



LAWS OF MALAYSIA

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Act 486

LAND ACQUISITION ACT 1960

As at 1 June 2018

LAND ACQUISITION ACT 1960

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LAND ACQUISITION ACT 1960

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LAWS OF MALAYSIA

Act 486

*LAND ACQUISITION ACT 1960

An Act relating to the acquisition of land, the assessment of compensation to be made on account of such acquisition, and other matters incidental thereto.

[13 October 1960]

BE IT ENACTED by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the ****Land Acquisition Act 1960**.

PART I

PRELIMINARY

Interpretation

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

**NOTE*—In its application to the Federal Territory—

- (a) references to the State shall be construed as references to the Federal Territory;
- (b) references to the State Authority shall be construed as references to the Yang di-Pertuan Agong;
- (c) references to the ****Commissioner** shall be construed as references to the Federal Lands Commissioner;
- (d) references to State land shall be construed as references to Federal land;
- (e) references to the State land law shall be construed as references to the National Land Code as modified by the Federal territory (Modification of the National Land Code) Order, 1974; and
- (f) references to the Government of the State shall be construed as references to the Government of the Federation.

—see the Federal Territory (Modification of Land Acquisition Act 1960) Order 1974 [*P.U. (A) 81/1974*]. However, the term *****Commissioner** has since been deleted by the Land Acquisition (Amendment) Act 1997 [*Act A999*].

***NOTE*—In its application to the Federal Territory of Labuan—see P.U. (A) 455/2009 w.e.f. 1 January 2010

“building” includes any house, hut, shed or roofed enclosure, whether used for the purpose of human habitation or otherwise, any wall, fence, platform, sewerage system, underground tank, hoarding, dock, jetty, landing-stage, swimming pool, bridge, railway line, and any other structure, support or foundation related to the building;

“Certificate of Urgency” means a certificate in Form I issued under section 19;

“Committee” means the Jawatankuasa Khas Pengambilan Tanah established under section 3C;

“Committee for the Federal Territory of Kuala Lumpur” means the Jawatankuasa Khas Pengambilan Tanah established under section 3C for the Federal Territory of Kuala Lumpur;

“Court” means the High Court;

“development approval” means any approval for the carrying out of any building, engineering, industrial, or other similar operation in, on, over or under any land, or for the making of any material change in the restriction or condition relating to land use, that has been duly granted by the appropriate authority under the Town and Country Planning Act 1976 [*Act 172*] or continues to be in force by virtue of *subsection 59(1) of that Act, or that has been granted under the Federal Territory (Planning) Act 1982 [*Act 267*], the Street, Drainage and Building Act 1974 [*Act 133*], or the State land law, as the case may be;

“Economic Planning Unit” means the Economic Planning Unit of the Prime Minister’s Department of Malaysia or any other body or authority authorized by the Government, administratively or otherwise, to perform the functions of the Economic Planning Unit;

“Form” means any Form set out in the Second Schedule;

“land” means alienated land within the meaning of the State land law, land occupied under customary right and land occupied in expectation of title;

* *NOTE*— Section 59 of the Town and Country Planning Act 1976 [*Act 172*] was deleted by Federal Territory of Labuan (Extension and Modification of Town and Country Planning Act 1976) Order 2010— see P.U.(A) 442/2010 w.e.f. 1 January 2011.

“Land Administrator” means any Land Administrator or other officer appointed under the State land law, and includes an Assistant Land Administrator;

“lot” has the meaning assigned to it under the National Land Code [*Act 56 of 1965*] and includes any interim identification number allotted by Land Office pending the completion of final survey of any land held under qualified title, as the case may be;’

“Minister” means the Minister charged with responsibility for lands;

“persons entitled to act” shall be deemed to include the following persons as and to the extent hereinafter provided—

- (a) trustees for other persons beneficially interested shall be deemed the persons entitled to act with reference to any such case, and that to the same extent as the persons beneficially interested could have acted if free from disability;
- (b) subject to the Married Women Act 1957 [*Act 450*], a married woman shall be deemed the person so entitled to act and, whether of full age or not, to the same extent as if she were unmarried and of full age; and
- (c) the guardians of minors and the committees of mentally disordered persons shall be deemed respectively the persons so entitled to act to the same extent as the minors or mentally disordered persons themselves could have acted if free from disability:

Provided that:

- (i) no person shall be deemed entitled to act whose interest in the subject matter shall be shown to the satisfaction of the Land Administrator or Court to be adverse to the interest of the person interested for whom he would otherwise be entitled to act;
- (ii) in every such case the person interested may appear by a next friend or, in default of his appearance by a

next friend, the Land Administrator or Court, as the case may be, shall appoint a guardian for the case to act on his behalf in the conduct thereof;

- (iii) the provisions of the law for the time being relating to civil procedure relating thereto shall *mutatis mutandis* apply in the case of persons interested appearing before a Land Administrator or Court by a next friend, or by a guardian for the case, in proceedings under this Act; and
- (iv) no person entitled or deemed to be entitled to act shall be competent to receive the compensation money payable to the person for whom he is entitled to act, unless he would have been competent to transfer the land and receive and give a good discharge for the purchase money on a voluntary sale;

“person interested” includes every person claiming an interest in compensation to be made on account of the acquisition of land under this Act, but does not include a tenant at will;

“proper registering authority” means the Registrar within the meaning of the State land law and, in relation to a holding included in the Interim Register, the Director of Land Titles;

“public utility” includes any road, rail transportation, water and electricity supply, gas pipeline, telecommunications, street lighting, sewerage system, drainage system, public works, and any other similar public service or convenience;

“registered proprietor” includes the proprietor of a holding included in the Interim Register;

“scheduled land” means any land or lands including parcel or provisional block included in a schedule prepared under section 8 and appended to any declaration or notification in Forms D, E, J and K;

“sewerage system” has the meaning assigned to it under the *Sewerage Services Act 1993 [Act 508];

“State Authority” means the Ruler or the Yang di-Pertua Negeri of the State, as the case may require;

“State Director” means a State Director of Lands and Mines appointed under the State land law and includes a Deputy State Director of Lands and Mines;

“State Economic Planning Unit” means the Economic Planning Unit of a State or any other body or authority authorized by the Government, administratively or otherwise, to perform the functions of the State Economic Planning Unit;

“State land law” means the law for the time being in force in the State relating to land and land tenure and the registration of title thereto and the collection of revenue therefrom;

“valuer” means a valuation officer employed by the Government or a registered valuer or appraiser registered under the Valuers, Appraisers and Estate Agents Act 1981 [Act 242].

(2) Where in any notification, declaration or other instrument issued under this Act any locality referred to therein cannot, in the opinion of the authority promulgating such notification, declaration or other instrument otherwise be conveniently described, it shall be sufficient if the lands in such locality are described by their survey lot numbers, or by the lot numbers of adjacent or surrounding lands.

(3) Any notification, declaration or other instrument made or issued under this Act shall be valid and effectual for all purposes notwithstanding that pieces or parcels of any lands referred to therein are held under different titles or by different persons.

(4) In the application of this Act in a State, words and expressions used in this Act shall, unless the context otherwise requires or it is

*NOTE— This Act has been repealed by the Water Services Industry Act 2006 [Act 655] in respect of its application to Peninsular Malaysia and the Federal Territories of Putrajaya and Labuan)— see section 185 of Act 655.

herein otherwise expressly provided, have the meanings assigned to them by the State land law.

PART II

ACQUISITION

Acquisition of land

3. (1) The State Authority may acquire any land which is needed—

- (a) for any public purpose;
- (b) by any person or corporation for any purpose which in the opinion of the State Authority is beneficial to the economic development of Malaysia or any part thereof or to the public generally or any class of the public; or
- (c) for the purpose of mining or for residential, agricultural, commercial, industrial or recreational purposes or any combination of such purposes.

(2) An application for the acquisition of any land under paragraph (1)(b) or (c) shall be made in writing to the Land Administrator in the form as prescribed in the Rules made under this Act.

(3) Any application made under paragraph (1)(b) or (c) shall be accompanied by—

- (a) the project proposal;
- (b) the layout and land acquisition plan;
- (c) the preliminary valuation report of the land to be acquired;
and
- (d) such fee and deposit as may be prescribed in the Rules made under this Act:

Provided that the State Authority may grant partial or total exemption from the payment of any fee to any Federal or State

corporation expressly empowered to hold land under any written law and where the acquisition is for the purpose of public utility.

(4) Subject to subsection (6), the Land Administrator shall transmit the application and the accompanying documents to the State Economic Planning Unit or, in the case of an application made in the Federal Territory of Kuala Lumpur, to the Committee if he is satisfied that they are in order.

(5) The Land Administrator may reject any application which does not comply with the requirements in subsection (3).

(6) Where in respect of any land applied for under subsection (2) there is a development approval granted to the registered proprietor and the acquisition is not for the purpose of public utility, the State Authority shall not consider the application, and in every such case the Land Administrator shall reject the application.

Matters to be considered by the State Economic Planning Unit, or Committee, etc.

3A. (1) The State Economic Planning Unit, or the Committee for the Federal Territory of Kuala Lumpur, as the case may be, shall consider the application referred to in subsection 3(4) on the following aspects:

- (a) public interest;
- (b) the capacity and capability of the applicant to carry out the purpose for which the land is to be acquired;
- (c) the feasibility of the project; and
- (d) the development approval granted to the registered proprietor.

(2) Where there is a development approval granted in respect of any land and the acquisition is for the purpose of public utility, the State Economic Planning Unit, or the Committee for the Federal Territory of Kuala Lumpur, as the case may be, shall determine whether it is appropriate in the circumstances for the registered proprietor to participate in the project for which the land is intended to be acquired.

(3) Where the State Economic Planning Unit, or the Committee for the Federal Territory of Kuala Lumpur, as the case may be, is satisfied that it is appropriate for the registered proprietor to participate in the project referred to in subsection 3(3), it shall give directions to the applicant to negotiate with the registered proprietor within such specified period and on such terms and conditions as it deems fit on the form of co-operation and commercial arrangement regarding the project including, but not limited to, equity participation.

(4) The applicant to whom directions are given under subsection (3) shall furnish to the State Economic Planning Unit, or the Committee for the Federal Territory of Kuala Lumpur, as the case may be, a report in such detail of the result of the negotiations as shall be sufficient to determine the nature and extent of the registered proprietor's participation in the project.

(5) Where the negotiations made pursuant to subsection (3) are successful then the application for acquisition shall not be proceeded with any further.

(6) Where the State Economic Planning Unit, or the Committee for the Federal Territory of Kuala Lumpur, as the case may be, is satisfied that the negotiations made pursuant to subsection (3) are unsuccessful or no conclusive decision has been achieved within the specified period, the State Economic Planning Unit or the Committee for the Federal Territory of Kuala Lumpur may proceed to consider the application and make any recommendation as it deems fit:

Provided that the recommendation shall not extend to compelling the registered proprietor to accept any participation in the project.

(7) The State Economic Planning Unit, or the Committee for the Federal Territory of Kuala Lumpur, as the case may be, shall, after it has considered each application under this section, transmit the application with the accompanying documents referred to in subsection 3(3) and a report of the negotiations referred to in subsection (4), if any, together with its recommendation, to—

- (a) the Committee, in the case of a State; or
- (b) the State Authority, in the case of the Federal Territory of Kuala Lumpur:

Provided that where the Committee for the Federal Territory of Kuala Lumpur makes a recommendation to the State Authority such recommendation, where applicable, may include the imposition of any condition and restriction in interest on the land as provided in the State land law.

Application of section 3A where there is no development approval

3B. In respect of an application under subsection 3(2), where there is no development approval for the land, section 3A shall not apply except the provisions contained in paragraphs (1)(a), (b), (c) and subsection (7):

Provided that where the State Economic Planning Unit, or the Committee for the Federal Territory of Kuala Lumpur, as the case may be, finds it appropriate or necessary in the interest of the registered proprietor that the registered proprietor participates in the project, then, in such case, the State Economic Planning Unit, or the Committee for the Federal Territory of Kuala Lumpur, may give directions to the applicant to negotiate with the registered proprietor and the provisions of subsections 3A(3), (4), (5), (6) and (7) shall apply with the necessary modifications.

The Committee

3c. (1) For the purposes of this Act, there shall be established a Committee to be known as the “Jawatankuasa Khas Pengambilan Tanah”.

(2) The Committee shall—

(a) in the case of a State, consist of the following members:

- (i) the State Secretary, as Chairman;
- (ii) the State Director of Lands and Mines, as Secretary;
- (iii) the Director of the State Economic Planning Unit or his representative;

- (iv) the State Director of Town and Country Planning or his representative; and
 - (v) representatives of other related Government departments or agencies as may be determined by the Chairman; and
- (b) in the case of the Federal Territory of Kuala Lumpur, consist of the following members:
- (i) the Director General of the Economic Planning Unit or his representative, as Chairman;
 - (ii) a representative from the Ministry or agency responsible for the Federal Territory;
 - (iii) a representative of the Economic Planning Unit, as Secretary;
 - (iv) the Land Administrator of the Federal Territory;
 - (v) the Director General of Lands and Mines or his representative;
 - (vi) the Commissioner of the City of Kuala Lumpur or his representative; and
 - (vii) representatives of other related Government departments or agencies as may be determined by the Chairman.

Evaluation by the State Committee

3D. (1) On receiving the application referred to in subsection 3A(7) or section 3B, as the case may be, the Committee, in the case of a State, shall evaluate the appropriateness of the application and shall, not later than two months from the date of receiving the application, transmit it to the State Authority together with such recommendation as it thinks fit.

(2) The recommendation in subsection (1) may, where applicable, include the imposition of any condition and restriction in interest on the land as provided in the State land law.

(3) Where the Committee fails to transmit the application to the State Authority within the period of two months specified in subsection (1), the State Authority may direct the State Economic Planning Unit to transmit forthwith directly to the State Authority the application, the accompanying documents referred to in subsection 3(3) and a report of the negotiations referred to in subsection 3A(4), if any, together with the State Economic Planning Unit's recommendations.

Decision of State Authority

3E. (1) On receiving the application referred to in paragraph 3A(7)(b) or section 3D, as the case may be, the State Authority may approve or reject the application.

(2) Notwithstanding subsection (1), the State Authority shall not approve the application for the acquisition of land for any purpose larger in area than that needed for that purpose.

(3) Where the State Authority has approved the application under subsection (1), it shall notify the Land Administrator of the approval and such terms and conditions as the State Authority deems fit to impose and the Land Administrator shall forthwith notify the applicant of the approval and the terms and conditions.

(4) On receiving the notification under subsection (3), the applicant shall reply to the Land Administrator within thirty days of the receipt of the notification to confirm his acceptance of the terms and conditions of the approval imposed by the State Authority, failing which the applicant shall be deemed to have withdrawn his application.

(5) Where the State Authority has rejected any application under subsection (1), it shall notify the Land Administrator who shall forthwith inform the applicant and refund the full amount of the deposit paid, without payment of any interest, within a period of three months.

Withdrawal from the application of acquisition by the applicant

3F. (1) Any applicant may withdraw from the application of acquisition of any land before the publication of the declaration under section 8 by giving a notice in writing to the Land Administrator.

(2) Where the applicant withdraws from any application of acquisition under subsection (1), or where the applicant is deemed to have withdrawn his application under subsection 3E(4), the Land Administrator shall forfeit the amount of deposit as prescribed in the rules.

(3) (*Deleted by Act A1517*).

Preliminary Investigation

Preliminary notice

4. (1) Whenever the State Authority is satisfied that any land in any locality in the State is likely to be needed for any of the purposes referred to in section 3 a notification in Form A shall be published in the *Gazette*.

(2) The Land Administrator shall give public notice of any notification published under subsection (1) in the manner prescribed by section 52.

(3) A notification under subsection (1) shall lapse in so far as it relates to any land or part of any land in respect of which there is not published in the *Gazette* within twelve months from the date of publication of such notification a declaration under subsection 8(1).

(4) Notwithstanding subsection (3), it shall be lawful for the State Authority to publish a fresh notification under subsection 4(1) in respect of the land or part of the land in relation to which the notification had lapsed if the State Authority is satisfied that such land or such part of the land is likely to be needed for any of the purposes referred to in section 3.

Power of entry and survey

5. (1) The State Director may by written authority in Form B generally or specifically authorize any officer or person, together with servants and workmen, to enter upon any land in any locality specified in a notification published under section 4, and to do such work as may be specified in such Form.

(2) A person authorized under subsection (1) shall, on demand by the occupier of any land upon which he enters, produce to such occupier his letter of authority in Form B together with a copy of the relevant notification in Form A.

(3) A person authorized under subsection (1) shall not enter into any building or upon any enclosed court or garden attached to a dwelling-house unless—

(a) he has first obtained the consent of the occupier thereof;
or

(b) failing such consent, he has given the occupier three days' notice in writing of his intention to do so.

Payment for damage

6. (1) Where any person authorized under subsection 5(1) causes damage to any land entered upon he shall as soon as possible compensate the occupier for all such damage.

(2) In the case of any dispute as to the compensation to be paid under subsection (1) the person authorized shall at once refer the dispute to the decision of the Land Administrator.

(3) Any occupier aggrieved by a decision of the Land Administrator under subsection (2) may appeal to the State Authority, whose decision thereon shall be final.

Declaration of Intended Acquisition

Preparation of plan and list of lands

7. (1) Whenever any lands are needed for any of the purposes referred to in section 3 the Land Administrator shall prepare and submit to the State Authority—

(a) a plan of the whole area of such lands, showing the particular lands, or parts thereof, which it will be necessary to acquire; and

(b) a list of such lands, in Form C.

(2) Where the acquisition of part of the land refers to underground land, the plan referred to in paragraph (1)(a) shall also describe the extent and area of the underground land to be acquired.

Declaration that land is needed under section 3

8. (1) When the State Authority decides that any of the lands referred to in section 7 are needed for any of the purposes referred to in section 3, a declaration in Form D shall be published in the *Gazette*.

(2) A copy of the list of lands referred to in paragraph 7(1)(b), amended, if necessary, in accordance with the decision of the State Authority, shall be included as a schedule to the declaration in Form D.

(3) A declaration in Form D shall be conclusive evidence that all the scheduled land referred to therein is needed for the purpose specified therein.

(4) A declaration under subsection (1) shall lapse and cease to be of any effect on the expiry of two years after the date of its publication in the *Gazette* in so far as it relates to any land or part of any land in respect of which the Land Administrator has not made an award under subsection 14(1) within the said period of two years, and, accordingly, all proceedings already taken or being taken in consequence of such declaration in respect of such land or such part of the land shall terminate and be of no effect.

(5) Where the declaration under subsection (1) has lapsed, subsections 35(2), (3) and (4) shall apply with the necessary modifications.

Land to be marked out and notice entered on register, etc.

9. (1) Upon the publication pursuant to section 8 of the declaration in Form D that any land is needed for the purpose specified in such Form, then—

- (a) the Land Administrator shall cause the areas affected by the acquisition to be marked out upon the land, unless this has already been done to his satisfaction; and
- (b) the Land Administrator or other registering authority shall make a note of the intended acquisition in the manner specified in subsection (2).

(2) The note of the intended acquisition required by paragraph (1)(b) shall be made—

- (a) where the scheduled land is held by registered title –
 - (i) on the register document of title; and
 - (ii) in the case of land with subdivided building or land, on the relevant strata register under section 4 of the Strata Titles Act 1985 [*Act 318*]; or”.
- (b) where the scheduled land is occupied in expectation of title, upon the Register of Approved Applications, Register of Holdings or other appropriate register.

(3) (*Deleted by Act A999*).

Land Administrator to obtain information on land use of scheduled land, etc.

9A. (1) For the purposes of assessing the amount of compensation under the First Schedule, the Land Administrator shall request from the State Director of Town and Country Planning or from any local planning authority, information on the following matters:

- (a) whether the scheduled land is within a local planning authority area;
- (b) whether the scheduled land is subject to any development plan under the law applicable to it relating to town and country planning; and

(c) if there is a development plan, the land use indicated in the development plan for the scheduled land.

(2) The State Director of Town and Country Planning or the local planning authority, upon receiving the request for information under subsection (1) shall provide the information required within two weeks from the request being made by the Land Administrator.

(3) *(Deleted by Act A1517).*

(4) *(Deleted by Act A1517).*

(5) The information obtained by the Land Administrator under this section shall be conclusive evidence, for the purpose of valuing the scheduled land, with regard to the land use at the date of the acquisition and shall not be used for any purpose other than for the purposes of this Act.

(5A) The information obtained under subsection (5) shall be disregarded if the acquisition is made under section 37 of the Town and Country Planning Act 1976.

(6) Non-compliance with the time period stipulated in subsection (2) shall not invalidate the acquisition or the award.

(7) Paragraphs 1(b) and (c), subsections (2), (5) and (6) shall apply in respect of the Federal Territory of Kuala Lumpur except that for references to the State Director of Town and Country Planning there shall be substituted references to the Commissioner of the City of Kuala Lumpur.

Commencement of Proceedings

Land Administrator to commence proceedings

10. (1) The Land Administrator shall, having completed the action required by section 9, commence proceedings for the acquisition of the land by giving public notice in Form E in the manner prescribed by section 52, and by fixing the date of an inquiry for the hearing of claims to compensation for all interests in such land.

(2) The Land Administrator shall not hold such inquiry earlier than twenty-one days after the date of publication of the notice referred to in subsection (1).

(3) A copy of the schedule to the declaration in Form D gazetted under subsection 8(2) shall be appended to every notice in Form E.

Service of notices

11. (1) The Land Administrator shall, in addition to giving public notice as required by subsection 10(1), in respect of all scheduled land specified in every notice in Form E, serve copies of such notice in the manner prescribed by section 53, upon—

- (a) the occupier of such land;
- (b) the registered proprietor of such land, where he is not the occupier thereof;
- (c) any person having a registered interest in such land;
- (d) any person whom he knows or has reason to believe to be interested therein:

Provided that no omission or failure to serve such notice upon any person falling under paragraph (b) or (c) shall invalidate any enquiry held pursuant to the notice or any award made upon the conclusion of the enquiry if, by reason of damage or deterioration of the register document of title to such land, such person cannot be ascertained.

(2) The Land Administrator in any particular case may also, by service of a notice in Form F, require the registered proprietor of any land, specified in any notice in Form E, or any other person who may in the opinion of the Land Administrator have knowledge of the fact referred to therein, within such period as may be prescribed in such notice to furnish a statement in writing of the information required by such Form.

Procedure at Enquiry

Enquiry by the Land Administrator

12. (1) On the date appointed under of subsection 10(1) the Land Administrator shall make full enquiry into the value of all scheduled lands and shall as soon as possible thereafter assess the amount of compensation which in his opinion is appropriate in each case, according to the consideration set out in the First Schedule:

Provided that the Land Administrator may obtain a written opinion on the value of all scheduled lands from a valuer prior to making an award under section 14.

(2) The Land Administrator shall also enquire into the respective interests of all persons claiming compensation or who in his opinion are entitled to compensation in respect of the scheduled land, and into the objections, if any, made by any interested person to the area of any scheduled land.

(3) The Land Administrator may for a sufficient cause to be recorded by him in writing postpone any enquiry or adjourn any hearing of an enquiry from time to time.

(4) The Land Administrator shall record all the evidence during the enquiry.

Power to summon witnesses, etc.

13. (1) The Land Administrator making an enquiry under section 12 shall have all the powers of a Court for the summoning and examination of witnesses, including the persons interested in the land which is the subject of the enquiry, the administration of oaths or affirmations, and for compelling the production and delivery to him of documents, including issue documents of title and other documents evidencing title.

(2) Every person required to appear before or to make or deliver a written statement to the Land Administrator by notice in Form E or F shall, without prejudice to the generality of the powers conferred by

subsection (1), be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Penal Code [Act 574].

Award of the Land Administrator

14. (1) Upon the conclusion of the enquiry under section 12 relating to any scheduled land the Land Administrator shall prepare a written award under his hand in Form G, in which he shall, in respect of each separate area of scheduled land, make a separate award in respect of each person whose interest in the land has been established in such enquiry.

(2) Every award prepared under subsection (1) shall be filed in the office of the Land Administrator and shall be final and conclusive evidence of the area of any scheduled land, of its value in the opinion of the Land Administrator, and of the apportionment of the compensation awarded by the Land Administrator, whether the persons interested therein have or have not appeared at the enquiry.

(3) An award under this section shall not be invalidated by reason only of the fact that the area in respect of which the award is made is greater or smaller than the area of scheduled land:

Provided that the difference between the area in respect of which the award is made and the area of scheduled land does not exceed one quarter of a hectare or one per centum of the area of scheduled land, whichever is the greater:

And provided further that any person interested who is aggrieved by any increase in the area in respect of which the award is made may make an objection to the award in the manner prescribed by section 37.

(4) Wherever the area of land in respect of which an award is made under this section—

- (a) exceeds by not more than one quarter of a hectare or one per centum, whichever is the greater, the area of the scheduled land, it shall not be necessary for any further declaration in respect thereof under section 8 to be made and published;

- (b) is less than the area of the scheduled land by not more than one quarter of a hectare or one percentum, whichever is the greater, it shall not be necessary for any formal withdrawal therefrom to be made under section 35.

(5) The Land Administrator shall determine the amount of the costs, which shall include any valuation fee imposed by the valuer, incurred in the proceedings and by what persons and in what proportion they are to be paid.

Power of Land Administrator to enter into arrangement, etc.

15. (1) In the course of making any enquiry and award under sections 12 and 14 the Land Administrator may, in respect of any scheduled land, whether by way of full or partial substitution for monetary compensation, enter into any arrangement with a person having an interest in such land in such a way as may be equitable, having regard to the interests of the parties concerned.

(2) Whenever the Land Administrator enters into any arrangement under subsection (1) he shall make an entry of the particulars thereof in the appropriate register.

Service of award

16. (1) On making any award under subsection 14(1) in respect of any scheduled land the Land Administrator shall prepare and serve on each person interested in such land a notice in Form H.

(2) Every notice in Form H shall include an extract from the written award of the Land Administrator in Form G, relating to the land in which the person to whom such notice is addressed has an interest.

PART III

SUMMARY ENQUIRY

Summary enquiry

17. (1) Whenever a notice in Form E has been served in respect of any scheduled land, and the Land Administrator is satisfied, either by

reason of the number of persons interested in such land or the small area of land involved in each separate award to be made in respect of the scheduled land, or otherwise, that it is expedient to do so, he may in lieu of making an enquiry under section 12 proceed by way of a summary enquiry under this section.

(2) A summary enquiry shall be held in such manner and at such place or places as the Land Administrator may think fit and, on enquiring into the respective interests of all persons claiming compensation or who in his opinion are entitled to compensation in respect of the scheduled land, and into the objections, if any, made by any interested person to the area of the scheduled land, the Land Administrator may, in lieu of making a written award under section 14, make an oral award, either in the form of a monetary offer of compensation or otherwise, to every such person entitled in his opinion thereto.

(3) When any award is made under subsection (2) the Land Administrator shall record such award, together with the acceptance or rejection thereof, in Form G.

(4) The Land Administrator may, where any award under subsection (2) is accepted—

- (a) require the title to the scheduled land to be delivered to him forthwith; and
- (b) upon any such delivery, pay to the person interested therein the amount of the award.

(5) The Land Administrator may, where any award under subsection (2) is rejected or where the person interested fails to attend the enquiry—

- (a) adjourn the enquiry and proceed in accordance with section 12; or
- (b) make an application under subsection 29(2).

(6) When any payment is made in respect of any scheduled land under paragraph (4)(b), possession of such land shall, without any

action under section 22, be deemed to have been taken on the date of the making of such payment.

(7) In making a summary enquiry under this section the Land Administrator may exercise all the powers conferred on him by this Act.

PART IV

TAKING POSSESSION OF LAND

General power to take possession

18. The Land Administrator may take possession—

- (a) of any land in respect of which an award has been made under section 14, such possession being taken at the time of the service upon the occupier of such land of a notice in Form H, or at any time thereafter;
- (b) of any land specified in a Certificate of Urgency issued under section 19, whether or not any award has been made in respect of such land:

Provided that the Land Administrator shall not take possession of any part of any land under paragraph (b) which is occupied by any building, except in accordance with section 20.

Power to take possession in urgent cases

19. Where any land, described in any notice in Form E given under section 10, is in the opinion of the State Authority urgently required for use for a public purpose, or for a public utility in the case of an acquisition under paragraph 3(1)(b), the State Director may, on or after the expiration of fifteen days from the date of the giving of such notice, issue a Certificate of Urgency directing the Land Administrator to take possession of such land, subject to section 20.

Enquiry and award by the Land Administrator pursuant to Certificate of Urgency

19A. (1) Notwithstanding that possession of the land has been taken pursuant to a Certificate of Urgency issued under section 19, the Land Administrator shall continue to make full enquiry and make an award in accordance with the provisions of this Act.

(2) Where the possession of the land has been taken under section 19, subsection 8(4) shall not be applicable if the Land Administrator has not made an award under subsection 14(1) within the said period of two years.

Special provisions relating to buildings

20. Where on any scheduled land in respect of which a Certificate of Urgency has been issued there is any building the Land Administrator shall, upon taking formal possession as provided in section 22 of the land not built upon, other than the main access to the building, serve notices in Form J upon—

- (a) the occupier of the building requiring that he vacate the building within such period, not exceeding sixty days from the date of the notice, as may be specified therein;
- (b) the owner of the building making an offer of compensation in respect of the building—
 - (i) where the building is a permanent structure, of the value of the building as it stands;
 - (ii) where the building is of temporary construction, or is otherwise capable of removal and re-erection, of the value of the building or the cost of its removal and re-erection.

Procedure on acceptance or rejection of offer of compensation

21. (1) Where the owner of a building accepts an offer of compensation under section 20 the Land Administrator—

- (a) may take possession of such building on the expiration of the period prescribed in the notice in Form J; or
- (b) may, upon its removal by the proprietor, pay the cost of its removal and re-erection.

(2) Where the owner of a building does not accept an offer of compensation under section 20 the Land Administrator—

- (a) where the building is a permanent structure, shall not take possession thereof until he has obtained a valuation of such building by a valuer; or
- (b) where the building is of temporary construction, or is otherwise capable of removal and re-erection, may himself remove and re-erect such building.

Formal possession

22. (1) The Land Administrator shall take formal possession of any scheduled land by serving upon the occupier thereof or, if he cannot be found, by posting thereon, a notice in Form K.

(2) A copy of the list of lands gazetted under subsection 8(1), or any relevant part thereof, shall be included as a schedule to the notice in Form K.

(3) Upon taking possession of land under subsection (1) the Land Administrator shall also serve a copy of the notice in Form K upon—

- (a) the registered proprietor of the land, where he is not the occupier;
- (b) the proper registering authority, where he is not the Land Administrator himself; and
- (c) the statutory body, person or corporation referred to in paragraph 23(a), and the management corporation in respect of a subdivided building or land.

Entry in register

23. The proper registering authority, upon receipt of the notice in Form K, or the Land Administrator of his own motion after completing Form K, shall, upon the register document of title or other appropriate record in his possession as specified in subsection 9(2), make with respect to any scheduled land a memorial—

- (a) that the whole of such land has been acquired and has vested in the State Authority or, in the case of a parcel of a subdivided building or land, in the statutory body, person or corporation on whose behalf the parcel has been acquired; or
- (b) that so much of the land as is specified in the last column of the schedule to such Form has been acquired.

Delivery of issue and other documents of title

24. (1) Where the issue document of title to any scheduled land has not previously been delivered to him, the Land Administrator shall, by a notice in writing in Form L require any person in whose possession such document may be, to deliver such document to the Land Administrator; and upon service of such notice upon him such person shall be legally bound to deliver such document to the Land Administrator.

(2) Where any document of title delivered to the Land Administrator under subsection (1) relates to a title of which the records are kept by some authority other than the Land Administrator, the Land Administrator shall on receipt thereof forward such document to the proper registering authority.

Revision of rent and resurvey where part of lot acquired

25. (1) Where only part of a lot is acquired under this Act, the Land Administrator shall revise the rent (if any) payable by the proprietor by reference to the estimated area of the part not acquired and, in the case of land held under Registry title, Land Office title or title evidenced by

an entry in the Interim Register, shall cause the part retained by the proprietor to be resurveyed.

(2) When part of a lot has been resurveyed pursuant to subsection (1), the revised rent (if any) payable by the proprietor shall be recalculated by reference to the area of the part as established by the survey.

(3) Rent revised or recalculated under subsection (1) or (2) shall become payable at the revised or recalculated rate at the beginning of the calendar year following the calendar year in which the revision or recalculation takes place.

Title in continuation where part of lot acquired

26. (1) Where part of a lot has been resurveyed pursuant to subsection 25(1), the proper registering authority shall—

- (a) in the case of land held under Registry title or Land Office title, issue title in continuation to the part retained by the proprietor as if he were issuing title in continuation to land as a whole;
- (b) in the case of land held under title evidenced by an entry in the Interim Register, issue title in continuation to the part so retained in accordance with subsection (2).

(2) For the purposes of subsection (1) title in continuation shall, notwithstanding anything in the State land law, consist of a fresh folio of the Interim Register which shall replace and shall be in the same form as the folio relating to the original lot.

(3) Where a lot which has been partially acquired is held under qualified title, the proper registering authority shall—

- (a) correct the boundaries shown on the register document of title; and
- (b) if an issue document of title exists and has been delivered to the Land Administrator pursuant to section 24, correct

the boundaries shown thereon and return the document to the person who so delivered it.

(4) Where part of a subdivided building or land is acquired under this Act, the proper registering authority shall take necessary action in accordance with the Strata Titles Act 1985.

Disposal of documents

27. (1) Subject to paragraph 26(3)(b) and to the following subsections, the issue document of title delivered pursuant to section 24 shall be retained by the proper registering authority and disposed of in such a manner as may be provided by rules made under section 69.

(2) Where an issue document of title delivered pursuant to section 24 relates to land which has not been acquired as well as to land which has been acquired, the proper registering authority shall make an endorsement indicating that it has been cancelled in so far as it relates to the land which has been acquired and shall then return it to the person who delivered it.

(3) Where an issue document of title delivered pursuant to section 24 (not being an issue document of title of the kind mention in subsection (2)) is of historic or other interest to the person who delivered it, that person may apply in writing to the proper registering authority for the return of the issue document of title; and the proper registering authority shall, after cancelling the issue document of title in the manner provided by rules made under section 69 or, where no manner of cancellation is so provided, in whatever manner he thinks suitable, return it to the applicant.

Valuation of differences in area

28. (1) Whenever as a result of a survey made in accordance with subsection 25(1) a difference is found to exist between the area of any land acquired and the area of scheduled land specified in an award under section 14, such difference shall be valued at the same rate as that at which the land in question has been valued in the award in Form G.

(2) For the purpose of subsection (1), the difference specified shall not exceed one quarter of a hectare or one per centum of the area of scheduled land as published in the *Gazette* under subsection 8(1), whichever is the greater, and such difference shall not be necessary for any further declaration to be made and published.

Payment of Compensation

Payment of compensation or deposit in Court

29. (1) After a notice of award in Form H, Form LC or Form R has been served in the manner prescribed by section 53 upon all interested persons the Land Administrator shall, as soon as may be, make payment of each amount awarded to the person entitled thereto unless—

- (a) there shall be no person competent to receive such payment;
- (b) the person entitled thereto does not consent to receive the amount awarded; or
- (c) there is a dispute as to the right or title of the person to receive the compensation, or as to the apportionment thereof.

(2) In the cases referred to in paragraphs (1)(a), (b) and (c) the Land Administrator shall apply *ex parte* to the Registrar of the Court in chambers, supported by affidavit, for an order to deposit the amount awarded into Court and, notwithstanding anything to the contrary in the law for the time being in force relating to civil procedure, the Registrar shall have power to make such order.

Withholding of twenty-five per cent of compensation

29A. (1) Where the total amount of any award in respect of any scheduled land or compensation in Part VII exceeds thirty thousand ringgit, then, notwithstanding section 29, the Land Administrator shall, subject to subsection (2), make payment of only seventy-five per cent of the amount of the award, and shall withhold twenty-five per cent

thereof until the amount of compensation is finally determined either by the Court under section 47 or, if there is an appeal or further appeal pursuant to section 49, on the appeal or further appeal, under the following circumstances—

- (a) before the expiry of six weeks from the date of service of Form H, Form Lc or Form R on the Government, person or corporation on whose behalf such land was acquired; or
- (b) if before the expiry of the said period such Government, person or corporation has made an objection under section 37 to the amount of compensation or any other objection which may affect such amount.

(2) If within the period specified in paragraph (1)(a) no such objection as is referred to in paragraph (b) of that subsection is made, then, as soon as may be after the expiry of that period, the Land Administrator shall make to the person entitled thereto payment of the amount withheld under paragraph (a) of that subsection.

(3) If such final determination results in a reduction of the amount of compensation, the amount withheld or so much thereof as equals the amount of the reduction, as the case may be, shall become free of all claims in respect of the compensation, and the remainder, if any, shall, as soon as may be, be paid to the person entitled thereto.

(4) If such final determination does not result in a reduction of the amount of compensation, the amount withheld shall, as soon as may be, be paid to the person entitled thereto.

(5) The Land Administrator shall pay on every amount paid under subsection (3) or (4) late payment charges at the rate of five per cent per annum from the time of payment of seventy-five per cent of the amount of the award until the time of payment of the first-mentioned amount.

Receipt of payment under protest, etc.

30. Notwithstanding anything contained in section 29—

- (a) any interested person may receive a payment of the amount awarded under protest as to the sufficiency of such amount;
- (b) any person who has received any payment of any amount awarded otherwise than under protest shall not be entitled to require that his claim be referred to the Court under section 37.

Payment in error, etc.

31. Any person who may have received the whole or any part of any compensation awarded for an interest in any scheduled land or under Part VII either in error or before it has been established that another person is rightfully entitled to such interest shall be liable, on demand by the Land Administrator, to refund the amount received or to pay it to the person entitled thereto within three months or such longer period as the Land Administrator may specify in his demand.

Late payment charges

32. (1) When the amount of any compensation awarded under this Act in respect of any land is not paid or deposited on or before the due date, the Land Administrator shall pay the amount awarded with late payment charges thereon at the rate of five per cent per annum from the due date until the time of such payment or deposit.

(1A) In its application to an award the payment of which is subject to section 29A, subsection (1) shall be construed as if the reference therein to the amount awarded were a reference to seventy-five per cent of the amount awarded.

(1B) Where, in the case of an award the payment of which is subject to subsection 29A(1), seventy-five per cent of the amount of the award is not paid or deposited on or before the due date in relation to the land in respect of which the award is made, the Land Administrator shall pay on the amount paid under subsection (3) or (4) of that section late payment charges at the rate of five per cent per annum from the due date until the time of payment or deposit of seventy-five per cent of the amount of the award.

(1C) In this section “due date” in relation to any land means—

- (a) the date of taking possession of the land or a date three months after the service of a notice in Form H referred to in subsection 16(1) in respect of the land, whichever is the earlier; or
- (b) a date three months after the service of a notice in Form Lc referred to in paragraph 35(2)(c) or Form R referred to in subsection 58(1) or section 59.

(2) Where any valuation is made under section 28 relating to any difference in area found on final survey, there shall be added to the amount of such valuation late payment charges thereon at the rate of five per cent per annum from the date at which possession was taken or compensation paid, whichever shall have been the earlier; and the Land Administrator shall, as the case may require, either pay any such amount and late payment charges to the person interested, or obtain from him a refund thereof.

Meaning of “payment”

32A. For the purposes of sections 29A, 32 and 48, “payment” is deemed to have been made—

- (a) on the day as notified in writing by the Land Administrator that the payment is available for collection by the person interested;
- (b) on the day the payment is sent by registered post to the person interested;
- (c) on the day of the delivery of the payment by the Land Administrator to the Court;
- (d) on the date the payment is received by the person interested;
or
- (e) on the day the payment is transmitted electronically to the account of the person interested.

Extension to and Withdrawal from Acquisition

Acquisition of other land where severance claim is excessive

33. (1) Whenever the State Authority is of the opinion that a claim to compensation made by a person interested on account of the severing of the land to be acquired from his other land is unreasonable or excessive, the State Authority may at any time before the possession of the land has been taken order the acquisition of the whole or of any additional portion of such remaining land.

(2) On the making of any order under subsection (1) no fresh declaration or other proceedings under sections 7 to 11 shall be necessary, but the Land Administrator shall—

- (a) without delay furnish to the person interested a copy of the order of the State Authority; and
- (b) thereafter proceed to make an award as in section 14.

Acquisition of part of a building

34. (1) This Act shall not be applied for the purpose of acquiring a part only of a building if —

- (a) such part is reasonably required for full and unimpaired use of the building; or
- (b) the person interested in such building desires that the whole thereof shall be acquired:

Provided that such person may at any time before the Land Administrator has made an award under section 14 by notice in writing withdraw or modify his expressed desire that the whole of such building shall be so acquired.

(2) If any question arises as to whether any land proposed to be taken under this Act does or does not form part of a building which is reasonably required for the full and unimpaired use thereof within the meaning of this section, such acquisition shall be determined by

agreement between the parties; and in default of any such agreement, the Land Administrator—

- (a) shall refer the determination of such question to the Court; and
- (b) shall not take possession of such land until after such question has been determined.

Withdrawal from acquisition

35. (1) The State Authority shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken.

(1A) A notification in Form LA shall be published in the *Gazette* and all proceedings already taken or being taken in consequence of the declaration in subsection 8(1) in respect of the land shall cease to have effect.

(2) Whenever the State Authority withdraws from any acquisition under subsection (1), the Land Administrator, after notifying the person interested in Form LB, shall—

- (a) determine the amount of compensation due for the damage, if any, done to such land by action taken under section 5 and not already paid for under section 6, and pay such amount to the person injured;
- (b) pay to the persons interested all such costs as shall have been incurred by them by reason or in consequence of the proceedings for acquisition, together with compensation for the damage, if any, which they may have sustained by reason or in consequence of such proceedings ; and
- (c) prepare and serve on each person interested a notice in Form LC.

(3) The First Schedule shall apply, so far as may be, to the determination of the compensation payable under this section.

(3A) For the purpose of this section, subsection 14(5) shall be applicable if necessary.

(4) The Land Administrator or other registering authority shall make a note of any withdrawal under this section in the manner specified in subsection 9(2).

(5) Notwithstanding anything contained in this section, the State Authority shall reserve the right to forfeit an amount which is sufficient to defray the amount of costs and damages incurred by any person interested and such amount shall be determined by the Land Administrator and shall be deducted from the deposit under paragraph 3(3)(d) in the event of any withdrawal made under this section.

PART V

REFERENCE TO COURT

Reference to Court

36. (1) No reference to Court under this Act shall be made otherwise than by the Land Administrator.

(2) The Land Administrator may, at any time of his own motion by application in Form M refer to the Court for its determination any question as to—

- (a) the true construction or validity or effect of any instrument;
- (b) the person entitled to a right or interest in land;
- (c) the extent or nature of such right or interest;
- (d) the apportionment of compensation for such right or interest;
- (e) the persons to whom such compensation is payable;
- (f) the costs of any enquiry under this Act and the persons by whom such costs shall be borne.

(3) Without prejudice to the powers of the Court under this Part, the costs of any reference under subsection (2) shall be borne by such

person as the Court may direct or, in the absence of such direction, by the Land Administrator.

(4) After an award has been made under section 14 or compensation made under section 35 or Part VII the Land Administrator shall refer to the Court for determination any objection to such award or compensation duly made in accordance with this Part.

Application by persons interested

Application to Court

37. (1) Any person interested in any scheduled land who, pursuant to any notice under section 10 or 11 or any person interested pursuant to any compensation made under section 35 or Part VII who, has made a claim to the Land Administrator in due time and who has not accepted the Land Administrator's award thereon, or has accepted payment of the amount of such award under protest as to the sufficiency thereof, may, subject to this section, make objection to—

- (a) the measurement of the land;
- (b) the amount of the compensation;
- (c) the persons to whom it is payable;
- (d) the apportionment of the compensation.

(2) Where the total amount awarded in compensation does not exceed five thousand ringgit, the written award of the Land Administrator shall be final with regard to both the measurement of the land and the amount of compensation awarded, and no objection may be made under subsection (1) in respect thereof.

(3) Where the total amount of any award exceeds thirty thousand ringgit, any Government or any person or corporation on whose behalf such land was acquired or being occupied or used pursuant to Part VII, shall be deemed to be a person interested and may make objections on any of the grounds specified in subsection (1).

Form and content of application, etc.

38. (1) Any objection made under section 37 shall be made by a written application in Form N to the Land Administrator requiring that he refer the matter to the Court for its determination.

(2) Every application under subsection (1) shall state fully the grounds on which objection to the award is taken, and at any hearing in Court no other grounds shall be given in argument, without leave of the Court.

(3) Every application under subsection (1) shall be made—

(a) if the person making it was present or represented before the Land Administrator at the time when the Land Administrator made his award, within six weeks from the date of the Land Administrator's award under section 14 or compensation made under section 35 or Part VII;

(b) in other cases, within six weeks of the receipt of the notice from the Land Administrator under section 16, paragraph 35(2)(c), subsection 58(1) or section 59 or within six months from the date of the Land Administrator's award under sections 14, 35 or Part VII, whichever period shall first expire.

(4) The period of six weeks prescribed by paragraph (3)(a) and the periods of six weeks and six months prescribed by paragraph (3)(b) shall not be capable of enlargement by any Court, except in such special circumstances as the Court may think fit.

(5) On receiving any application under subsection (1) the Land Administrator shall, subject to section 39, within six months refer the matter to the Court by a reference in Form O.

(6) Where the Land Administrator has failed to make a reference to the Court within the period specified in subsection (5), the Land Administrator or any person interested may apply to the Court for an extension of the said period.

(7) Where the Land Administrator has failed to make a reference to the Court within the period specified in subsection (5) or within any extension of such period under subsection (6), the Court may, on

application by any person interested deal with the objection under subsection 38(1) in such manner as it deems fit, and in order to enable the Court to do so, the Court may give such directions to the Land Administrator or to any person interested as it deems necessary or expedient, and without prejudice to the generality of this power, such directions may include a direction requiring the Land Administrator or any other person to appear before the Court to give evidence, or to produce before the Court such records, or other documents, as the Court may specify.

Deposit

39. (1) Before making reference to the Court the Land Administrator shall require each person making application therefor to deposit with the Land Administrator a sum of three thousand ringgit or ten percent of the amount claimed in respect of the interest under reference whichever is the less as security for the costs of reference and appeal.

(2) In the event of the deposit required under subsection (1) not being made within thirty days of its being required by the Land Administrator the application for reference shall be deemed to have been withdrawn and the Land Administrator's award shall thereupon become final.

The Court

40–42. (*Deleted by Act A575*).

Constitution of the Court

40A. (1) Except as provided in this section the Court shall consist of a Judge sitting alone.

(2) Where the objection before the Court is in regard to the amount of the compensation, the Court shall appoint two assessors (one of whom shall be the valuation officer employed by the Government) for the purpose of aiding the Judge in determining the objection and in arriving at a fair and reasonable amount of compensation.

(3) For the purpose of subsection (2) the Court shall appoint the two assessors from the lists of names submitted to the Court under subsections (4) and (5).

(4) The President of the Board of Valuers, Appraisers and Estate Agents established under the Valuers, Appraisers and Estate Agents Act 1981 shall submit a list of names and business addresses of valuers and appraisers registered under that Act to every High Court before the thirty-first day of December of each calendar year.

(5) The Director General of the Valuation and Property Services Department shall submit a list of names of valuation officers employed by the Government and the offices to which they are attached or posted to every High Court before the thirty-first day of December of each calendar year.

Assessors

40B. (1) Every person appointed as an assessor under section 40A shall be legally bound to attend and serve as an assessor unless excused for some reason to be approved by the Judge.

(2) Without prejudice to subsection (1), if an assessor fails to attend and serve as an assessor without written excuse by the Judge, the Court shall report the matter to the President of the Board of Valuers, Appraisers and Estate Agents for disciplinary proceedings to be taken against the assessor under the Valuers, Appraisers and Estate Agents Act 1981.

(3) Without prejudice to subsection (1), if an assessor who is a valuation officer employed by the Government fails to attend and serve as an assessor without written excuse by the Judge, the Court shall report the matter to the Director General of the Valuation and Property Services Department for disciplinary proceedings to be taken against the assessor under the appropriate disciplinary regulations applicable to such officer.

(4) If an assessor dies, or becomes incapable of acting, or is excused by the Judge, another assessor from the list referred to in subsection 40A(4) or (5), as the case may be, shall be appointed in his stead.

(5) Every assessor shall receive a fee for his service as the Judge shall direct provided that such fee shall not exceed five hundred ringgit a day, or such higher figure the Minister may, with the approval of the National Land Council, by notification in the *Gazette* prescribe.

(6) The fee of an assessor shall be deemed to be costs in the proceeding.

Opinion of assessors

40c. The opinion of each assessor on the various heads of compensation claimed by all persons interested shall be given in writing and shall be recorded by the Judge.

Decision of the Court on compensation

40d. (1) In a case before the Court as to the amount of compensation or as to the amount of any of its items the amount of compensation to be awarded shall be the amount decided upon by the two assessors.

(2) Where the assessors have each arrived at a decision which differs from each other then the Judge, having regard to the opinion of each assessor, shall elect to concur with the decision of one of the assessors and the amount of compensation to be awarded shall be the amount decided upon by that assessor.

(3) Any decision made under this section is final and there shall be no further appeal to a higher Court on the matter.

Procedure

Notice relating to reference

43. On receiving a reference from the Land Administrator pursuant to subsection 38(5), the Court shall cause a notice in writing, specifying the day on which the Court will proceed to hear and determine the objection contained in such reference, to be served on the following persons, and directing their appearance before the Court at that hearing—

- (a) the applicant;
- (b) the person or corporation, if any, on whose behalf the proceedings were instituted;
- (c) all persons interested in the objection, except such, if any, as have consented without protest to receive payment of the compensation awarded; and
- (d) if the objection is in regard to the area of the land or to the amount of the compensation, the Land Administrator.

Restriction on scope of proceedings

44. (1) In every proceeding under this Part the scope of the inquiry shall be restricted to a consideration of the interests of the persons affected by the objection.

(2) The Court shall consider the interests of all persons interested who have not accepted the award, whether those persons have themselves made an objection or not.

Proceedings to be in open Court

45. (1) Every proceeding under this Part shall take place in open Court.

(1A) The provisions of the Third Schedule shall apply to every proceeding under this Part.

(1B) The Rules Committee appointed under the Courts of Judicature Act 1964 [*Act 91*] may amend the provisions of the Third Schedule relating to the procedure to be followed by the Court in all proceedings under this Act.

(2) Save in so far as they may be inconsistent with anything contained in this Act, the law for the time being in force relating to civil procedure shall apply to all proceedings before the Court under this Act.

46. (*Deleted by Act A575*).

*Decision and Award***Award to be in writing**

47. (1) Every decision made under this Part shall be in writing signed by the Judge and the assessors.

(2) Where such decision comprises an award of compensation it shall specify—

- (a) the amount awarded on account of the market value of the land under paragraph 2(a) of the First Schedule;
- (b) the amount, if any, deducted under paragraph 2(b) of the First Schedule;
- (c) the amounts, if any, respectively awarded under paragraphs 2(c), (d) and (e) of the First Schedule; and
- (d) in respect of each such amount, the grounds for awarding or deducting the said amounts.

(3) Every such written decision or award shall be deemed to be a decree and the statement of the grounds of any such award a judgment within the meaning of the law for the time being in force relating to civil procedure.

Land Administrator may be required to pay late payment charges

48. If the sum which in the opinion of the Court the Land Administrator ought to have awarded as compensation is in excess of the sum which the Land Administrator did award as compensation, the award of the Court may direct that the Land Administrator to pay late payment charges on such excess at the rate of five per cent per annum from the date on which the Land Administrator took possession of the land to the date of payment of such excess to the Court or to the person interested.

Appeal from decision as to compensation

49. (1) Any person interested, including the Land Administrator and any person or corporation on whose behalf the proceedings were instituted may appeal from a decision of the Court to the Court of Appeal and to the Federal Court:

Provided that where the decision comprises an award of compensation there shall be no appeal therefrom.

(2) Every appeal under this section shall be presented within the time and in the manner provided for appeals in suits in the High Court:

Provided that the time within which an appeal may be presented shall only be capable of enlargement by order of a Court in such special circumstances as the Court may think fit.

(3) *(Omitted)*.

Costs may be apportioned

50. The cost of all proceedings under this Part, other than those arising from an objection to the amount of an award, shall be borne by the persons interested, in such proportions as the Court may determine.

Costs

51. (1) In any proceedings arising from an objection to the amount of an award, costs shall be borne in accordance with the following provisions:

- (a) where the amount of the Court award does not exceed the sum awarded by the Land Administrator the costs shall be paid by the applicant;
- (b) where the amount of the Court award exceed the sum awarded by the Land Administrator, the costs shall ordinarily be paid by the Land Administrator, but if the Court is of opinion that the claim of the applicant was so excessive or that he was so negligent in putting his case before the Land Administrator that some deduction from

his costs should be made, or that he should pay a part of the Land Administrator's costs, the Court may make such order as to costs as it may think fit;

- (c) where the claim of the applicant exceeds by twenty per cent or more the amount of the Court award, he shall not be entitled to his costs.

(2) The costs, if any, payable by the applicant may be recovered as if they were costs incurred in a suit in the High Court and as if the award were the decree therein.

PART VI

SERVICE OF NOTICES

Public notice

52. Whenever it is provided in this Act that public notice (otherwise than by notification in the *Gazette*) shall be given of any notification, declaration or other document, sufficient notice thereof shall be deemed to be given if the Land Administrator shall cause copies of such notification, declaration or document to be posted at the District Land Office, on public notice boards in the town, village or mukim in which the land to which such notification, declaration or document refers, is situated and in such other places on or near the lands specified in that notification, declaration or document as the Land Administrator may think fit.

Service of notices

53. (1) Service of any notice or other document under this Act shall, subject to section 54, be made by delivering or tendering a copy thereof, duly signed by the Land Administrator or other proper authority, either—

- (a) to the person to whom the notice is addressed or, if he cannot be found;
- (b) to any adult member of his family residing with him,

and by obtaining the signature of the person to whom such copy is delivered or tendered to an acknowledgement of service endorsed upon the original document or an office copy thereof, or entered in a book to be kept for that purpose.

(2) If the person to whom any copy referred to in subsection (1) is delivered or tendered is unwilling or unable to sign the acknowledgement thereof, or if no proper person can be found on whom to effect service, service may be effected by fixing a copy thereof—

- (a) upon the outer door of the building in which the person therein named ordinarily dwells or carries on business; and
- (b) on any public notice board in the town, village or mukim in which the person to be served usually resides.

(3) Where the person to be served is the occupier specified in any notice then, failing personal service, a copy of the notice shall also be posted in some conspicuous part of such land.

(4) In each of the cases referred to in subsections (2) and (3) the serving officer shall enter on the original of the document served, or on an office copy thereof, or in a book to be kept for that purpose, a statement of the time, place and manner in which he effected the service, and shall sign such statement.

Service upon agent, etc.

54. Where neither any party interested nor any adult member of his family can be found the Land Administrator may, and where he does not reside within the State the Land Administrator shall—

- (a) effect service upon an agent authorized to receive service on behalf of the party or upon a person entitled to act for such party; or
- (b) where there is no such agent or person entitled to act within the State, effect service by sending the notice by registered post to the party if, after reasonable inquiry, his address can be ascertained; and

- (c) where he considers that publication in a newspaper is desirable, publish the notice in such local newspapers circulating in the State as he thinks fit.

Service on and appearance of interested persons

55. (1) In any proceedings under this Act—

- (a) a copy of every notification, declaration and other document required by this Act to be served upon any person interested shall also be served upon a representative of any Government, person or corporation on whose behalf the proceedings were instituted;
- (b) any representative referred to in paragraph (a) may appear and be heard on behalf of any such Government, person or corporation as if such Government, person or corporation were a party to the proceedings.

(2) Any document certifying that any person or officer is such a representative as is referred to in subsection (1) shall be conclusive evidence thereof.

Omission, etc., not to invalidate proceedings

56. No omission or failure to make due publication of a notice or to make due service upon persons and parties interested as provided in this Part shall invalidate any proceedings under this Act.

PART VII

TEMPORARY OCCUPATION OR USE OF LAND

Temporary occupation or use of land

57. (1) Whenever it appears to the State Authority that the temporary occupation or use of any land is needed—

- (a) for any purpose specified in subsection 3(1);

- (b) in order to carry out public works on any land; or
- (c) as indicated in a development plan under the law applicable to it relating to town and country planning,

the State Authority may direct the Land Administrator to procure the occupation or use of any such land for such term as he shall think fit, not exceeding three years from the date of commencement of such occupation or use, in the manner prescribed by this Part.

(2) The Land Administrator or other registering authority shall make a note of any temporary occupation or use of land as specified under paragraphs 9(2)(a) and (b).

Offer of compensation

58. (1) On receiving any direction under section 57 the Land Administrator shall give notice in writing in Form Q to the persons interested in such land of the purpose for which the land is needed, and shall make such offer of compensation Form R, or shall negotiate the payment of such compensation, as shall be reasonable in all the circumstances of the case.

(2) Compensation under subsection (1) may be in the form of a single sum of money, in the form of periodical payments of money, or in such other form as may be agreed.

(2A) Prior to making an offer for compensation under subsection (1), the Land Administrator may obtain a written opinion on the value of the land from a valuer.

(3) In making any assessment of compensation under this section the Land Administrator shall, where the land is required in order to carry out public works, take into account any increase in the value of the land to be occupied or used, or any advantages which will accrue to any person interested therein, by reason of the purpose for which such public works are being carried out.

(4) In making any assessment of compensation under subsection (3), the Land Administrator may, whether by way of full or partial substitution for monetary compensation, enter into any

arrangement with a person having an interest in such land in such a way as may be equitable, having regard to the interests of the parties concerned.

(5) Whenever the Land Administrator enters into any arrangement under subsection (4), he shall make an entry of the particulars thereof in the appropriate register.

(6) All the evidence during the enquiry and the amount of compensation offered shall be recorded by the Land Administrator.

(7) Nothing in this section shall prevent the State Authority to occupy or use the land if the person interested is not agreeable to the compensation offered pursuant to subsection (1).

(8) For the purpose of this section, subsection 14(5) shall be applicable if necessary.

Restoration of land, etc.

59. On the expiration of the term of occupation or use referred to in section 57, the Land Administrator shall make an enquiry to ensure that the land shall be restored to the condition it was in before such occupation or use and, failing such restoration, compensation in addition to that referred to in section 58 shall be paid for any damage done to the land, or for the extent by which the value of the land has been reduced by reason of such occupation or use.

Reference where compensation cannot be agreed

60. Where the person interested is unable to agree on the amount of compensation offered by the Land Administrator to be paid under section 58 or 59, or on the apportionment thereof, or as to the condition of the land at the expiration of the term for which it is occupied or used, the Land Administrator shall refer such difference to the Court for its decision.

Where land is needed for access

61. Where the State Authority is satisfied that any land referred to in section 57 is needed solely as a means of access to any other land, then—

- (a) the right of access so acquired shall extend to the passage of vehicles of all kinds including heavy machinery, whether owned or operated by the authority responsible for the public works or by any contractor or servant employed by such authority; and
- (b) the compensation to be paid under section 58 shall be limited to the damage done on such land to trees, plants, growing crops and permanent improvements thereon.

PART VIII

MISCELLANEOUS

Right of entry

62. The Land Administrator, any Government Surveyor, any Settlement Officer, and any officer or person authorized under section 5 shall have the right at all reasonable times to enter upon any land for any of the purposes of this Act.

Application for police assistance

63. (1) If the Land Administrator is opposed or impeded in taking possession under this Act of any land he may apply to the Chief Police Officer for assistance in taking such possession; and the Chief Police Officer shall thereupon take such steps as he may consider necessary to enforce the surrender of such land to the Land Administrator.

(2) For the purpose of this section, “Chief Police Officer” includes a Commanding Officer appointed under the Police Act 1967 [Act 344].

Penalty for obstruction, etc.**64.** Whoever—

- (a) wilfully obstructs the service of any notice or other document under subsection 53(1);
- (b) wilfully obstructs any officer or person referred to in section 62 or 63 in doing any of the acts authorized or required by any provision of this Act; or
- (c) wilfully fills up, destroys, damages or displaces any trench or mark made or put on any land under any provision of this Act,

shall on conviction be liable to imprisonment for a term not exceeding six months, or to a fine not exceeding five thousand ringgit, or to both.

Payment of costs, etc., of acquisition, etc.

65. Subject to section 50, the costs and charges incurred by the Land Administrator in acquiring any land or the use or occupation of any land under this Act shall be defrayed by the Government of the State or, where such land is acquired, used or occupied on behalf of any person or corporation pursuant to section 3 or Part VII, by such person or corporation.

Land to vest free from incumbrances

66. Upon the making of a memorial under section 23 in respect of any scheduled land, the land shall vest in the State Authority as State land or, in the case of a parcel of a subdivided building or land, in the person, statutory body or corporation on whose behalf the parcel was acquired, free from incumbrances.

Exemption from stamp duty and fee

67. No award or agreement made under this Act shall be chargeable with stamp duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy thereof.

Bar to setting aside of awards

68. No suit shall be brought to set aside an award or apportionment under this Act.

Subsequent disposal, etc., of acquired land not to invalidate acquisition

68A. Where any land has been acquired under this Act, whether before or after the commencement of this section, no subsequent disposal or use of, or dealing with, the land, whether by the State Authority or by the Government, person or corporation on whose behalf the land was acquired, shall invalidate the acquisition of the land.

Rules

69. The Minister may, with the approval of the National Land Council, make rules generally for carrying out the provisions of this Act and, without prejudice to the generality of such power, may—

- (a) provide for the guidance of officers in all matters connected with this Act;
- (b) add to, amend or revoke all or any of the Forms in the Second Schedule;
- (ba) prescribe any Form in the Second Schedule in electronic form;
- (c) provide for the return to their owners of documents of historic or other interest, pursuant to subsection 27(3);
- (d) prescribe the application form, any fee or deposit to be imposed in respect of any matter under this Act.

70. *(Omitted).*

FIRST SCHEDULE

[Sections 12, 35 and 47]

PRINCIPLES RELATING TO THE DETERMINATION OF
COMPENSATION**Market value**

1. (1) For the purposes of this Act the term “market value” where applied to any scheduled land shall mean the market value of such land—

- (a) at the date of publication in the *Gazette* of the notification under section 4, provided that such notification shall within twelve months from the date thereof be followed by a declaration under section 8 in respect of all or some part of the land in the locality specified; or
- (b) in other cases, at the date of the publication in the *Gazette* of the declaration made under section 8.

(1A) In assessing the market value of any scheduled land, the valuer may use any suitable method of valuation to arrive at the market value provided that regard may be had to the prices paid for the recent sales of lands with similar characteristics as the scheduled land which are situated within the vicinity of the scheduled land and with particular consideration being given to the last transaction on the scheduled land within two years from the date with reference to which the scheduled land is to be assessed under subparagraph (1).

(1B) Where only a part of the land is to be acquired, the market value of the scheduled land shall be determined by reference to the whole land as shown in the document of title of the scheduled land and after having regard to the particular features of that part.

(1C) In assessing the market value of any scheduled land, regard shall not be had to the evidence of any sales transactions effected after the date with reference to which the scheduled land is to be assessed under subparagraph (1).

(1D) Where the scheduled land to be acquired is held under a title for a period of years, in assessing the market value, regard may be had to the date of expiry of the lease as shown in the document of title, but regard shall not be had to the likelihood of a subsequent alienation to the person or body who is the proprietor thereof immediately before the expiry of the lease.

(2) In assessing the market value—

- (a) the effect of any express or implied condition of title restricting the use to which the scheduled land may be put; and
- (b) the effect of any prohibition, restriction or requirement imposed by or under the Antiquities Act 1976 [Act 168] in relation to any ancient

monument or historical site within the meaning of that Act on the scheduled land,

shall be taken into account.

(2A) In assessing the market value of any scheduled land which is Malay reservation land under any written law relating to Malay reservations, or a Malay holding under the Malay Reservations Enactment of Terengganu [*Terengganu En. No. 17 of 1360 (A.H)*], or customary land in the State of Negeri Sembilan or the State of Malacca, the fact that it is such Malay reservation land, a Malay holding, or customary land shall not be taken into account except where the scheduled land is to be devoted, after the acquisition, solely to a purpose for the benefit of persons who are eligible to hold the land under such written law.

(2B) (*Deleted by Act A999*).

(2BA) In assessing the market value of any scheduled land, where the information provided by the State Director of Town and Country Planning or the Commissioner of the City of Kuala Lumpur, as the case may be, under section 9A indicates that the scheduled land is within a local planning authority area, then the land shall be assessed by having regard to the specific land use for that land as indicated in the development plan.

(2c) In assessing the market value of any scheduled land which but for the acquisition would continue to be devoted to a purpose of such nature that there is no general demand or market for that purpose, the assessment shall be made on the basis of the reasonable cost to the proprietor of the scheduled land of using or purchasing other land and devoting it to the same purpose to which the scheduled land is devoted, if the Land Administrator is satisfied that this is *bona fide* intended by the proprietor of the scheduled land.

(2b) In assessing the market value of any scheduled land which is an estate land, or forms part of an estate land, the market value of such land shall be determined taking into consideration section 214A of the National Land Code.

(3) If the market value of any scheduled land has been increased, or is currently increased, in either of the following ways, such increase shall be disregarded:

- (a) an increase by means of any improvement made by the owner or his predecessor in interest within two years before the declaration under section 8 was published in the *Gazette*, unless it be proved that such improvement was made *bona fide* and not in contemplation of proceedings for the acquisition of the land;
- (b) an increase by reason of the use of the land, or of any premises thereon, in a manner which could be restrained by any court, or is contrary to law, or is detrimental to the health of the inmates of the premises or to the public health.

(c) (*Deleted by Act A388*).

(3A) The value of any building on any land to be acquired shall be disregarded if that building is not permitted by virtue of—

- (a) the category of land use; or
- (b) an express or implied condition or restriction,

to which the land is subject or deemed to be subject under the State land law.

(4)–(5) (*Deleted by Act A388*).

Matters to be considered in determining compensation

2. In determining the amount of compensation to be awarded for any scheduled land acquired under this Act there shall be taken into consideration the following matters and no others:

- (a) the market value as determined in accordance with section 1 of this Schedule;
- (b) any increase, which shall be deducted from the total compensation, in the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put;
- (c) the damage, if any, sustained or likely to be sustained by the person interested at the time of the Land Administrator's taking possession of the land by reason of severing such land from his other land;
- (d) the damage, if any, sustained or likely to be sustained by the person interested at the time of the Land Administrator's taking possession of the land by reason of the acquisition injuriously affecting his other property, whether movable or immovable, in any other manner;
- (e) if, in consequence of the acquisition, he is or will be compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change; and
- (f) where only part of the land is to be acquired, any undertaking by the State Authority, or by the Government, person or corporation on whose behalf the land is to be acquired, for the construction or erection of roads, drains, walls, fences or other facilities benefiting any part of the land left unacquired, provided that the undertaking is clear and enforceable.

Matters to be neglected in determining compensation

3. In determining the amount of compensation to be awarded for any scheduled land acquired under this Act the following matters shall not be taken into consideration:

- (a) the degree of urgency which has led to the acquisition;
- (b) any disinclination of the person interested to part with the land acquired;
- (c) any damage sustained by the person interested which, if caused by a private person, would not be a good cause of action;
- (d) any depreciation in the value of the land acquired likely to result from the use to which it will be put when acquired;
- (e) any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired;
- (f) any outlay on additions or improvements to the land acquired, which was incurred after the date of the publication of the declaration under section 8, unless such additions or improvements were necessary for the maintenance of any building in a proper state of repair and unless, in the case of agricultural land, it is any money which has been expended for the continuing cultivation of crops on it.
- (g)–(h) (*Deleted by Act A388*).

Limitation on award

4. Where at any inquiry made by the Land Administrator under section 12, or in any statement in writing required by the Land Administrator under subsection 11(2), any person interested has:

- (a) made a valuation of or claimed compensation for any land or any interest therein, such person shall not at any time be awarded any amount in excess of the amount stated or claimed;
 - (b) refused, or has omitted without sufficient reason to be allowed by a Judge, to make a claim to compensation, such person shall not at any time be awarded any amount in excess of the amount awarded by the Land Administrator.
-

SECOND SCHEDULE

[Sections 2 and 69]

FORM A

Land Acquisition Act 1960

[Section 4]

NOTICE THAT LAND IS LIKELY TO BE ACQUIRED

It is hereby notified that lands in the locality described in the Schedule hereto, including those lands, if any, specified by lot number or by the lot numbers of neighbouring lands, are likely to be needed for the following purpose:

.....
.....

2. It is further notified that any person authorized by the State Director in that behalf may enter upon any land in such locality in order to examine it and undertake survey operations. If any damage is done in the course of such work compensation therefor will be paid. Any dispute as to the amount of such compensation will be referred to the Land Administrator at

Dated this day of, 20.....

.....
State Director

SCHEDULE

District

Mukim

Township

Description of the locality.....

FORM B

Land Acquisition Act 1960

[Section 5]

AUTHORITY TO ENTER SURVEY

To.....
.....
.....

You and your servants and workmen are hereby authorized, subject to paragraph 2, to enter upon—

- *(i) any lands in a locality which has been the subject to a notification issued under section 4 of the Land Acquisition Act, or
- (ii) any lands in the locality scheduled in *Gazette* Notification No..... of

and to do any or all the following:

- (a) survey and take levels of the land;
- (b) dig or bore into the subsoil;
- (c) do all other acts necessary to ascertain whether the land is adapted for the purpose for which it is to be acquired;
- (d) set out the boundaries of the land proposed to be taken and the intended line of the work, if any, proposed to be made thereon;
- (e) mark such levels, boundaries and line by placing marks and cutting trenches;
- (f) cut down and clear away any standing crop, fence or jungle, where otherwise the survey cannot be completed, or the levels cannot be taken, or the boundaries or line of the work cannot be marked.

2. Neither you nor any of your servants and workmen may enter into any building or upon any enclosed court or garden attached to a dwelling house, unless you have first obtained the consent of the occupier thereof, or, failing such consent, have given such occupier three days' notice in writing of your intention to do so.

Dated this day of, 20.....

.....
State Director

*Delete which is inapplicable

FORM C

Land Acquisition Act 1960

[Section 7]

SCHEDULE OF LANDS AFFECTED BY ACQUISITION

District

Mukim/Township

Survey Lot No.	Title or Occupation	Registered Proprietor or Recorded Occupant	Area of Lot	Approximate Area to be Acquired

FORM D

Land Acquisition Act 1960

[Section 8]

DECLARATION OF INTENDED ACQUISITION

It is hereby declared that the particular lands and areas specified in the Schedule hereto are needed for the following purpose:

.....

2. A plan of the particular lands and areas so specified may be inspected during the normal hours of business in the Land Office of the District in which such lands and areas are situated.

Dated this day of, 20.....

.....

State Director

[Schedule as in Form C, amended, if necessary, in accordance with the decision of the State Authority]

FORM E

Land Acquisition Act 1960

[Section 10]

INTENDED ACQUISITION: NOTICE OF ENQUIRY

In accordance with the declaration of intended acquisition of the lands described in the Schedule hereunder, notice is hereby given that an enquiry to hear all claims to compensation for all interests in such land will be held onday of at hours at

2. All persons having interests in the said land, whether as proprietor, occupier, lessee, chargee, tenant or otherwise, are hereby required to appear before the undersigned at the above time either personally or by agent and there to state—

- (a) the nature of their respective interests in the land;
- (b) the amount and particulars of their claims to compensation for such interests;
- (c) their objections, if any, to the measurements of approximate area given in the Schedule below;
- (d) the names of any other person known to the party or his agent to possess any interests in the land or any part thereof, and to produce all documents relating to their claims.

3. Notice is further given that the undersigned may require—

- (a) that in any particular case any such statement or statements should be reduced to writing and signed by the party or his agent;
- (b) that any person in possession of the issue document of title in respect of any land scheduled below deliver up such document at the time of inquiry.

Dated this day of, 20.....

.....
Land Administrator

[Schedule in Form D]

FORM F

Land Acquisition Act 1960

[Section 11]

NOTICE TO REQUIRE EVIDENCE IN WRITING

To

.....

.....

Whereas the undersigned has reason to believe that you have particular knowledge of the land referred to in the attached notice (*Copy of Form E to be attached*):

Take notice that you are hereby required to furnish, within days of this date, a statement in writing declaring the following:

- (a) separate valuations of the land and of the improvements, if any, thereon, showing the basis upon which such valuations are made;
- (b) the name of every person possessing any interest in the land or any part thereof, either as co-owner, chargee, lessee, sub-lessee, tenant or otherwise; and
- (c) the nature of any such interests and the amount of the rents and profits, if any, received or receivable on account thereof for the three years immediately preceding the date of this notice.

Dated this day of, 20.....

.....
Land Administrator

I, the undersigned,hereby acknowledge receipt of the above notice.

Dated this day of, 20.....

Land Acquisition

67

FORM G

Land Acquisition Act 1960

[Section 14]

WRITTEN AWARD OF COMPENSATION

Acquisition Hearing No in respect of Lands scheduled in *Gazette* Notification

The awards set out in the Schedule hereto are hereby made in respect of the areas of land specified therein, to the persons interested therein, as specified below.

SCHEDULE

Lot No.	Area Required	Persons Interested	Nature of Interest	Apportionment of Award	For Official Use

Dated this day of, 20.....

.....
Land Administrator

FORM H

Land Acquisition Act 1960

[Section 16]

NOTICE OF AWARD AND OFFER OF COMPENSATION

To

.....

.....

You are hereby informed that at the hearing before the undersigned on the day of an award as in the Schedule hereto was made in respect of the lands specified therein in which you have an interest.

2. In accordance with this award I hereby offer you the sum of RM being the amount specified below as full compensation for your interest in this land.

3. Take notice that section 29A of the Land Acquisition Act 1960 requires me to withhold twenty-five per cent of the amount of the award in certain circumstances, subject to the provisions of that section.

Dated this day of, 20.....

.....
Land Administrator

SCHEDULE

[Relevant extract from Form C including all awards, if any, to other person/ persons interested in the land]

I, the undersigned..... hereby acknowledge receipt of the above offer.

2. *(a) I accept the offer; and

* (i) I am prepared to attend the Land Office on any appointed day to receive payment in *cash/cheque/money order; or

* (ii) I request that the amount due be sent to me by cheque/money order at the above address.

*(b) I accept the offer under protest.

*(c) I do not accept the above offer.

Dated this day of, 20.....

FORM I

Land Acquisition Act 1960

[Section 19]

CERTIFICATE OF URGENCY

Acquisition Proceedings No..... *Gazette* Notification No

To:

The District Land Administrator,
.....

Whereas the land scheduled below was declared by the above *Gazette* Notification to be required for a public purpose or for a public utility:

And whereas such land is now urgently required for use for a public purpose or for a public utility:

Now therefore in exercise of the powers conferred by section 19 of the Land Acquisition Act 1960, I hereby certify that such land is urgently required for use for a public purpose or for a public utility and DIRECT you forthwith to take possession of such land.

Dated this.....day of....., 20.....

.....
State Director

[Schedule as in Form D]

FORM J

Land Acquisition Act 1960

[Section 20]

To:

Occupier/Owner of the building on Lot No

Title No Mukim/Township

Whereas the above land has this day been acquired by virtue of a Certificate of Urgency signed by the State Director:

Now I hereby require that you vacate the building referred to above and situated on the said land within days of this date.

2. Take notice further that I hereby offer to the owner of the premises compensation to the amount of RM which compensation represents—

(a) the value of the building

(b) the cost of removing and reerecting such building elsewhere.

Dated this day of, 20.....

.....
Land Administrator

*Delete whichever is inapplicable

FORM K

Land Acquisition Act 1960

[Section 22]

NOTICE THAT POSSESSION HAS BEEN TAKEN OF LAND

Acquisition Proceedings No *Gazette* Notification No

It is hereby notified that I have today, pursuant to section 22 of the Land Acquisition Act 1960, taken formal possession of the land shown in the Schedule below to the extent declared in the last column of that Schedule.

*A copy of a Certificate of Urgency issued by the State Director is annexed.

Dated this day of, 20.....

.....
Land Administrator

[Schedule as in Form D as amended]

*Delete if inapplicable

Land Acquisition

FORM L

Land Acquisition Act 1960

[Section 24]

NOTICE TO DELIVER UP DOCUMENT/S

Acquisition Proceedings No *Gazette* Notification No

To
.....
.....

Whereas the whole/part of the land comprised in Title
Lot..... Mukim/Township has been formally acquired
by the State Authority:

And whereas I have reason to believe that the documents of title hereinafter
referred to are in your possession:

Now therefore in exercise of the powers conferred by section 24 of the Land
Acquisition Act 1960, I hereby require you to deliver to me the document/s of title
specified in the Schedule hereto within a period of days from the
date of the service on you of this Notice.

Dated this day of, 20.....

.....
Land Administrator

SCHEDULE

[*Here list document/s of title*]

FORM M

Land Acquisition Act 1960

[Section 36]

REFERENCE TO COURT

To.....

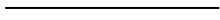
The High Court.....
In the matter of.....

I....., Land Administrator for the District of in the State of..... in exercise of the powers conferred by subsection 36(2) of the Land Acquisition Act 1960, hereby refer the following question to the Court for its determination:

2. The parties interested, so far as I know or have been informed, are as follows:

Dated this..... day of, 20.....

.....
Land Administrator



Form N
Land Acquisition Act 1960
[Subsection 38(1)]
APPLICATION THAT AN OBJECTION BE
REFERRED TO COURT

To:

The District Land Administrator.....

ACQUISITION PROCEEDINGS NO.....

I.....of.....hereby make an objection to the award of the Land Administrator.....dated.....in respect of land Lot..... Title.....

2. My interest in the said land is as follows:.....
.....

*3. My objection is to:

- (a) the measurement of the land;
- (b) the amount of the compensation;
- (c) the persons to whom it is payable;
- (d) the apportionment of the compensation.

**4. The grounds of my objection are as follows:

.....
.....

.....
.....

5. In accordance with subsection 38(1) of the Land Acquisition Act 1960, I hereby require you to refer the matter to the Court for its determination.

Dated this..... day of, 20.....

.....
Signature of the applicant

*Delete items inapplicable.

**Here set out the grounds on which objection to the award is taken (in full).

FORM O

Land Acquisition Act 1960

[Subsection 38(5)]

Acquisition Proceedings No..... Gazette Notification.....

REFERENCE TO COURT

To:

The Registrar, High Court,
.....

Whereas I have received an Application under section 38 of the Land Acquisition Act 1960, requiring me to refer to the Court the following matter for its determination:

*And whereas a due deposit ofringgit has been deposited with me as security for the costs of the reference and appeal:

Now therefore pursuant to section 38 of the said Act I hereby refer the following objection to the Court:

[Here summarize objection/s]

2. The following is the situation and extent of the land, and particulars of any trees, buildings, or standing crops thereon:

[Here set out details]

3. The following are the names and addresses of all the persons whom I have reason to believe are interested in such land:

(Name) (Address) (Interest)

4. The following notices have been served upon the parties interested:

(Notice) (Name of party)

5. The following statements in writing have been made or delivered by the following interested parties:

(Name of Party) (Particulars of Statement)

**6. The amount awarded for damages under section 6 of the said Act was.....ringgit.

7. The amount of compensation awarded under section 14 was.....ringgit.

**8. The following are the grounds on which the amount of compensation was determined:

[Here set out grounds]

9. I attach hereto copies of the following documents:

[Here list documents]

Dated thisday of, 20.....

.....
Land Administrator

[The above paragraphs may be completed by appropriate references to documents to be annexed thereto.]

*Delete if inapplicable.

**To be completed only where the objection is to the amount of compensation.

FORM P

Land Acquisition Act 1960

[Section 43]

NOTICE

To.....
.....

LAND REFERENCE NO..... OF.....

Notice is hereby given that on the.....day of
.....at the hour of.....in
the..... noon, the High Court sitting atwill proceed to
hear and determine the objections contained in the above Reference, and relating to
the following land:

[Here insert details of land]

2. You are hereby directed to appear before the Court at such hearing.

Dated this day of, 20.....

.....
Registrar

FORM Q

Land Acquisition Act 1960

[Section 58]

NOTICE OF TEMPORARY OCCUPATION OR
USE OF LAND

To.....
.....

Owner of Title..... Mukim
Occupier Lot..... Township

All persons having any interest in the above land are hereby notified that it is
required for temporary occupation/use for the term of..... from
date for the following purpose:

.....
.....

2. In exercise of the powers conferred by section 56 of the Land Acquisition Act 1960, I hereby give notice that I am prepared to

_____ **make an offer*for the occupation/
**negotiate payment of compensation*

use of the above land and that I require every person having any interest in the land to appear before me on the.....day of.....atat the hour of in the fore/afternoon.

Dated this day of, 20.....

.....
Land Administrator

*Delete whichever is inapplicable.

THIRD SCHEDULE

[Section 45]

EVIDENCE AND PROCEDURE IN LAND REFERENCE CASES

Interpretation

1. In this Schedule, unless the context otherwise requires—

“applicant” means the person upon whose application in accordance with section 38 reference to the Court is made in respect of an objection under section 37;

“proceeding” means a proceeding in respect of an objection under section 37;

“valuer’s report”, in relation to the report by the valuer of one party to the proceeding, includes his reply to the report of the valuer of the other party to the proceeding.

Valuer’s report and oral evidence

2. (1) The applicant’s valuer’s report alone must establish a *prima facie* case for the applicant.

(2) Oral evidence by the applicant’s valuer shall only be adduced during cross-examination and re-examination, if any.

(3) The respondent's valuer's report must be sufficient to rebut the applicant's valuer's report.

(4) Subparagraph (2) shall apply to the respondent's valuer as it applies to the applicant's valuer.

Filing and service of valuer's report

3. (1) Each party to the proceeding shall, not less than seven days before the date of hearing, file in Court four copies of his valuer's report.

(2) Each party to the proceeding shall, not less than twenty-one days before the date of hearing, serve on the other party a copy of his valuer's report.

(3) Each party to the proceeding shall, not less than seven days before the date of hearing, serve on the other party and file in Court his valuer's reply to the other party's valuer's report.

Common plan

4. (1) Where the reports of both the applicant's and the respondent's valuers contain comparable sales plans, the applicant's valuer shall prepare a plan, to be known as the "common plan", incorporating the comparable sales plans in both such reports.

(2) The common plan shall be served on the respondent not less than seven days before the date of hearing.

(3) The common plan shall be filed in Court not less than four days before the date of hearing.

Evidence to be by way of affidavit except for valuer's report

5. (1) Except in the case of a valuer, the evidence of any other person shall be adduced by way of affidavits.

(2) Except for any statement in writing made or delivered by the applicant and included in or attached to Form O by which the matter is referred to the Court, subparagraph (1) shall also apply to the applicant.

(3) Except in the case of a valuer's report, any document to be tendered in evidence shall be tendered by way of an affidavit.

(4) The provisions in paragraph 3 as regards the manner and time of service and filing in Court of a valuer's report and reply shall apply to affidavits and affidavits in reply.

(5) The deponent may be called to be cross-examined.

(6) The party wishing to cross-examine a deponent shall give at least seven days' notice of his intention to do so.

Paragraphs 2, 3, 4 and 5 must be complied with

6. No report, affidavit or other document shall be admitted in evidence unless the provisions of paragraphs 2, 3, 4 and 5 are complied with.

Submissions

7. (1) Unless otherwise ordered by the Court, the final submissions in Court of the counsel for each of the parties to the proceeding shall be written.

(2) The Court shall determine the order, the manner and the time of service of the written submissions

LAWS OF MALAYSIA

Act 486

LAND ACQUISITION ACT 1960

LIST OF AMENDMENTS

Amending law	Short title	In force from
L.N. 477/1965	National Land Code (Repeals and Amendments) Order 1965	23-12-1965
P.U. (A) 515/1969	Essential (Land Acquisition) Regulations 1969	19-12-1969
Act A49	Land Acquisition (Amendment) Act 1971	30-04-1971
P.U. (A) 81/1974	Federal Territory (Modification of Land Acquisition Act 1960) Order 1974	01-02-1974
P.U. (A) 184/1975	Federal Territory (Modification of Land Acquisition Act 1960) Order 1975	01-02-1974
Act A216	Land Acquisition (Amendment) Act 1973	13-10-1960
Act A336	Land Acquisition (Amendment) Act 1976	27-02-1976
Act A387	Land Acquisition (Amendment) Act 1977	18-03-1977
Act A388	Land Acquisition (Amendment) (No. 2) Act 1977	27-02-1976
Act A575	Land Acquisition (Amendment) Act 1984	20-01-1984
Act A804	Land Acquisition (Amendment) Act 1991	13-09-1991
Act A852	Land Acquisition (Amendment) Act 1993	16-07-1993
Act A999	Land Acquisition (Amendment) Act 1997	01-03-1998

Amending law	Short title	In force from
P.U. (A) 455/2009	Federal Territory of Labuan (Extension and Modification of Land Acquisition Act) Order 2009	01-01-2010
P.U. (B) 16/2011	Corrigendum	14-01-2011
Act A1517	Land Acquisition (Amendment) Act 2016	01-12-2017 except section 11

LAWS OF MALAYSIA

Act 486

LAND ACQUISITION ACT 1960

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
2	Act A999	01-02-1998
	Act A1517	01-12-2017
3	Act A216	13-10-1960
	Act A804	13-09-1991
	Act A999	01-03-1998
	P.U.(B) 16/2011	14-01-2011
	Act A1517	01-12-2017
3A	Act A999	01-03-1998
3B	Act A999	01-03-1998
3C	Act A999	01-03-1998
	Act A1517	01-12-2017
3D	Act A999	01-03-1998
3E	Act A999	01-03-1998
3F	Act A999	01-03-1998
	Act A1517	01-12-2017
4	Act A575	20-01-1984
5	Act A999	01-03-1998
7	Act A1517	01-12-2017
8	Act A575	20-01-1984
	Act A999	01-03-1998
	Act A1517	01-12-2017
9	Act A999	01-03-1998
	Act A1517	01-12-2017

Section	Amending authority	In force from
9A	Act A1517	01-12-2017
12	Act A1517	01-12-2017
14	Act A1517	01-12-2017
19A	Act A1517	01-12-2017
21	Act A1517	01-12-2017
22	Act A1517	01-12-2017
23	Act A1517	01-12-2017
26	Act A1517	01-12-2017
28	Act A1517	01-12-2017
29	Act A1517	01-12-2017
29A	Act A1517	01-12-2017
31	Act A575 Act A1517	20-01-1984 01-12-2017
32	Act A336 Act A999 Act A1517	27-02-1976 01-03-1998 01-12-2017
32A	Act A999 Act A1517	01-03-1998 01-12-2017
35	Act A575 Act A999 Act A1517	20-01-1984 01-03-1998 01-12-2017
36	Act A1517	01-12-2017
37	Act A575 Act A999 Act A1517	20-01-1984 01-03-1998 01-12-2017
38	Act A575 Act A999 Act A1517	20-01-1984 01-03-1998 01-12-2017

Land Acquisition

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Section	Amending authority	In force from
39	Act A575 Act A999	20-01-1984 01-03-1998
40	Act A575	20-01-1984
40A	Act A999	01-03-1998
40B	Act A999 Act A1517	01-03-1998 01-12-2017
40C	Act A999	01-03-1998
40D	Act A999	01-03-1998
41	Act A575	20-01-1984
42	Act A575	20-01-1984
43	Act A1517	01-12-2017
45	Act A999	01-03-1998
46	Act A575	20-01-1984
47	Act A575 Act A999	20-01-1984 01-03-1998
48	Act A999 Act A1517	01-03-1998 01-12-2017
49	Act A999 Act A1517	01-03-1998 01-12-2017
51	Act A1517	01-12-2017
52	Act A1517	01-12-2017
53	Act A1517	01-12-2017
54	Act A999	01-03-1998
55	Act A1517	01-12-2017
57	Act A1517	01-12-2017

Section	Amending authority	In force from
58	Act A1517	01-12-2017
59	Act A1517	01-12-2017
60	Act A1517	01-12-2017
63	Act A999	01-03-1998
64	Act A999	01-03-1998
65	Act A1517	01-12-2017
66	Act A999 Act A1517	01-03-1998 01-12-2017
68A	Act A804	13-09-1991
69	Act A999 Act A1517	01-03-1998 01-12-2017
First Schedule	Act A49 Act A336 Act A388 Act A852 Act A999 Act A1517	30-04-1971 27-02-1976 27-02-1976 16-07-1993 01-03-1998 01-12-2017
Second Schedule	Act A999	01-03-1998
Third Schedule	Act A999	01-03-1998
