcel;
 - (e) that where a subdivision or an amalgamation is proposed, each new parcel will have adequate means of access not passing through another parcel; and

- (f) that the views of the management corporation, in relation to an application for subdivision or amalgamation of parcels, are obtained.

Application for subdivision or amalgamation of parcels

21. Any application for the approval of the Director to a subdivision or an amalgamation of parcels shall be made in writing to the Collector in Form H of the Schedule and shall be accompanied by —

- (a) such fee as may be prescribed;
- (b) a plan in triplicate, duly certified by a registered surveyor and showing all the details of the subdivision or amalgamation;
- (c) a statement from the applicant of the number of voting rights of the new parcel;
- (d) all such written consents to the making of the application as are required under paragraph 20(d); and
- (e) a certified true copy of the issue documents of subsidiary title of the affected parcel.

PART V

REGISTRATION, OWNERSHIP AND VARIATION OF SUBDIVISION

Notification of opening the register of subsidiary title

22. The Registrar shall, as soon as a file of the register of subsidiary title is opened in respect of a subdivided building or landed parcel —

- (a) notify the owner and the Commissioner on the opening of the register of subsidiary title; and
- (b) make copies of all relevant documents in the file of the register of subsidiary title and extend the same to the Commissioner.

Vesting of common property and custody of lease to the lot

23. (1) Upon issued with a certificate of establishment of management corporation under Building Management Enactment 2026 —

- (a) the common property shall be vested on the management corporation; and
- (b) the management corporation shall be the custodian of the lease to the lot.

(2) Subject to subsection (3), the management corporation shall, in relation to the common property, have the powers conferred by the provisions of the Land Ordinance on an owner in relation to his land.

(3) The management corporation, unless provided otherwise in this Enactment or any other written law —

- (a) shall exercise the powers referred under subsection (2) only on the authority of a comprehensive resolution; and
- (b) shall not have the power to transfer, charge or lien any portion of the common property which forms part of the building or of the land on which the building stands.

Termination of subdivision

24. (1) The management corporation, where —

- (a) the building is totally destroyed;
- (b) the owner of subsidiary title seek to demolish the building, or in the case of a building which has been partially destroyed, the remaining parts of the building to be destroyed;
- (c) there is only one owner of subsidiary title for all the parcels; or
- (d) the lease of the lot is wholly or partially acquired by the Government,

may be directed by comprehensive resolution to take action to terminate the subdivision of the building or land, and the management corporation if so directed shall lodge with the Registrar on a notification in Form I of the Schedule, together with the issued document of subsidiary title.

(2) The Registrar shall, upon receipt of a notification under subsection (1) and if he is satisfied that no land revenue is outstanding in respect of the lot, make a memorial of the notification in the Register of Titles and the register of the subsidiary title and inform the Government surveyor that he has done so.

(3) Upon the making of a memorial under subsection (2) in respect of a subdivided building or land —

- (a) the subdivision shall be terminated and the owner of subsidiary title shall cease to be owner of the parcels; and
- (b) the management corporation shall become the owner of the lot as the trustee of the former owner of subsidiary title.

(4) Where the management corporation becomes the owner of the lot under subsection (3) —

- (a) any registered charge on a parcel which existed immediately before the termination of the subdivision shall be converted into a personal obligation of the chargor to pay to the chargee what is due under the charge;
- (b) each of the former owner of subsidiary title shall continue to be a member of the management corporation, having the same voting rights as he had immediately before the termination of the subdivision;

- (c) the management corporation shall hold and manage the lot for the benefit of the former owner of subsidiary title; and
- (d) the former owner of subsidiary title may, by comprehensive resolution, direct the management corporation to transfer the lot to any former owner of subsidiary title or to any other person.

(5) Notwithstanding the termination of a subdivision under this section, the relevant files of the register of subsidiary title shall continue in existence while the management corporation remains the owner of the lot and may be used in evidence as a record of matters relating to the subdivision before its termination.

(6) Where the management corporation, having become the owner of the lot under subsection (3), transfers the lot in pursuance of a direction under paragraph (4)(d) —

- (a) the management corporation shall continue in existence for so long as is reasonably necessary to wind up its affairs and shall then cease to exist; and
- (b) the Registrar shall cancel the relevant record of the register of subsidiary title.

(7) A court of competent jurisdiction, if it is satisfied that the justice of the case so requires —

- (a) may, on the application of the management corporation, an owner or a registered chargee of a parcel, make an order —
 - (i) directing the management corporation to take action under subsection (1) notwithstanding the absence of a comprehensive resolution; or
 - (ii) prohibiting the management corporation from taking action under subsection (1) notwithstanding a direction given by comprehensive resolution; and
- (b) where the management corporation has transferred the lot in pursuance of a direction under paragraph (4)(d) may, on the application of the management corporation, a former owner, a former chargee or an owner of subsidiary title, make an order for the winding up of the affairs the management corporation.

(8) In this section —

“former chargee” means a person who, immediately before the subdivision of a subdivided building or land is terminated under this section, is the registered chargee of a parcel in the building or land;

“former owner” means a person who, immediately before the subdivision of a subdivided building is terminated under this section, is the proprietor of a parcel in the building or land or of a development parcel on the land on which the building is situated;

“former owner of subsidiary title” means a person who, immediately before the subdivision of a subdivided building or land is terminated under this section, is the subsidiary owner of a parcel in such building or land; and

“Register of Titles” shall have the meaning assigned to it in section 4 of the Land

Ordinance.

Variation of subdivision by Court

25. (1) Where a subdivided building or land is damaged but is not totally destroyed, the Court may, on the application of the management corporation, an owner of subsidiary title or the chargee of any parcel, order such arrangement for the reinstatement or continued use of the building in whole or in part and any such arrangement may include the transfer of the interest of owner of subsidiary title of parcels which have been wholly or partially destroyed, as the case may be, to the other owner of subsidiary title in proportion to their voting right.

(2) In the exercise of its power under subsection (1), the Court may make such orders as it thinks necessary or expedient for giving effect to the arrangement, including —

- (a) directing the application of insurance moneys received by the management corporation in respect of damage to the building;
- (b) directing payment of money by the management corporation or by the owner of subsidiary title or by one or more of them;
- (c) directing such amendment or replacement of the certified plan and such consequential amendment or replacement of the register of subsidiary title as the Court thinks fit;
- (d) the amendment to or replacement for the existing particulars of parcels with a new particulars of parcels; or
- (e) imposing such terms and conditions as the Court thinks fit.

(2) The Court may vary any order made under subsection (2) on the application of any person entitled to appear and be heard on the hearing of the application.

PART VI

RIGHTS AND OBLIGATIONS ATTACHING TO PARCELS

Rights of owner of subsidiary title in his parcel and common property

26. (1) Subject to this section and the other provisions of this Part, the owner of the subsidiary title shall have —

- (a) in relation to his parcel, the powers conferred by the provisions of the Land Ordinance on an owner in relation to his land; and
- (b) in relation to the common property, the right of user which he would have if he and the other owner of the subsidiary title were co-owners thereof and

subject to any limitations imposed in the Building Management Enactment 2026.

(2) No rights in a common property shall be disposed of by the owner of subsidiary title except as rights appurtenant to a parcel, and any disposition of a parcel by the owner of subsidiary title shall without express reference include a like disposition of the rights in the common property which are appurtenant to the parcel.

Rights of support, service and shelter

27. (1) In favour of and against each owner of the subsidiary title, there shall be implied a right of support and a right of service.

(2) Each owner of the subsidiary title shall be entitled to have his parcel sheltered by all such parts of the subdivided building as are capable of affording shelter and may, for the purpose of replacing, renewing or restoring any such shelter, enter upon the common property or any other parcel.

(3) The owners and occupiers of an adjoining building shall be deemed to enjoy the right of access or right of service through the shared staircase or common area if such building —

- (a) has a Building Subdivision Authorisation under the Building Management Enactment 2026; and
- (b) shares a staircase or any common area for access or other right of service with such adjoining building.

(4) The rights and obligations mentioned in subsections (1), (2) and (3) shall be effective notwithstanding the absence of any memorial or notification in the register of subsidiary title, and there shall be implied in respect of them such ancillary rights and obligations as are reasonably necessary to make them effective.

(5) In this section —

“right of support” means a right to subjacent and lateral support by the common property and by every other parcel capable of affording support; and

“right of service” means rights to the passage or provision of water, sewage, drainage, gas, electricity, garbage, artificially cooled or heated air and other services, including telephone, radio and television services, through or by means of pipe, wires, cables or ducts.

No dealings to be registered on the document of subsidiary title if contributions and other charges unpaid

28. (1) Notwithstanding anything contained in the Land Ordinance or any rules made thereunder, the Director, the Collector or the Registrar shall not register any dealing relating to subsidiary titles unless the application for such registration is accompanied by a

statement dated not more than twenty eight days prior to such application is made and executed under the seal of the management corporation stating that —

- (a) all amounts due to the management corporation by the owner or occupier of the parcel in respect of any contributions, fees or costs payable under the Building Management Enactment 2026 have been paid; and
- (b) all amounts due by the owner or occupier of the parcel on account of any expenses incurred or advances made by the management corporation in relation to such parcel under this Enactment have been paid.

(2) Upon the amount due under subsection (1) is paid, the management corporation shall deliver the statement to the applicant for registration or to his attorney or agent.

(3) In addition, and without prejudice to any other written laws, the management corporation may give a notice to the Registrar or Collector in Form J of the Schedule requiring that —

- (a) any contribution due to the management corporation; or
- (b) any other sum due to the management corporation under any written law,

to be registered as a charge which shall be deemed to be registered on the document of subsidiary title to the parcel concerned.

(4) The contributions in a notice of charge registered under subsection (3) shall not be personal to the owner but shall be attached to the parcel and shall not be subject to the Limitation Ordinance [Cap. 72].

PART VII ENFORCEMENT

Authorized officer

29. (1) The Director may, in writing, authorize any public officer to exercise the powers of enforcement under this Enactment.

(2) Any such officer shall be deemed to be a public servant within the meaning of the Penal Code [Act 574].

Authority card

30. (1) There shall be issued to each authorized officer an authority card to be signed by the Director.

(2) Whenever an authorized officer exercises any of the powers under this Enactment, he shall, on demand, produce to the person against whom the power is being exercised the authority card issued to him under subsection (1).

Power to enter premises

31. Notwithstanding sections 33 and 34, an authorized officer may, for the purposes of carrying out any of his functions under this Enactment, at any reasonable time enter any premises for the purpose of —

- (a) inspecting any person carrying on a business or employed in connection with any thing or document as he considers necessary; or
- (b) verifying the accuracy of records or statement or any information given to an authorized officer.

Power of investigation

32. (1) The authorized officer shall have the power to investigate the commission of any offence under this Enactment.

(2) The authorized officer may, in relation to an investigation in respect of any offence committed under this Enactment, exercise all or any of the powers in relation to police investigation in any seizable offence, except the power to arrest without warrant, given under the Criminal Procedure Code [Act 593].

Search and seizure with warrant

33. (1) If it appears to a Magistrate, upon written information on oath from the authorized officer and after such inquiry as he considers necessary, that there is reasonable cause to believe that —

- (a) any premises have been used for or are about to be used for; or
- (b) there is in any premises, evidence necessary to the conduct of an investigation into,

the commission of an offence under this Enactment, the Magistrate may issue a warrant authorizing any authorized officer named in the warrant, to enter the premises at any reasonable time by day or by night, and with or without assistance, and if need be by force.

(2) Without affecting the generality of subsection (1), the warrant issued by the Magistrate may authorize the authorized officer to —

- (a) search and seize any thing or document;
- (b) inspect, make copies of, or extracts from, any book, record, document, computerized data or other thing;
- (c) take possession of, and remove from the premises, any thing or document so seized and detain it for such period as may be necessary; or

- (d) search any person who is in, or on, such premises and for the purpose of the search, detain the person and remove him to such place as may be necessary to facilitate the search, and seize and detain any thing or document found on the person.
- (3) An authorized officer may, in the exercise of his powers under this section, if it is necessary so to do —
- (a) break open any outer or inner door of the premises or any fence, enclosure, gate or other obstruction to the premises, in order to effect entry into the premises;
 - (b) remove by force any obstruction to entry, search, seizure or removal as he is empowered to effect under this section; and
 - (c) detain any person found in the premises until the search has been completed.
- (4) No person shall be searched except by another person of the same gender, and such search shall be conducted with strict regard to decency.

Search and seizure without warrant

34. If it appears to an authorized officer, upon information received, that there is reasonable cause to believe that by reason of delay in obtaining a search warrant under section 33 the investigation would be adversely affected or the evidence of the commission of an offence is likely to be tampered with, removed, damaged or destroyed, the authorized officer may enter the premises and exercise in, upon and in respect of the premises all the powers referred to under section 33 in as full and ample a manner as if he was authorized to do so by a warrant issued under that section.

Power to seal premises

35. (1) If, by reason of its nature, size or amount, it is not practicable to remove any thing or document seized under this Enactment, the authorized officer shall seal the premise in which such thing or document are found.

(2) Any person who, without lawful authority, breaks, tampers with or damages the seal referred to under subsection (1) or removes any thing or document seized under seal or attempts to do so, commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding three months or to both, and for a second or subsequent offence, to a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding six months or to both.

Access to computerized data

36. (1) An authorized officer conducting a search under this Enactment shall be given access to computerized data whether stored in a computer or otherwise.

(2) For the purpose of this section, an authorized officer shall be provided with the necessary password, encryption code, decryption code, software or hardware and any other means required to enable the comprehension of computerized data.

Power to stop, search and seize conveyance

37. (1) Where an authorized officer has reasonable cause to suspect that any conveyance is carrying any thing or document in respect of which an offence under this Enactment is being or has been committed, the authorized officer may stop and search the conveyance and may, if on examination he has reasonable cause to believe that such conveyance is or has been used for the commission of such offence, seize the conveyance and any thing or document found in the conveyance that is reasonably believed to furnish evidence of the commission of such offence.

(2) The person in control or in charge of the conveyance shall, if required to do so by the authorized officer —

- (a) stop the conveyance and allow the authorized officer to search the conveyance; and
- (b) open all parts of the conveyance for search and take all measures necessary to enable or facilitate the carrying out of such search as the authorized officer considers necessary.

(3) Any person who contravenes subsection (2) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding three months or to both.

List of things seized

38. (1) Where any seizure is made under this Enactment, the authorized officer making the seizure shall prepare a list of any thing or document seized and shall sign the list.

(2) The list prepared in accordance with subsection (1) shall be delivered to the occupier of the premises where any thing or document seized is found.

(3) Where the seizure is made in or from any premises which is unoccupied, the authorized officer shall whenever possible post a list of the things seized conspicuously at the premises.

Cost of holding any thing or document seized

39. If any thing or document seized under this Enactment is held in the custody of the Director pending completion of any proceedings in respect of an offence under this Enactment, the cost of holding it in custody shall, if any person is being convicted of an offence, be a debt due to the Government by such person and shall be recoverable accordingly.

Forfeiture or release of any thing or document seized

40. (1) Any thing or document seized in exercise of any power conferred by this Enactment shall be liable to forfeiture.

(2) An order for the forfeiture of any thing or document shall be made if it is proved to the satisfaction of the court that an offence under this Enactment has been committed and that any thing or document were the subject matter of or was used in the commission of the offence, even though no person may have been convicted of such offence.

(3) If there is no prosecution with regard to any thing or document seized under this Enactment, such thing or document shall be taken and deemed to be forfeited at the expiration period of one calendar month from the date of service of a notice to the last known address of the person from whom the thing or document were seized indicating that there is no prosecution in respect of such thing or document unless before the expiration of that period a claim thereto is made in the manner set out under subsections (5), (6), (7) and (8).

(4) If no claim is made under subsection (5) within one calendar month from the date of service of the notice referred to under subsection (3), the thing or document seized under this Enactment shall be taken and deemed to be forfeited at the expiration of that period.

(5) Any person asserting that he is the owner of any thing or document referred to under subsection (3) and that it is not liable to forfeiture may personally or by his agent authorized in writing, give written notice to the authorized officer in whose possession such thing or document are held that he claim the thing or document.

(6) On receipt of the notice referred to under subsection (5), the authorized officer shall refer the claim to a Magistrate.

(7) The Magistrate to whom a matter is referred under subsection (6) shall issue a summons requiring —

- (a) the person asserting that he is the owner of any thing or document; or
- (b) the person from whom the thing or document were seized,

to appear before him, and when they appear or they fail to appear, after due service of the summons having been proved, the Magistrate shall proceed to the examination of the matter.

(8) If it is proved that an offence under this Enactment has been committed and that any thing or document were the subject matter of or were used in the commission of such offence, the Magistrate shall order the thing or document to be forfeited, and shall, in the absence of such proof, order its release.

(9) Any thing or document forfeited or deemed to be forfeited shall be delivered to the Director and shall be disposed of in such manner as the Director thinks fit.

No cost or damages arising from seizure to be recoverable

41. No person shall, in any proceedings before any court in respect of any thing or document seized in the exercise or the purported exercise of any power conferred under this Enactment, be entitled to the costs of such proceedings or to any damages or other relief unless such seizure was made without reasonable cause.

Power to require attendance of person acquainted with case

42. (1) An authorized officer making an investigation under this Enactment may, by order in writing, require the attendance before himself of any person who appears to him to be acquainted with the facts and circumstances of the case, and such person shall attend as so required.

(2) If the person refuses or fails to attend as so required, the authorized officer may report such refusal or failure to a court who shall issue a summons to secure the attendance of such person as may be required by the order made under subsection (1).

Examination of person acquainted with case

43. (1) An authorized officer making an investigation under this Enactment may examine orally any person supposed to be acquainted with the facts and circumstances of the case.

(2) Such person shall be bound to answer all questions relating to the case put to him by the authorized officer, but he may refuse to answer any question the answer to which would have a tendency to expose him to a criminal charge or penalty or forfeiture.

(3) A person making a statement under this section shall be legally bound to state the truth, whether or not such statement is made wholly or partly in answer to the questions.

(4) The authorized officer examining a person under subsection (1) shall first inform that person of the provisions of subsections (2) and (3).

(5) A statement made by any person under this section shall, whenever possible, be reduced into writing and signed by the person making it or affixed with his thumbprint, as the case may be, after the statement has been read to him in the language in which he made it and after he has been given an opportunity to make any correction he may wish.

Obstructing, etc., authorized officers

44. Any person who —

- (a) refuses any authorized officer access to any premises which the authorized officer is entitled to have under this Enactment or in the execution of any duty imposed or function conferred by this Enactment;

- (b) refuses to give any authorized officer any information relating to an offence or suspected offence under this Enactment or any other information which may reasonably be required of him and which he has in his knowledge or power to give;
- (c) in any way assaults, obstructs, hinders, interferes or delays the authorized officer in the performance of his duties under this Enactment; or
- (d) fails to give reasonable facilities or assistance to any authorized officer in the performance of his duties under this Enactment,

commits an offence and shall, on conviction, be liable to a fine not exceeding thirty thousand ringgit or to imprisonment for a term not exceeding six months or to both.

Destruction, concealment, mutilation or alteration of records and computerized data, etc.

45. A person who —

- (a) destroys, conceals, mutilates or alters; or
- (b) send or attempts to send or conspires with any other person to remove from his premises,

any thing or document kept or maintained with the intent to defraud any person performing duty under this Enactment or to prevent, delay, to mislead or obstruct the carrying out of an investigation commits an offence and shall, on conviction, be liable to a fine not exceeding two hundred fifty thousand ringgit or to imprisonment for a term not exceeding three years or to both.

PART VIII

MISCELLANEOUS

Offences committed by body corporate

46. (1) Where a body corporate commits an offence under this Enactment, any person who at the time of the commission of the offence was a director, chief executive officer, chief operating officer, manager, secretary or other similar officer of the body corporate or was purporting to act in any such capacity or was in any manner or to any extent responsible for the management of any of the affairs of the body corporate or was assisting in such management —

- (a) may be charged severally or jointly in the same proceedings with the body corporate; and
- (b) if the body corporate is found guilty of the offence, shall be deemed to be guilty of that offence unless having regard to the nature of his functions in

that capacity and to all circumstances, he proves —

- (i) that the offence was committed without his knowledge, consent or connivance; and
- (ii) that he had taken all reasonable precautions and exercised due diligence to prevent the commission of the offence.

(2) Where any person would be liable to any punishment or penalty under this Enactment for any act, omission, neglect or default committed —

- (a) by that's person employee in the course of his employment;
- (b) by that person's agent when acting on behalf of that person; or
- (c) by the employee of that person's agent when acting in the course of his employment with that person's agent or otherwise on behalf of that person's agent acting on behalf of that person,

that person shall be liable to the same punishment or penalty for every such act, omission, neglect or default of that person's employee or agent, or of the employee of that person's agent.

General penalty

47. (1) Any person who commits an offence under this Enactment or any subsidiary legislation made under this Enactment or fail to comply with any requirement under this Enactment for which no penalty is expressly provided shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

(2) Any body corporate which commits an offence under this Enactment or any subsidiary legislation made under this Enactment or fail to comply with any requirement under this Enactment for which no penalty is expressly provided shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit.

Prosecution

48. No prosecution for any offence under this Enactment or any subsidiary legislation made under this Enactment shall be instituted except by or with the consent in writing of the Public Prosecutor.

Protection against suit and legal proceedings

49. (1) No action, suit, prosecution or other proceedings shall lie or be brought, instituted or maintain in any court against —

- (a) the Director, Registrar, Collector or an enforcement officer;

and

- (b) any other person for or on account of or in respect of any act done or purported to be done by him under the order, direction or instruction of the Director, or an enforcement officer,

if the act was done in good faith and in a reasonable belief that it was necessary for the purpose intended to be served by it and for the carrying into effect the provision of this Enactment.

(2) The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any action, suit, prosecution or proceedings against the Minister, the Director, the Collector or any officer in respect of any act, neglect or default done or committed by any of them in such capacity.

Power to make regulations

50. (1) The Minister may make regulations as may be necessary or expedient for the purpose of carrying into effect the provisions of this Enactment.

(2) Without prejudice to the generality of subsection (1), such regulations may be made for the following purposes:

- (a) to prescribe the fees payable under this Enactment;
- (b) to prescribe such other details of the index plan and storey plan; and
- (c) to prescribe the offences which may be compounded.

(3) Any regulations made under subsection (2) may prescribe an act or omission in contravention of the regulations to be an offence and may prescribe penalties —

- (a) where such person is an individual, to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both; or
- (b) where such person is a body corporate, to a fine not exceeding five hundred thousand ringgit.

Power to amend Schedules

51. The Minister may by order published in the *Gazette* amend the Schedules to this Enactment.

Repeal

52. The Land (Subsidiary Title) Enactment 1972 is repealed.

Saving and transitional

53. (1) Any application for subdivision of a building or land submitted by any person under the repealed Enactment and pending immediately before the date of commencement of this Enactment shall be deemed to have been made under the relevant provision after the date of commencement of this Enactment and for the purpose of considering such application, the Director may impose new conditions in addition to or in replacement of the conditions of approval under the repealed Enactment.

(2) Any subsidiary title issued or register maintained under the repealed Enactment shall be deemed to have been issued or maintained under this Enactment.

(3) Any application or other matters that had been approved under the repealed Enactment and any subsidiary titles that had been issued immediately before the date of commencement of this Enactment shall, after the date of commencement of this Enactment, continue to be in operation and valid for all purposes until the same is returned to the Director for his processing, revision and exchange with its replacement.

(4) For the purposes of this section, “repealed Enactment” means the Land (Subsidiary Title) Enactment 1972.

LAND (SUBSIDIARY TITLE) ENACTMENT 2026

SCHEDULE

[Subsection 6(2), paragraph 6(5)(c) and subsection 17(2)]

FORM A

APPLICATION FOR SUBDIVISION OF BUILDING OR LAND INTO PARCEL(S)

To the Collector for the land contained in the title described in ANNEXURE ONE hereto,

I/We, the owners of the said title described in ANNEXURE ONE, hereby apply pursuant to section 6 of the Land (Subsidiary Title) Enactment 2026, for approval of the subdivision of the building or land as shown and described herein.

2. The proposed subdivision is into parcels as specified in ANNEXURE TWO, in accordance with the boundaries which, in relation to each storey as numbered in the index plan in ANNEXURE THREE, are shown in the storey plan(s) for each storey (of each building, if more than one) in ANNEXURE FOUR.

3. As required by section 6 of the Land (Subsidiary Title) Enactment 2026, I/we hereby submit the following documents:

- (a) an index plan and storey plan(s), together with two (2) additional copies of each;
- (b) a certified true copy of the lease to the lot;
- (c) the prescribed fee;
- (d) a Certificate of Payment of Survey Fees issued by the Sabah Surveyors Board;
- (e) a certified true copy of the schedule of parcels filed with the Commissioner under the Building Management Enactment 2026;
- (f) a certificate of the super structure stage certified by the architect;
- (g) where the land is subject to a charge, the written consent of the chargee; and
- (h) such other documents as may be prescribed or required by the Director for the purposes of this application.

4. The index plan and storey plan(s) submitted with this application have been duly certified by a registered surveyor in accordance with subsection 6(6) of this Enactment.

Dated this day of 20

Declaration by Owner(s)

I/We hereby acknowledge and confirm that the execution of this Form constitutes my/ our consent to the issuance of subsidiary titles pursuant to the approved subdivision, subject to the provisions of this Enactment.

FOR REFERENCE ONLY (JUNE 2026)

Where the title is registered in the names of two or more owners and all such owners agree to the subdivision and partitioning of the parcels, such agreement shall be signified by the execution of ANNEXURE FIVE, and the document(s) of subsidiary title shall be prepared and allotted in accordance therewith.

No. Owner	Name of Owner(s)	Signature	Attestor(s) under section 92 of the Land Ordinance [Cap. 68]	Signature

For Official Use

To the Director

1. Certified copy of issue of title enclosed.
2. Approval conditions (if any) imposed pursuant to section 7 to be endorsed in the register of subsidiary title and relevant Form F.

Date _____

Collector _____

The subdivision of the building or land referred to above is approved.

Date _____

Director _____

PARTICULARS OF TITLE

Title No.:

Title Type:

Lot No.:

Area:

Area Unit:

No. Owner	Name of Owner(s)	Decimal Share

Name of established management corporation

Name	No. of Subsidiary Titles

Address of management corporation for purpose of service of notice
(in accordance to the Building Management Enactment 2026)

Locality _____

District _____

PARTICULARS OF PARCELS

Group No.	Building No.	Storey No.	Parcel No.	Area (square metre)	Parcel Use	Accessory Parcel No.	Area (square metre)	Use

Note on Parcel Numbering Convention

Parcel numbering shall comply with the following convention:

- (a) numbers only (no alphabetic characters);
- (b) each parcel number shall consist of nine (9) numeric digits in the form ABCDEFGHI, where —
 - ABC = building number within the subdivision;
 - DE = storey number (ground floor = 00; basement = 99, 98, 97 and so on);
 - FGH = unit number within the storey;
 - I = parcel type number, where —
 - ◆ 0 denotes a main parcel; and
 - ◆ 1 to 9 denote accessory parcel types.

ANNEXURE THREE

INDEX PLAN

ANNEXURE FOUR

STOREY PLAN(S)

PARTITIONING ARRANGEMENT

We, the undersigned being all the registered owners of the said title referred in ANNEXURE ONE hereby agree to the partitioning of the parcels created pursuant to the approved subdivision and that the document(s) of subsidiary title be prepared and allotted in the manner shown below:

Group No.	Parcel No.	Nominated Person/Body

No.	Name of Owner(s)	Signature

Attested by
(under section 97 of the Land Ordinance)

Name :
Signature :

LAND (SUBSIDIARY TITLE) ENACTMENT 2026

SCHEDULE

[Subsection 11(1) and paragraph 17(1)(a)]

FORM B

PROVISIONAL SUBSIDIARY TITLE

Registered No.		District	
Date Made		Locality	
Previous Titles	<i>(from amalgamation atau subdivision of Subsidiary Parcels)</i>		
Management Corporation			

DETAILS OF THE LEASE TO THE LOT			
Title No.	Area	Term From	Term To

PROVISIONAL PARCEL DETAILS				
Parcel				
Parcel No.	Area (square metre)	Index and Storey Plan Reference	Use	
			Total	

Accessory Parcel (if any)			
Accessory Parcel No.	Area	Index and Storey Plan Reference	Use

By virtue of this provisional subsidiary title, the registered owner of the parcel described herein shall, subject to the provisions of the Land (Subsidiary Title) Enactment 2026 and the Building Management Enactment 2026, have the rights and obligations conferred thereunder, and shall be subject to:

1. the special terms and conditions (if any) affecting the main title as shown in the register of subsidiary title statement (Form F);
2. the implied terms applicable to a provisional subsidiary title as provided under section 11 of this Enactment;
3. any special terms and conditions endorsed herein pursuant to section 11 of this Enactment; and
4. all memorials, endorsements, entries and dealings duly registered against this provisional subsidiary title.

SPECIAL TERMS AND CONDITIONS:

(if any)

.....

Owner Information		
Owner No.	Name of Owner(s)	Share

Signed _____
Registrar

LAND (SUBSIDIARY TITLE) ENACTMENT 2026

SCHEDULE
[Paragraph 17(1)(a)]

FORM C

SUBSIDIARY TITLE

Registered No.		District	
Date Made		Locality	
Previous Titles	<i>(from amalgamation and subdivision of Subsidiary Parcels)</i>		
Management Corporation			

DETAILS OF THE LEASE TO THE LOT			
Title No.	Area	Term From	Term To

PARCEL DETAILS				
Parcel No.	Parcel Area	Certified Plan No.	Use	
			Total	

Accessory Parcel No.	Parcel Area	Certified Plan No.	Use

By virtue of this subsidiary title, the registered subsidiary owner of the parcel described hereto shall have the rights and obligations as provided under the Land (Subsidiary Title) Enactment 2026 and the Building Management Enactment 2026 and be subject to:

1. the special terms and conditions of the said lease to the lot shown in the register of subsidiary title statement (Form F);

2. the special terms and conditions herein; and
3. the memorials, endorsements, entries and any subsequent dealing registered below.

SPECIAL TERMS AND CONDITIONS:

(If any)

.....

Owner Information		
Owner No.	Name of Owner(s)	Decimal Share

Signed _____

Registrar

LAND (SUBSIDIARY TITLE) ENACTMENT 2026

SCHEDULE

[Subsection 12(2) and paragraph 17(1)(a)]

FORM D

DEVELOPMENT PARCEL

(Provisional Subsidiary Title for Development Parcel)

Registered No.		District	
Date Made		Locality	
Previous Titles	<i>(from amalgamation and subdivision of Subsidiary Parcels)</i>		
Management Corporation			

DETAILS OF THE LEASE TO THE LOT			
Title No.	Area	Term From	Term To

DEVELOPMENT PARCEL DETAILS			
Parcel No.	Parcel Area	Certified Plan or Layout Plan Reference No.	Use
			Total

Accessory Parcel <i>(if any)</i>			
Accessory Parcel No.	Parcel Area	Certified Plan or Layout Plan Reference No.	Use

FOR REFERENCE ONLY (JUNE 2026)

By virtue of this provisional subsidiary title, the registered owner of the parcel described herein shall, subject to the provisions of the Land (Subsidiary Title) Enactment 2026 and the Building Management Enactment 2026, have the rights and obligations conferred thereunder, and shall be subject to:

1. the special terms and conditions (if any) affecting the said lease to the lot as shown in the register of subsidiary title statement (Form F);
2. the implied terms applicable to a development parcel including those provided under section 12 of the Enactment;
3. any special terms and conditions endorsed herein pursuant to section 12 of the Enactment; and
4. all memorials, endorsements, entries and dealings duly registered against this development parcel title.

SPECIAL TERMS AND CONDITIONS:

(If any)

.....

Owner Information		
Owner No.	Name of Owner(s)	Share

Signed _____

Registrar

LAND (SUBSIDIARY TITLE) ENACTMENT 2026

SCHEDULE

[Paragraph 15(2)(a)]

FORM E

INDEX REGISTER OF SUBSIDIARY TITLE

Title No.	Lot No.	Area	Area Unit

District	Locality

No. of Index and Storey Plans	Index and Storey Plan Reference No.

No. of Certified Plans	Certified Plan Reference No.

Building No.	Type of Use	No. of Parcels	Total Area (square metre)	Remarks
		Total		

LAND (SUBSIDIARY TITLE) ENACTMENT 2026

SCHEDULE

[Paragraph 15(2)(b), subsection 15(4), subparagraph 17(1)(b)(ii) and subsection 18(2)]

FORM F

REGISTER OF SUBSIDIARY TITLE STATEMENT

Extract from Register of the Title No. _____ covering _____ subsidiary titles from No. _____ to No. _____. The copy of the lease to the lot in the appended schedule contains all those memorials, endorsements and entries appearing this day in the register document of the above title, which relate to matters capable of affecting any of the parcels from this day held by the title subsidiary thereto, but not including matters capable of affecting one only of these parcels.

Dated _____

Registrar _____

LAND (SUBSIDIARY TITLE) ENACTMENT 2026

SCHEDULE

[Subsection 15(3)]

FORM G

DETAILS AND ADDRESS FOR SERVICE OF THE MANAGEMENT CORPORATION

Title No.	Lot No.	Area	Area Unit

District	Locality

Name of Management Corporation	Address for Service of Documents <i>in accordance to the Building Management Enactment 2026</i>

LAND (SUBSIDIARY TITLE) ENACTMENT 2026

SCHEDULE

[Section 21]

FORM H

APPLICATION FOR SUBDIVISION OR AMALGAMATION OF PARCEL(S)

To the Collector for the parcel(s) comprised in the subsidiary title described in ANNEXURE ONE hereto,

I/We, the owner(s) of the said subsidiary title of the parcel(s) described in ANNEXURE ONE, hereby apply, pursuant to sections 19, 20 and 21 of the Land (Subsidiary Title) Enactment 2026, for approval of the subdivision or amalgamation of the said parcel(s) as specified herein.

1. The particulars of the proposed parcel(s) is as specified in ANNEXURE TWO, in accordance with the boundaries and particulars shown in the index plan(s) and storey plan(s) submitted in ANNEXURE THREE and ANNEXURE FOUR respectively.

2. In compliance with section 21 of the Land (Subsidiary Title) Enactment 2026, I/we hereby submit the following documents:

- (a) a plan in triplicate, duly certified by a registered surveyor, showing all particulars of the proposed subdivision or amalgamation;
- (b) a certified true copy of the issue document of the said subsidiary title(s);
- (c) the prescribed fee as specified in ANNEXURE ONE;
- (d) documents as required under sections 20 and 21 of Land (Subsidiary Title) Enactment 2026; and
- (e) Certificate of Survey Fees Payment issued by Sabah Surveyors Board.

3. The certificates by a surveyor as required by subsection 6(6) of the Land (Subsidiary Title) Enactment 2026 are on all the said index plan in ANNEXURE THREE and storey plans in ANNEXURE FOUR submitted herewith.

Dated _____

FOR REFERENCE ONLY (JUNE 2026)

No. Owner	Owner(s)	Signature	Attestor(s) under section 97 of the Land Ordinance [Cap. 68]	Signature

To the Director

1. Certified copy of issue document of subsidiary title(s) enclosed.
2. Special terms and conditions (to be included in title and Form F).

Date _____

Collector _____

Subdivision or amalgamation of parcel(s) as above is approved.

Date _____

Director _____

ANNEXURE ONE

Subsidiary title(s) of the affected parcels for subdivision or amalgamation

No.	Subsidiary Title No.	Building No.	Storey No.	Parcel No.	Area (square metre)

ANNEXURE TWO

PARTICULARS OF PROPOSED PARCEL(S)

Main Title No.	Area	Area Unit

Group No.	Building No.	Storey No.	Parcel No.	Area (square metre)	Total Area (square metre)	Parcel Use	Accessory Parcel No.	Area (square metre)	Accessory Parcel Use

Note on Parcel Numbering Convention

Parcel numbering shall comply with the following convention:

- (a) numbers only (no alphabetic characters);
- (b) each parcel number shall consist of nine (9) numeric digits in the form ABCDEFGHI, where —
 - ABC = building number within the subdivision;
 - DE = storey number (ground floor = 00; basement = 99, 98, 97 and so on);
 - FGH = unit number within the storey;

- I = parcel type number, where —
 - ◆ 0 denotes a main parcel; and
 - ◆ 1 to 9 denote accessory parcel types.

ANNEXURE THREE

INDEX PLAN

ANNEXURE FOUR

STOREY PLAN(S)

Sabah Lawnet

LAND (SUBSIDIARY TITLE) ENACTMENT 2026

SCHEDULE
[Subsection 24(1)]

FORM I

NOTIFICATION OF INTENDED TERMINATION OF SUBDIVISION
OF SUBDIVIDED BUILDING OR LAND

Title No.:

Title Type:

Lot Number:

Area:

Area unit:

To the Registrar,

Take notice that the land comprised in the title described above contains a subdivided building or land and is managed by the management corporation specified below:

Registered No.	Name of Management Corporation	No. of Subsidiary Titles

The management corporation of the said subdivided building or land hereby gives notice that it has been directed by a comprehensive resolution, in accordance with subsection 24(1) of the Land (Subsidiary Title) Enactment 2026, to take action to terminate the subdivision of the said building or land.

As required by subsection 24(1) of the Land (Subsidiary Title) Enactment 2026, this notification is accompanied together with the following documents:

1. the lease to the lot; and
2. the issue documents of subsidiary title to all parcels comprised in the subdivided building or land.

The common seal of the management corporation was affixed to this notification pursuant to the said comprehensive resolution on the _____ day of _____ 20____, in the presence of:

Chairman of the Council

LAND (SUBSIDIARY TITLE) ENACTMENT 2026

SCHEDULE

[Subsection 28(3)]

FORM J

NOTIFICATION AND REGISTRATION OF CHARGE
BY MANAGEMENT CORPORATION

To the Registrar,

Take notice that _____ being the registered owner of Subsidiary Title No. _____ in respect of _____, has failed to pay contributions and/or other sums payable to the management corporation under the Building Management Enactment 2026, including any interest lawfully incurred thereon.

Amount due : RM

Amount in words : As at :

Pursuant to subsection 28(3) of the Land (Subsidiary Title) Enactment 2026, the _____ management corporation hereby gives notice to the Registrar that the sum stated above is to be registered as a charge against the said subsidiary title.

Upon registration, the said charge shall —

- (a) attach together with the subsidiary title to which it relates; and
- (b) have effect in accordance with subsection 28(4) of the Land (Subsidiary Title) Enactment 2026.

The management corporation hereby declares that the amount stated above is lawfully due and payable and remains unpaid as at the date of this notification.

Dated at _____ this ____ day of _____

The Common Seal of the _____ management corporation was affixed hereto pursuant to the authority duly conferred under the Building Management Enactment 2026.

.....
Chairman

.....
Secretary

c.c. Purchaser/Registered Subsidiary Owner
Registered Chargees

CERTIFIED by me to be a true copy of the Bill passed by the Legislative Assembly on Thursday, the 30th day of April, 2026.

DATUK SERI PANGLIMA HAJI KADZIM BIN HAJI M. YAHYA,
Speaker,
State Legislative Assembly.