

STATE OF SABAH

SABAH LAND DEVELOPMENT BOARD ENACTMENT 1981 (Sabah No. 23 of 1981)

LIST OF AMENDMENTS

<i>Enactment No.</i>	<i>Sections amended</i>	<i>Effective date of amendment</i>
10/1982	4 (2), 20 (1), 48	15-9-1981
10/1984	4 (1) (c)	1-7-1984
2/1987	49,50	16-4-1987
17/1995	25 (1) (cc), 50A	1-11-1995

An Enactment to provide for the establishment of a Sabah Land Development Board to promote and carry out projects for land development and settlement, for making funds available therefor and for purposes connected thereto.

[15th September 1981]

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

PART 1 PRELIMINARY

Short title and commencement.

1. (1) This Enactment may be cited as the Sabah Land Development Board Enactment 1981 and shall come into operation on such date as the Minister may, by notice in

the *Gazette*^{*}, appoint.

(2) The Minister may appoint different dates for the coming into operation of different parts or provisions of the Enactment.

Interpretation.

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

“Board” means the Sabah Land Development Board constituted under section 3;

“Chairman” means Chairman of the Board;

“Deputy Chairman” means Deputy Chairman of the Board;

“functions” includes powers and duties;

“General Manager” means the General Manager appointed under section 20 of the Enactment and includes any person for the time being so appointed to perform the duties of the General Manager;

“member” means a member of the Board including the Chairman and Deputy Chairman;

“Minister” means the Minister for the time being charged with responsibility for matters relating to land development and settlement.

PART II

ESTABLISHMENT AND CONSTITUTION OF BOARD

Establishment of Board.

3. (1) As from the commencement of this Enactment there shall be constituted the “Sabah Land Development Board” which shall be a body corporate with perpetual succession, capable of suing and being sued in its corporate name and with power to

^{*} In force 15th September 1981 – See G.N. 994/81.

purchase or otherwise acquire, hold, and exchange or alienate or otherwise deal with in any lawful manner whatsoever, any property movable and immovable, and to enter into contracts and generally to do such acts and things as a body corporate may do by law and as are necessary for, or incidental to, the carrying out its objects and the exercise of its powers as set out in this Enactment.

(2) The Board shall have a common seal which shall bear such device as the Board may approve and such seal may from time to time be broken, changed altered and made anew by the Board, as the Board may think fit.

(3) Until a common seal is provided under subsection (2), a stamp bearing the inscription "The Sabah Land Development Board" may be used as the common seal of the Board.

Composition of Board.

4. (1) The Board shall consist of the following members-

- (a) a Chairman;
- (b) a Deputy Chairman;
- (c) not less than five and not more than seven other members; and
- (d) the person for the time being holding the office of the General Manager:

Provided that the General Manager shall not be entitled to vote at the meeting of the Board.

(2) The members as specified in paragraphs (a), (b), and (c) of subsection (1) shall be appointed by the Yang di-Pertua Negeri.

(3) A member who is an officer in the public service of the State may by instrument in writing addressed to the Chairman appoint another officer in the public service of the State as an alternate member who may attend on his behalf any meeting of the Board which such member is for any reason unable to attend and such alternate member when attending such meeting shall for all purposes be deemed to be a member of the Board.

(4) Subject to the provisions of section 7 of this Enactment, a member other than the General Manager shall hold office for a period of three years from the date of his appointment, and shall be eligible for re-appointment.

Resignation and revocation.

5. (1) A member, other than the General Manager, may at any time resign his office by giving notice in writing to the Chairman.

(2) The appointment of a member may at any time be revoked by the Yang di-Pertua Negeri if he thinks it expedient to do so.

Disqualification from membership.

6. The following persons shall be disqualified from being appointed as or, if appointed, remaining as a member—

- (a) a person who is of unsound mind or otherwise incapable of performing his duties or managing his affairs;
- (b) a person who is prohibited from being a director of a company under the provisions of any written law relating to companies;
- (c) a person who has been convicted of any offence involving fraud, dishonesty or moral turpitude; and
- (d) a bankrupt.

Vacation of office.

7. The office of a member, other than the General Manager, shall become vacant-

- (a) on his death;
- (b) if he is absent from three consecutive meetings of the Board without the special leave of the Chairman or leave of absence granted under this Enactment and the Board passes a resolution declaring his office vacant;

- (c) if he resigns his office;
- (d) if he becomes disqualified for membership under section 6 of this Enactment;
- (e) if his appointment is revoked by the Yang di-Pertua Negeri.

Leave of absence.

8. The Minister may grant to any member such leave of absence as the Minister may deem fit.

Casual vacancies and temporary membership.

9. (1) If the office of a member, other than the General Manager, becomes vacant, the Yang di-Pertua Negeri may appoint another suitably qualified person to fill such vacancy for so long only as the member in whose place he is appointed would have held office.

(2) Where any member, other than the General Manager, is prevented by illness, absence from the State or other like cause from performing his duties as a member, the Yang di-Pertua Negeri may appoint any suitably qualified person to act as deputy for such member during such period as he is so prevented from performing his duties.

Remuneration of members of Board.

10. There shall be paid to the members, or to such of them as the Minister may determine, such salaries, fees and allowances out of the funds of the Board as the Minister may from time to time approve.

PART III
PROCEDURE OF BOARD

Meetings.

11. (1) The Board shall meet as often as may be necessary or expedient for the transaction of its business and such meetings shall be held at such places and times as the Chairman may determine:

Provided that the Chairman shall not allow more than three months to elapse between such meetings.

(2) Where not less than three members, by notice in writing signed by them and addressed to the Chairman, request that a meeting of the Board be held for any purpose specified in such notice the Chairman shall, within seven days of the receipt by him of such notice, convene a meeting accordingly.

Procedure of meetings.

12. (1) The quorum necessary for the transaction of the business of the Board shall be five.

(2) In the absence of the Chairman from any meeting of the Board, the Deputy Chairman shall preside thereat and, in the absence of both the Chairman and the Deputy Chairman, the members present shall elect one of their number to preside thereat.

(3) Questions arising at any meeting of the Board shall be decided by the votes of the majority of those present and voting thereon, and in the case of an equality of votes, the Chairman or other person presiding at such meeting shall have a second or casting vote.

(4) Subject to the provisions of this Part, the Board shall have power to make standing orders to regulate its own proceedings.

Members interested not to vote.

13. (1) Any member who has or acquires, directly or indirectly by himself, his partner or agent—

(a) any share or interest in any contract made with or work done for the Board or in any company or with any person or in respect of any undertaking with which the Board proposes to contract; or

(b) any beneficial interest in land proposed to be acquired, purchased, leased or otherwise dealt with by the Board or which he knows to be affected or to be likely to be affected by any project, scheme or enterprise approved or proposed to be approved by the Board;

shall, before taking part in any proceedings at a meeting of the Board, relating to or affecting directly or indirectly any such contract or land, inform the person presiding at such meeting of the nature and extent of such share or interest, and such information shall be recorded in the minutes of such meeting, and such member shall not vote upon any resolution or question relating thereto, or to matters incidental thereto and if the person presiding at the meeting so requests, such member shall withdraw from the meeting during such deliberation or decision:

Provided that no member shall be deemed to have or acquire any share or interest in a contract with the Board by reason only that he has or acquires a share in any loan issued by the Board or in any security for the same:

Provided further that for the purpose of determining whether there is a quorum, a member who attends the meeting shall be treated as being present notwithstanding that under the provisions of this section he may not vote or has withdrawn.

(2) Any person who contravenes or fails to comply with the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable on conviction to a fine of one thousand ringgit and imprisonment for six months.

Power to appoint committee.

14. (1) Subject to the provisions of this Enactment, the Board may, for any general or special purpose, appoint such committees as it thinks desirable.

(2) A committee may do all such things as may be necessary for the effective carrying out of its functions but shall be subject to the general directions of the Board.

(3) A committee shall consist of a Chairman and not more than five other persons.

(4) A committee may consist of persons who are not members of the Board.

(5) Members of a committee may be paid such remuneration or allowance as the Board may, with the approval of the Minister, determine.

Meetings of a committee.

15. (1) In the absence of the Chairman of a committee from any meeting of the

committee such other member of the committee as may be elected by the members present shall preside over the meeting.

(2) The quorum for the meeting of a committee shall be three.

(3) Any question to be determined at any meeting of a committee shall be decided by the votes of the majority of those present and voting thereon, and in case of an equality of votes the person presiding shall have a second or casting vote.

(4) A committee may invite to any of its meetings any person who can in its opinion contribute to its deliberations but such a person shall have no right to vote at the meeting.

(5) Subject to this section and the directions of the Board, a committee shall regulate its own procedure.

Delegation of powers.

16. (1) The Board may delegate to any committee, member, officer or servant of the Board, such of its functions as it may deem necessary or desirable.

(2) Any functions delegated under this section—

(a) may be so delegated subject to such conditions or restrictions as the Board may either generally or specially impose;

(b) shall be exercised by the committee, member, officer or servant concerned in the same and on behalf of the Board.

(3) No delegation made under this section shall preclude the Board itself from exercising or performing at any time any of the functions so delegated.

Power of Chairman to delegate.

17. (1) Subject to the provisions of this Enactment and of any regulations made thereunder, the Chairman may delegate in writing to any member, officer or servant of the Board the power and authority to carry out on his behalf such duties, powers or functions as he may determine.

(2) The Chairman may at the time of delegating any power or authority under subsection (1) to any member, officer or servant, or at any time thereafter give directions as to the manner in which such delegated power or authority is to be exercised and may at any time revoke, modify or increase such delegation.

Execution of documents, etc..

18. (1) The common seal of the Board shall be in the custody of the Chairman and shall not be used except in the presence of the Chairman or Deputy Chairman and one member and such use shall be authenticated by the signatures of such persons and such authentication shall be sufficient evidence that such seal was duly and properly fixed and that it is the lawful seal of the Board.

(2) All documents, other than those required by law to be under seal, to which the Board is a party may be signed on behalf of the Board by the Chairman or any member or by any officer or servant generally or specially authorised in that behalf by the Board.

Vacancy not to invalidate acts, etc..

19. (1) No act or proceeding of the Board or any committee thereof shall be questioned on account of any vacancy among the members or on account of the appointment of any member having been defective.

(2) Until the contrary is proved, every meeting of the Board or of any committee thereof shall be deemed to have been duly convened and held and all members present thereat shall be deemed to have been duly qualified.

(3) A statement in any document to the effect that any function has been delegated under this Part shall, unless the contrary is proved, be evidence that such delegation has been lawfully made.

PART IV
ADMINISTRATION

Appointment of General Manager, officers and servants.

20. (1) Subject to section 21, the Board shall appoint a General Manager with the approval of the Minister, and such other officers and servants as may be necessary for carrying out its functions and duties under this Enactment.

(2) Whenever the General Manager is prevented by illness, absence from the State, or other like cause from performing his duties as such, or when the office of General Manager is vacant, the Board may appoint one of its officers to perform the duties of General Manager during such period as the General Manager is so prevented from performing his duties or the said office is vacant.

(3) Subject to the approval of the Government, the General Manager and other officers and servants of the Board shall be engaged on such terms and conditions as the Board may think fit.

Restriction on alterations in establishment.

21. The Board shall not, without the approval of the Government, make any addition to its established posts.

General Manager as chief executive officer.

22. (1) The General Manager shall be the chief executive officer responsible to the Board and shall perform such duties and exercise such powers as may be determined or delegated by the Board.

(2) Subject to the directions and control of the Board, all officers and servants of the Board shall be under the administrative control of the General Manager.

Officer or servant not to be interested in contracts.

23. (1) No person shall be eligible for employment as an officer or servant of the Board who has, directly or indirectly, by himself or his partner, any share or interest in any contract

with, for or on behalf of the Board.

(2) Any officer or servant of the Board who has or acquires any such share or interest shall be liable in the discretion of the Board to summary dismissal without notice.

(3) No officer or servant shall be deemed to have or acquire any such share or interest by reason only that—

- (a) he is or becomes a member of an incorporated company which owns land situated in Sabah or has a contract with or executes work for the Board, or
- (b) he has or acquires a share in any loan, issued by the Board or in any security for the same.

PART V FUNCTIONS OF THE BOARD

Duty of the Board.

24. It shall be the duty of the Board to promote and assist the investigation, formulation and carrying out of projects for the development and settlement of land in the State.

Powers of the Board.

25. (1) The Board shall have power for the purpose of the discharge of its duty under section 24—

- (a) to carry on all activities the carrying on whereof appears to it to be requisite, advantageous or convenient for or in connection with the discharge of its said duty;
- (b) to promote and co-ordinate the carrying on of any such activities by corporations established by the Board and to give assistance to such corporations, including financial assistance by way of grant, loan or otherwise;

- (c) to carry on such activities in association with corporations or other boards, bodies or persons (including departments of the Government of the Federation or of any State Government) or as managing agents or otherwise on their behalf;
- (cc) to appoint any corporation, body or person to manage all or any of its movable or immovable property, activities or undertakings upon such terms and conditions as the Board may determine;
- (d) to make loans, subject to such conditions as the Board may think fit, in accordance with the provisions of this Enactment;
- (e) to do anything and to enter into any transaction (whether or not involving expenditure, borrowing in accordance with the provisions of this Enactment in that behalf, granting of loans or investment of money, the acquisition, use and disposal of any movable or immovable property, including rights) which in its opinion is calculated to facilitate the proper discharge of its functions or is incidental or conducive thereto.

(2) In addition to the duties imposed under this section, the Board may undertake such other functions and administer and expend such other monies for such purposes as the Yang di-Pertua Negeri may assign to the Board and in so doing the Board shall be deemed to be fulfilling the purpose of this Enactment and the provisions of this Enactment shall apply to the Board in respect of such functions and the administration and expending of such monies:

Provided always that the accounts of such monies shall be kept separate and apart from those of the Board.

PART VI FINANCIAL PROVISIONS

Fund of the Board.

26. (1) There shall be established a Fund to be known as the "Sabah Land Development Board Fund" (hereinafter called "the Fund") which shall consist of-

- (a) such capital sums as may be provided from time to time for the purposes of the Board by the Legislative Assembly of the State;
 - (b) such capital sums as may from time to time be advanced to the Board by the Federal Land Development Authority, by way of grant, loan or otherwise out of the Land Development Fund;
 - (c) sums borrowed by the Board for the purpose of meeting any of its obligations or discharging any of its duties;
 - (d) any property, investments, mortgages, charges or debentures acquired by or vested in the Board; and
 - (e) all other capital assets which may in any manner become payable to or vested in the Board in respect of any matter incidental to its powers and duties.
- (2) The Fund may be applied in defraying the following charges-
- (a) any loans made by the Board;
 - (b) any expenses lawfully incurred by the Board including survey, legal and other fees and costs, and the remuneration of any officer or servant appointed and employed by the Board, including superannuation, allowance or gratuities; and
 - (c) any other expenses, costs or expenditure properly incurred or accepted by the Board in the execution of its duty or the discharge of its functions.

Balancing of revenue account.

27. It shall be the duty of the Board to conserve the Fund by so exercising and performing its functions and duties under this Enactment as to secure that the total revenues of the Board are sufficient to meet all sums properly chargeable to their revenue account, including, without prejudice to the generality of that expression, provisions, in respect of its obligations under section 28 and depreciation and interest on capital, taking one year with another.

Reserve fund.

28. (1) The Board shall establish a reserve fund.

(2) The management of the reserve fund, the sums to be paid from time to time to the credit thereof and the application thereof shall be as the Board may determine:

Provided that no part of the reserve fund shall be applied otherwise than for the purposes of the Board.

Investment of funds.

29. The Board may, from time to time, invest any of its funds, not immediately required to be expended in the meeting of the obligations or in the discharge of the functions of the Board, in securities authorised for the investment of trust funds by any written law for the time being in force, and may place the same on deposit in any bank or banks licensed under the provisions of the Banking and Financial Institutions Act 1989* [Act 372.] or, in any undertaking as may be approved by the Minister of Finance.

Borrowing powers.

30. (1) The Board may, from time to time, with the approval of the Minister of Finance, borrow money by the issue of debenture stock or otherwise as the Minister of Finance may direct for the purposes of this Enactment.

(2) The Board may, from time to time, for the purpose of this Enactment, raise loans from the Government, or with the consent of the Minister of Finance, borrow by way of a temporary loan or overdraft from a bank licensed under the provisions of the Banking and Financial Institutions Act 1989* [Act 372.], or otherwise.

Loans may be secured by mortgage.

31. The Board may secure the repayment of any sum borrowed, by the mortgage or

* "Banking and Financial Institutions Act 1989" substituted for "Banking Act 1973" by virtue of Act 372.

* "Banking and Financial Institutions Act 1989" substituted for "Banking Act 1973" by virtue of Act 372.

charge, legal or equitable, of any property vested in the Board, or of any revenue receivable by the Board under this Enactment or any other written law.

Power to make loans.

32. (1) Subject to such conditions as the Minister may deem fit to impose in particular cases, the Board may, out of the Fund make loans in accordance with the provisions of this Enactment in that behalf in the execution of its duties or in the discharge of its functions under sections 24 and 25.

(2) In making loans under the provisions of subsection (1) the Board may charge such rate of interest as it may deem fit in any particular case.

(3) Every loan shall be repaid to the Board in accordance with the terms and conditions under which such loan was made and the moneys so paid shall thereupon be taken into the accounts of the Board.

(4) Every mortgage to secure loan and every instrument or charge under the provisions of this Enactment shall be approved by the Board, and all costs, charges and expenses incurred in connection therewith shall be paid by the person to whom the loan is made.

Power to guarantee loans.

33. The Board may, with the written approval of the Yang di-Pertua Negeri, guarantee any loans made by any bank or financial institution to any applicant approved by the Board for any purpose for which the Board might itself have granted such loan.

Annual Estimates.

34. (1) The Board shall before the commencement of each financial year cause to be prepared and shall adopt annual estimates of income and expenditure of the Board for the ensuing year.

(2) Supplementary estimates may be adopted by the Board at any of its meetings.

(3) A copy of all annual estimates and supplementary estimates shall, upon their

adoption by the Board, be sent forthwith to the Minister for his approval.

(4) No expenditure shall be incurred by the Board which has not been included in the annual estimates or supplementary estimates adopted by the Board and approved by the Minister.

Accounts.

35. (1) The Board shall cause-

- (a) proper accounts and other records in relation thereto to be kept; and
- (b) an annual statement of accounts to be prepared.

(2) The annual statement of accounts of the Board shall present a true and fair view of the financial position of the Board, and of the results of the operations of the Board for the year to which it relates.

(3) The financial year of the Board shall be the period commencing on the 1st day of January and ending on the 31st day of December in each year.

Audit and statement of accounts.

36. (1) The accounts of the Board shall be audited by the Auditor-General.

(2) The board shall not later than 31st July of each year submit the accounts of the Board for the preceding financial year to the Auditor-General for the purpose of audit.

(3) The Board shall, when required by the Auditor-General, produce and lay before him all books and accounts of the Fund concerned, together with all vouchers in support thereof, and relating thereto, and the Auditor-General shall be entitled to require from the Board, or any member, officer, servant, or agent of the Board such information and explanation as he may deem necessary for the performance of his duties as an auditor.

(4) After the end of each financial year, as soon as the accounts of the Board have been audited, the Board shall cause a copy of the statement of accounts, together with a copy of any report made by the Auditor-General on that statement or on the accounts of the Board, to be sent to the Minister who shall lay the same before the Legislative Assembly and

cause a copy thereof to be published in the *Gazette*.

Annual report.

37. The Board shall, as soon as practicable after the end of each financial year, cause to be made and transmitted to the Minister a report dealing generally with the activities of the Board during such year, and the Minister shall cause a copy of such report to be laid before the Legislative Assembly.

Bank account.

38. (1) All moneys paid to the Board shall be paid into an account in such bank or banks licensed under the provisions of the Banking and Financial Institutions Act 1989*, as may be approved by the Board.

(2) All orders against the said account shall be signed by the General Manager and countersigned by another officer of the Board authorised in writing in that behalf by the Board.

When tenders to be called.

39. Tenders for the execution of any work or duty, or for the supply of any materials or for other things necessary for the purposes of the Board whereby the expenditure of the Board is involved, shall be called in such cases and in such manner as the Government may generally or in any particular case direct.

PART VII
GENERAL

Power of Minister to give directions.

40. (1) The Minister may give to the Board directions of a general character, not inconsistent with the provisions of this Enactment, as to the exercise and performance by the Board of its functions and the Board shall give effect to any direction so given.

* "Banking and Financial Institutions Act 1989" substituted for "Banking Act 1973" by virtue of Act 372.

(2) The Board shall furnish the Minister with such information with respect to its property and activities as he may from time to time require.

Land acquired compulsorily.

41. (1) Where any immovable property, not being State land, is needed for the purposes of the Board and cannot be acquired by agreement, the Board may request and the Yang di-Pertua Negeri may, if he thinks fit, direct the acquisition of such property, and in such case, such property may be acquired in accordance with the provision of any written law relating to the acquisition of land for a public purpose and any declaration required under any such law that such land is so needed may be made notwithstanding that compensation is to be paid out of funds of the Board, and such declaration shall have effect as if it were a declaration that such land is needed for a public purpose made in accordance with such written law.

(2) When any land is acquired compulsorily by the Government at the request and for the purposes of the Board under the provisions of any written law for the time being in force relating to such acquisition—

- (a) the Board shall indemnify the Government against all costs, charges and expenses incurred by the Government in relation to such acquisition;
- (b) the Board shall not, without the written consent of the Minister, sell, exchange or otherwise dispose of such land or any interest therein.

Transfer of property to Board.

42. (1) The Yang di-Pertua Negeri may at any time by order vest any State land or movable property of the Government in the Board where it appears desirable to do so to enable the Board to carry out its duties and responsibilities.

(2) Property vested in the Board under this section may be so vested absolutely or subject to such terms and conditions as the Yang di-Pertua Negeri may think fit to impose.

(3) Where any land is vested in the Board under this section a delivery of a copy of the order concerned shall, notwithstanding any provision of any State law to the contrary, be sufficient authority to any public officer charged with the responsibility for registering dealings

with land or the issue of title thereto, and any such officer shall thereupon, without payment of fee, take all necessary steps to perfect the title of the Board to such land.

Emergency powers of General Manager.

43. In any case of emergency, the General Manager may direct the execution of any work or the doing of any act which the Board is empowered to execute and do and which he is not by the provisions of this Enactment or the regulations expressly empowered to execute or do and the immediate execution or doing of which is in his opinion necessary and he may direct that the expense of executing the work or doing the act shall be paid from the funds of the Board:

Provided that—

- (a) the General Manager shall not take any step under this section in contravention of any resolution of the Board duly passed at a meeting; and
- (b) he shall report anything done under this section to the next following meeting of the Board.

Power of suspension of executive functions.

44. Notwithstanding any other provisions of this Enactment, the Yang di-Pertua Negeri may by order suspend all or any of the executive functions of the Board or of any member or of any officer or servant thereof and assign the same to any person or persons for such period as he may deem fit.

Secrecy and penalty.

45. (1) Except for the purposes of this Enactment or of any criminal proceedings under this Enactment, no member, or officer or servant of the Board shall disclose any information with respect to any individual business, which has been obtained by him in the course of his duties and which is not published in pursuance of this Enactment.

(2) Any person knowingly contravening the provision of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year.

Protection against legal proceedings.

46. (1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Board or against the officer or servant appointed by the Board in respect of any act done or statement made *bona-fide* in pursuance or execution or intended execution of this Enactment.

(2) Where a person is exempted from liability by reason only of the provision of this section the Board is liable to the extent that it would be if such person were a servant or agent of the Board.

Public servants.

47. All members, officers, and servants of the Board shall be deemed to be public servants within the meaning of the Penal Code [Act 574.].

Public Authorities Protection Act 1948.

48. The Public Authorities Protection Act 1948 [Act 198.] shall apply to any action, suit, prosecution or proceeding against the Board or against any member, officer, servant or agent of the Board in respect of any act, neglect, or default done or committed by the Board or such person in such capacity.

Persons authorised to prosecute.

49. Any prosecution for an offence under this Enactment may be conducted by any person employed by the Board or by any public officer authorised in writing in that behalf by the State Attorney-General.

Sanction for prosecution.

50. No prosecution for any offence punishable under this Enactment shall be instituted except by or with the previous sanction in writing of the State Attorney-General.

Power to transfer or dispose of property etc..

50A. Notwithstanding the provisions of any written law to the contrary, subject to the approval of the Minister, the Board shall have the power to transfer or dispose of all or any part of its undertakings, movable or immovable property or rights to any corporation, body or person upon such terms and conditions as the Board may determine.

Transfer of property, powers, rights, liabilities and duties.

51. Upon the commencement of this Enactment—

- (a) all powers, rights, privileges, obligations or liabilities acquired, accrued, or incurred by the Sabah Land Development Board established under the provisions of the Land Development Ordinance, 1956* [F.M.S. 20 of 1956.], (hereinafter referred to as “the former Board”) shall devolve on the Board;
- (b) all property of whatever nature possessed by or vested in the former Board shall be possessed by or vested in the Board as the case may be;
- (c) all deeds, bonds, agreements, instruments and working arrangements made by the former Board, subsisting immediately before the commencement of this Enactment shall be in full force and effect against or in favour of the Board and enforceable as fully and effectually as if, instead of the former Board, the Board had been named therein as been a party thereto;
- (d) all appointments made for the former Board shall continue to be in force and have effect as if the same had been made under this Enactment;
- (e) all proceedings, whether civil or criminal, or causes of action pending or existing immediately before the commencement of this Enactment by or against the former Board may be continued or instituted by or against the Board; and
- (f) all persons who, immediately before the commencement of this Enactment, were employed as officers or servants of the former Board shall continue to be employed by the Board as officers or servants, as the case may be, upon the

* F.M.S. 20 of 1956 has been superseded by Land Development Act 1956 (Act 474).

same terms and conditions of service.

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