

CHAPTER 119.

RECONSTITUTION OF LAND OFFICE RECORDS (LABUAN).

To provide for the reconstitution of the records of the Land Office in Labuan and for the registration and issue of new titles to land in Labuan in replacement of titles lost or destroyed during the period of the Japanese occupation.

[13TH FEBRUARY, 1953.]

Short title and application.

1. This Ordinance may be cited as the Reconstitution of Land Office Records (Labuan) Ordinance, and shall apply to Labuan only.

Interpretation.

2. In this Ordinance unless the context otherwise requires –

"Commissioner" means the Commissioner of Lands appointed under the Land Ordinance [*Cap. 68.*] and includes any person appointed by the Governor to exercise the powers of the Commissioner for all or any of the purposes of this Ordinance ;

"Land Office" means the office established under the provisions of section 61 of the Labuan Ordinance of the Straits Settlements [*S.S. Cap. 6.*];

"Registrar" means the officer in charge of the Land Office;

"title" means any lease or other grant issued under any law relating to land in Labuan prior to the 15th day of July, 1946.

Publication of list of uncopied titles.

3. (1) Within one month from the commencement of this Ordinance, the Registrar shall to the best of his ability prepare and publish in the *Gazette* a list of all titles of which there are no copies in the Land Office.
- (2) The list shall be in the form of the First Schedule.
- (3) Supplementary lists may subsequently be so published if necessary.

Titles to be delivered to Registrar and copies taken.

4. (1) The grantee or lessee of any title included in the list published in accordance with the provisions of section 3 or any person having possession of such title shall within three months from the date of publication of the said list deliver such title to the Registrar.
- (2) The Registrar shall issue to such person a receipt for such title in the form of the Second Schedule.
- (3) The Registrar shall thereupon take a copy of the title and having certified it as a true copy shall file such copy in the Land Office.
- (4) The Registrar shall also compile a new Register in the form of Schedule XI to the Land Rules, 1940, [S.S.G.N No. 1096/40.] of the Straits Settlements by entering therein the required particulars of each title of which there is or shall be a copy in the Land Office.
- (5) The entry in the Register under subsection (4) shall be made appropriate to the former serial number of the title.
- (6) The Registrar having complied with the requirements of subsections (4) and (5) shall upon surrender of the receipt issued under subsection (2) return the title to the person who delivered it or to the authorised agent of such person.

Information to be given of person in possession of title.

5. (1) Any person who is aware of the identity of the person in possession of any title set out in the list published under the provisions of section 4 shall inform the Registrar accordingly and the Registrar may issue a notice in the form of the Third Schedule to the

person alleged to be in possession of such title requiring such person to deliver the same to him.

(2) Upon delivery of the title the Registrar shall issue a receipt for such title in the form of the Second Schedule to the person delivering the same.

(3) Upon receipt of the title the Registrar shall proceed in accordance with the provisions of subsections (3), (4), (5) and (6) of section 4.

Titles copied prior to the commencement of this Ordinance.

6. Copies of titles made and filed in the Land Office prior to the commencement of this Ordinance shall be deemed to have been made under the provisions of this Ordinance and the Registrar shall cause particulars of all such titles to be entered in the appropriate Register as required by subsections (4) and (5) of section 4.

Application for new title in place of title lost or destroyed.

7. (1) The grantee or lessee of any title included in the list published in accordance with the provisions of section 3, or any person claiming an interest therein, shall, if the title has been lost or destroyed, within three months from the date of publication of such list make an application to the Registrar for a new title.

(2) Every such application shall be supported by a statutory declaration in the form of the Fourth Schedule.

(3) As soon as may be after the receipt of such application the Registrar shall prepare a notice in the form of the Fifth Schedule to this Ordinance and shall post such notice on the notice board outside the Land Office and shall forthwith serve a copy thereof on the occupiers of land adjoining the land to which such application relates, and on all persons who appear to the Registrar to have any interest in the land, and may, if he considers it necessary, cause a copy of such notice to be published in the *Gazette*.

(4) Any person who claims any interest in such land or who, for any reason, objects to the grant of such application may lodge his objections at the office of the Registrar.

(5) As soon as may be after the expiration of one month from the date upon which such notice has been posted in accordance with subsection (3) the Registrar shall hold an enquiry, hear the objections, if any, to the grant of such application, and make such order as to him seems just:

Provided that before making any such order the Registrar may direct that the land be re-surveyed and re-demarcated. The cost of such re-survey and re-demarcation shall be borne by the person to whom the new title is to be issued and shall be paid before the issue of the new title.

Issue of new title in place of title lost or destroyed.

8. (1) Where an order is made under subsection (5) of section 7 that the applicant or any other person is entitled to a new title the Registrar shall, after the time prescribed for filing an appeal has expired and providing no appeal has been lodged, cause to be registered and thereafter issued to the applicant, or such other person, a new title.

(2) Before issuing the new title the Registrar shall cause a copy thereof to be made which copy shall be filed in the Land Office, and shall also cause particulars of the title to be entered in the appropriate Register in accordance with the provisions of subsections (3), (4) and (5) of section 4.

(3) Each new title so issued shall as far as possible bear the same serial number as the lost or destroyed title and be upon the same terms and conditions as those upon and subject to which the original title was granted and shall be available for all purposes and uses and have full force and validity as if it had been issued under the provisions of the land law in force in Labuan at the date of issue of the original title.

Public notice of rights under Ordinance.

9. The Registrar shall, as nearly as possible at the same time as he publishes the list referred to in section 3, cause to be published twice at an interval of fourteen days in a newspaper circulating in the Colony, the Colonies of Sarawak, Singapore and Hong Kong, the Federation of Malaya, the State of Brunei and the city of London a notice in the form of the Sixth Schedule.

Application for recognition of title.

10. (1) Any person claiming to be the grantee or lessee or to be entitled to any interest in any title which is not included in the list published under the provisions of section 3 shall within twelve months from the date of publication of such list make an application to the Registrar to include such title in such list.

(2) Every such application shall be supported by a statutory declaration setting out the grounds of such application and the reasons why such title has not been presented for copying prior to the commencement of this Ordinance.

(3) As soon as may be after receipt of such application, the Registrar shall hold an enquiry and shall order that the title shall or shall not be added to the list.

(4) If under the provisions of subsection (3), the title is added to the list and the applicant shall have produced it, the Registrar shall deal with such title as if it had been delivered to him under the provisions of section 4, but if in such case the applicant is unable to produce the title because it has been lost or destroyed he shall be deemed to have made an application under the provisions of subsection (1) of section 7, and upon the filing of the statutory declaration required by subsection (2) of section 7 the Registrar shall proceed under that section.

Appeal.

11. Any person aggrieved by any decision of the Registrar under this Ordinance may appeal in the manner prescribed by section 41 of the Land Ordinance [*Cap. 68.*], and the provisions of that section shall apply to any such appeal.

Revision.

11A. The Director of Lands and Surveys may at any time call for the record of any application or other matter heard or decided by the Registrar under this Ordinance and may of his own motion revise or overrule the decision given and make such order thereon as may appear just.

Provided that notice of any such order shall be given to the applicant or any person who may be aggrieved by such order and such applicant or other person may, upon payment of

any prescribed fee and within one month of such notice, appeal against such order to the High Court and the decision of the High Court shall be final.

In case of appeal new title to issue in conformity with the order of appeal.

12. (1) Where an appeal is lodged under the provisions of section 11 against an order of the Registrar made under subsection (5) of section 7, the Registrar shall not register or issue a new title until a final order has been made upon the appeal by either the Commissioner or the High Court.

(2) Where such final order is made by the Commissioner he shall certify such order to the Registrar.

(3) Where such final order is made by the High Court, the High Court shall certify such order to the Registrar through the Commissioner.

(4) On receipt of the certificate of such final order the Registrar shall proceed in accordance with the provisions of section 8 to register and issue or not to register and issue a new title in conformity with the terms of the order.

Power to enforce attendance of witnesses.

13. In every enquiry held under this Ordinance the Commissioner and the Registrar shall have the powers conferred upon the Commissioner and the Collector respectively by section 44 of the Land Ordinance [Cap. 68].

Power to accept applications out of time.

14. Notwithstanding the provisions of subsection (1) of section 4, a Registrar may in his discretion accept an application after the expiration of the three months referred to in that subsection if it is shown to his satisfaction that for any good and sufficient reason the applicant was prevented from making or unable to make the application within the three months aforesaid.

Unclaimed land to revert to crown.

15. (1) As from one year from the commencement of this Ordinance any town, country or suburban lands for which no title has been entered in the Register shall be deemed to revert and escheat to the Crown:

Provided that where any enquiry or appeal in respect of any application under sections 4, 7, 10 or 11 shall still be pending the land which is the subject of such enquiry or appeal shall not revert or escheat, if the final order upon such enquiry or appeal orders that a title be issued to any person.

(2) The Commissioner shall to the best of his ability prepare and publish in the *Gazette* a list of all known titles affected by the operation of subsection (1) and shall enter on relevant records in the Land Office the fact of such reversion and escheat.

Protection of persons acting in execution of duty.

16. (1) No action shall be brought against any person for anything done or *bone fide* intended to be done in the exercise or supposed exercise of the powers given by this Ordinance-

- (a) without giving to such person one month's previous notice in writing of the intended action, and of the cause thereof;
- (b) after the expiration of three months from the date of the accrual of the cause of action.

(2) In every action so brought it shall be expressly alleged that the defendant acted maliciously or negligently and without reasonable or probable cause, and if at the trial the plaintiff shall fail to prove such allegation, judgment shall be given for the defendant.

(3) Though judgment shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the court before which the action is tried shall certify approbation of the action.

Power to make rules.

17. The Governor may make rules for more effectually carrying out the provisions of this Ordinance and in particular for prescribing forms and fees in respect of any application or re-survey made under the provisions of this Ordinance.

Penalty.

18. Any person who –

- (a) wilfully neglects to comply with the requirements of any notice duly served upon him by a Registrar in accordance with the provisions of this Ordinance; or
- (b) who contravenes the provisions of sections 4, 5, or 7 of this Ordinance;

shall be guilty of an offence against this Ordinance and shall on conviction be liable to a fine not exceeding five hundred dollars, or in default, to a term of simple imprisonment not exceeding six months:

Provided that no prosecution shall issue in respect of any offence against sections 5 or 7 without the previous written consent of the Attorney-General.

FIRST SCHEDULE.
COLONY OF NORTH BORNEO.
THE RECONSTITUTION OF LAND OFFICE RECORDS (LABUAN)
ORDINANCE.
(SECTION 3 (2).)
LIST OF MISSING TITLES.

In pursuance of section 3 (1) of the Reconstitution of Land Office Records (Labuan) Ordinance, it is hereby notified that the records of the Land Office contain no copies of the titles set out in the Schedule below.

The grantee or lessee of any such title or any person having possession thereof is hereby required to deliver such title to the Registrar within 3 months from the date of publication of this notification in the *Gazette*.

SCHEDULE.

Title No.	Lot No.	Plan No.	Locality	Area A.R.P.	Person last registered (if unknown)
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Dated at Labuan this day of....., 19.....

..... Registrar.

SECOND SCHEDULE.
COLONY OF NORTH BORNEO.
THE RECONSTITUTION OF LAND OFFICE RECORDS (LABUAN)
ORDINANCE.
(SECTIONS 4 (2) AND 5 (2).)
RECEIPT FOR TITLE.

Received from
the title specified hereunder*-

Dated at Labuan this day of....., 19.....

..... Registrar.

* Here set out the particulars of the title.

Note:-This Receipt must be surrendered to the Registrar before the title is returned.

Sabah LawNet

THIRD SCHEDULE.
COLONY OF NORTH BORNEO.
THE RECONSTITUTION OF LAND OFFICE RECORDS (LABUAN)
ORDINANCE.
(SECTION 5 (1).)
NOTICE TO PRODUCE TITLE.

To.....

In pursuance of the powers conferred upon me by section 5 of the Reconstitution of Land Office Records (Labuan) Ordinance, I hereby give you notice to deliver to me within ten days from the date hereof the title specified hereunder*-

And take notice that if you fail to comply with the terms of this notice you render yourself liable to a fine of five hundred dollars or in default to simple imprisonment for six months.

Dated at Labuan this day of, 19.....

.....Registrar.

- Here set out the particulars of the title.

FOURTH SCHEDULE.
COLONY OF NORTH BORNEO.
THE RECONSTITUTION OF LAND OFFICE RECORDS (LABUAN)
ORDINANCE.
(SECTION 7 (2).)
STATUTORY DECLARATION.

I/we.....
being the owner/s, executor/s, administrator/s, attorney, of the owner/s of*
..... do solemnly and sincerely declare that such land is the
property of (the said)..... that the only other
persons having any interest therein are..... and I/we make this solemn declaration
conscientiously believing the same to be true and by virtue of the provisions of the Statutory
Declarations Ordinance.

Subscribed and solemnly declared by the above-named.....

at..... in the

Colony of.....

this day of.....

....., 19....., before me.....

..... *Magistrate.*

* Here the applicant should set out all the particulars and information which he can give with regard to the title, boundaries, etc., of the land.

FIFTH SCHEDULE.
COLONY OF NORTH BORNEO.
THE RECONSTITUTION OF LAND OFFICE RECORDS (LABUAN)
ORDINANCE.
(SECTION 7 (3).)
NOTICE.

Whereas claim/s to be the holder
of*

And Whereas it is alleged that the title has been lost or destroyed:

And Whereas the said..... has applied to the Registrar for a
new title to such land.

Notice is hereby given that any person claiming any interest in the said land or objecting to
the issue of a new title to the applicant is required to notify the Registrar of his interest or lodge
his objections within one month from the date hereof.

Dated at Labuan this..... day of....., 19.....

..... Registrar.

- Here set out the particulars contained in the Statutory Declaration supporting the application.

SIXTH SCHEDULE.
(SECTION 9.)
FORMER SETTLEMENT OF LABUAN.
RECONSTITUTION OF LAND OFFICE RECORDS.

Whereas during the period of the war the Land Title Registers in respect of the Settlement of Labuan were destroyed, and

Whereas such records have been reconstituted as far as possible,

Now, therefore, notice is hereby given that under the provisions of Reconstitution of Land Office Records (Labuan) Ordinance of the Colony of North Borneo, any land in the former Settlement of Labuan for which no title has been recorded in the Land Office at Labuan since the 15th day of June, 1946, shall as from the..... day of....., 1954, be deemed to have reverted or escheated to the Crown, and therefore any person claiming any right title or interest in land in Labuan whose rights are not so recorded in the Land Office should communicate urgently with the Registrar of Land Titles, Labuan, North Borneo.