

LAND RULES
(Section 46)
G.N. 505 of 1930

[27th December, 1930.]

1. This rules may be cited as the Land Rules.

APPLICATION FOR STATE LAND

2. (1) Every application for State land shall be in writing and shall contain a sketch showing approximately the situation of the land applied for:

Provided that applications for titles under Part IV may be made orally to the Collector.

- (2) A register of all applications for land shall be kept in each district by the Collector in the form set out in Schedule A.

- (3) An application shall not be accepted unless the following fees are paid: -

- (a) in the case of an application for land to be held under Part II or Part III, at least one-quarter of the survey fees estimated to be payable on the area of land for which application is made; and in the case of an application for land to be held under Part IV at least one-sixth of such fees;

- (b) in the case of an application for land to be held under Part II or Part III on which premium is payable, at least one-quarter of the premium assessed by the Collector.

- (4) No payments made under subrule (3) shall confer any right whatsoever to the land applied for and acceptance of any such payment shall not constitute any undertaking that the application will be approved.

(5) The Collector may cancel any application if the applicant shall not have signed the title within six months of being called to do so, or shall have left the district without leaving an address or appointing an agent to act on his behalf, or shall not have accepted within three months of their being communicated to him, any special conditions to be imposed.

(6) If the application is refused, any sums paid under subrule (3) shall be refunded to the applicant.

(7) If the application is withdrawn, the applicant shall be liable for all expenses incurred by Government in connection with the application, and with the survey, if any, of the land applied for.

(8) Any balance of the sums paid by the applicant under subrule (3) which may still remain after deductions have been made in accordance with subrule (7), shall be refunded to the applicant.

(9) When an application has been cancelled by the Collector under subrule (5) any sums paid by the applicant under subrule (3) shall be forfeited to Government.

LICENCES

3. (1) Licences for the purposes of sections 24 and 25 may be issued by the Collector subject to such conditions as the Minister may generally or in particular cases direct.

(2) The Collector may issue to any person a licence, substantially in the form of Schedule B, to remove from any land any of the articles mentioned in section 23, provided always that no licence to remove guano shall be issued except with the approval of the Minister, and provided that no licence shall be issued except to the owner of the land, if alienated, or with his consent.

(3) The payments to be made in respect of licences issued under rule 3 (2) shall be at the following rates –

for earth, gravel, stone, coral, shell, sand, loam or clay or any bricks, lime, cement, or other commodities manufactured from the materials aforesaid, for every person employed five ringgit per month:

Provided that the Minister may, in any particular case, grant partial or total exemption from the payment of such rates.

(4) All licences under rule 3 (2) shall expire on the last day of the month or year in respect of which the said licences shall have been issued.

(5) Before issuing any licence under rule 3 (2) the Collector may require the applicant therefor to deposit such sum of money as the Collector may require; and, on default being made in the payment of any sum due under the licence, the sum due may be withdrawn by the Collector from the sum deposited as aforesaid and credited to revenue.

(6) The Collector may also require the applicant for a licence under rule 3 (2) to furnish such security as the Collector shall deem sufficient that all holes and inequalities caused in the surface of the ground in the course of getting any article authorised by the licence to be removed or the materials therefor shall within a time to be fixed by the Collector be filled in and drained to his satisfaction.

TOWN LANDS

4. (1) The terms for lands within town areas alienated for agricultural purposes shall be –

annual rent of fifty sen per acre for the first six years, two ringgit per acre for the next four years and three ringgit per acre thereafter, together with such premium as the Minister may direct.

(2) The terms for Town Lands alienated for residential purposes shall be a minimum annual rental of five ringgit per acre, with such premium or upset price as the Minister may direct.

(3) For shop lots, the minimum annual rent per lot of 1,600 sq. ft. or less shall be five ringgit.

(4) The standard dimensions of shop lots under Part III shall be 80 ft. x 20 ft. and not more than one shop shall be erected on a lot of this size. The frontage of a shop shall not be less than 18 ft.

TITLES UNDER PART IV

5. (1) The following regulations shall apply to sago lands –
- (a) all sago plantations shall be kept free from undergrowth;
 - (b) every sago tree which shall have ripened shall forthwith be cut down whether or not it be intended to use the produce therefrom, and in the place thereof of a fresh sago shoot shall be planted with all reasonable despatch;
 - (c) for the purpose of providing the fresh shoots aforesaid a certain number of trees shall be set apart proportionate to the requirements of each plantation;
 - (d) the penalty for breach of any of the above regulations (a), (b) and (c) shall be a fine not exceeding ten ringgit.
- (2) Every native land-holder shall keep his orchard or garden free from undergrowth so that it shall not harbour vermin.

The “works of common benefit” referred to in section 66 (b) are –

- (a) The repair of dams and water-courses.
 - (b) The clearing of rivers, streams and water-courses.
 - (c) The upkeep and repair of paths crossing padi-lands.
 - (d) The maintenance of burying grounds.
 - (e) The upkeep of mosques and places of worship.
 - (f) The fencing in of grazing grounds.
 - (g) The maintenance of tamu grounds.
 - (h) Any other work which the Native Chief or Headman may, with the approval of the District Officer, impose as being of common benefit.
- (4) The consent of the Director to an exchange of title under section 75 shall be subject to such conditions as the Minister may generally or in special cases direct.

REGISTRATION

6. (1) An "interest in land" and "profits thereof", the acquisition whereof requires to be registered under the terms of sections 88 and 94 shall be deemed to include such dealings as a grant or lease of tapping rights over rubber trees or the right of collection of coconuts or other crops, provided that the provisions of section 105 shall, *mutatis mutandis*, apply to such rights, and that the actual work of such tapping or collection shall be undertaken by the lessee or grantee.

(2) The registration of dealings affecting tapping rights or the collection or disposal of crops not falling within the above classification is optional, provided that without such registration such dealings shall not be enforceable against successors in title to the grantor, nor take priority over any registered dealing.

COLLECTION OF LAND REVENUE

7. (1) All rents, except as provided in Part IV, payable under the Ordinance in respect of any year shall fall due in advance on the 1st day of January.

(2) Full rent for the current year shall be payable on all titles, other than titles under Part IV, commencing prior to the 1st day of July in that year. If the title commences on or after the 1st day of July in any year no rent shall be payable in respect of that year.

(3) The time for enhancement of rent shall be computed from the first day of January preceding the date of commencement of the title when such date is before the first day of July, and from the first day of January following the date of commencement when such date is after the 30th day of June in any year.

(4) In the computation of premium, fraction of one ringgit shall count as one ringgit.

(5) In the computation of the rent payable on any land –

(a) if the land is held under Part IV, any fraction of a ringgit less than ten sen shall be calculated as ten sen, and the minimum rent shall be twenty sen;

- (b) if the land is held under any Part other than Part IV, where the rent is less than fifty sen per acre, any fraction of a ringgit less than ten sen shall be calculated as ten sen, and the minimum rent shall be ten sen; where the rent is fifty sen or more per acre, fractions of a ringgit less than fifty sen shall be calculated as fifty sen, and the minimum rent shall be fifty sen.

(6) In the computation of premium and rent payable on any country land any fraction of an acre less than one rood shall be calculated as one rood.

(7) The Collector shall so notify and advertise any auction held under Part VII and so arrange the time (subject to the limitations imposed by the Ordinance or these rules), place and manner of holding such auction as will in his opinion, be most likely to realise the greatest net value for the land or thing sold, and he may adjourn any such sale to any specified place, day or hour.

SERVICE ON NOTICES

8. (1) The service of all notices or other processes issued under the provisions of the Ordinance or any rules made thereunder may be effected as follows –

- (a) by delivering to the noticee or his authorised agent a copy of the notice or by sending a copy by registered post if the address of the noticee or his agent be known and there be postal communication with such place;
- (b) when the noticee cannot be found and has no agent empowered to accept service on his behalf service may be made on any adult member of the family of the noticee who is residing with him;

Explanation. A servant is not a member of the family within the meaning of this rule.

- (c) when the serving officer delivers a copy of the notice to the noticee personally, or to his agent, or to an adult member of the family of the noticee residing with him, he shall require as an acknowledgment of service endorsed on the original notice the signature or right thumb mark of the person to whom the copy is so delivered.

(2) If the person to whom such copy is delivered or tendered is unwilling or unable to sign the acknowledgment, or if the serving officer is unable to find any proper person to be effect personal service, the Collector may order service to be effected by affixing a copy of the document to be served in a conspicuous position upon the land (if any) which is affected, or by

(a) affixing a copy thereof upon the house or place of business of the person to be served if such can be found within Sabah, or

(b) affixing a copy thereof or a notice containing full particulars thereof at the mosque, market or other common place of resort in the town or village in which the person to be served usually resides or last resided.

(3) The Collector or Registrar may also, if he shall see fit, make an order for substituted service by advertisement in the *Gazette* or in any local newspaper.

(4) In cases where notices or other processes have to be served on illiterate natives or posted in districts which are mainly illiterate, the Collector or Settlement Officer shall employ such other methods of publishing the notice as may seem reasonable.

(5) In each of the above cases the serving officer or Collector shall enter on the back of the original of the document to be served a statement of the time, place and manner or method in which the service or publication was effected, or why service was not effects, and shall sign the same.

(6) The officer issuing the notice may require any serving officer to make oath or affirmation as to the truth of any such entry made by him.

(7) Every notice or other process issued under this Ordinance on behalf of any person other than a Collector or Registrar shall be served at the expense of that person.

(8) The expense of any notice or other process issued on behalf of the Collector or Registrar may be treated at the discretion of the Collector or Registrar as costs in the case, and may be made recoverable from any of the parties, if he shall so direct.

RECORDS OF PROCEEDINGS

9. (1) The Collector shall keep, in the form of Schedule C hereto, a register of enquires and applications other than applications for land and shall take notes in writing of all evidence taken by him in the course of the proceedings.

(2) The Director shall keep a record in the form of Schedule D of all appeals heard by him, and of all orders or decisions revised by him, and shall take notes of all evidence given before him.

(3) The notes of evidence shall be taken as far as possible in the manner provided for the recording of cases in the civil courts.

(4) Any person desiring to appeal to the Director shall, within the period prescribed for appeal, deliver to the Director, or to the Collector or Settlement Officer, for transmission to the Director, a Memorandum of Appeal substantially in the form of Schedule E and shall also pay the prescribed fee and the costs of serving any notices upon parties whose attendance may be required.

(5) In the case of any appeal the Collector or settlement Officer shall forthwith forward to the Director a copy of the notes of the enquiry, together with any documents concerned and a report upon the matter.

(6) The Collector, Settlement Officer or Director may in any proceedings determine the amount of any costs involved and direct by whom and in what proportion they are to be paid.

(7) For the purpose of an enquiry, appeal, or other proceeding, the summons referred to in section 44 may be in the form of Schedule XXXV of the Ordinance and be served as provided for the service of notices in rule 8.

APPLICATION FOR RIGHT OF WAY UNDER SECTION 30 (1) (f)

10. Any officer authorised by Government may make application for a right of way on behalf of Government for the purposes described in section 30 (1) (f), and such application shall be heard and determined, in default of agreement between the parties, in the manner provided in rule 11.

APPLICATION FOR ACCESS OR DRAIN UNDER SECTION 31 (1) (d)

11. (1) Upon receipt of an application by any owner under section 31 (1) (d) the Collector shall fix a time for the hearing of the application, and shall serve a notice accordingly upon the applicant, and upon the owner or owners across whose land the right of way or drain is required. Such time shall be not less than one month from the date of the notice.

(2) On the day and at the hour and place fixed the Collector shall hear such of the parties as appear, and shall record the evidence in writing, and may call for such other evidence as he may think fit, and if necessary may adjourn the hearing.

(3) If after hearing the case the Collector is satisfied that the application is reasonable, he may cause such a right of way or drain to be marked out and the applicant shall be entitled to construct and maintain such way or drain and thereafter use the same in the same manner and to the same extent as if there were a public road or drain, and the owner of such other alienated land shall not obstruct him.

(4) The owner or occupier of other adjacent or contiguous land may similarly apply for a right of way from his land over such way, or for a drain from his land to connect with such drain, and thereupon the Collector after hearing the application in the manner prescribed above may declare that such owner or occupier is upon such terms and to such extent as the Collector may decide entitled to share in the use and maintenance of such way or drain and the owner of such other alienated land shall not obstruct him.

(5) When a road or drain over any land shall have been marked out by the Collector the person entitled to use such road or drain shall make full compensation for damage done to growing crops and permanent improvements, and the expense of making and maintaining such road or drain shall be borne by the owner or occupier of lands using the same, and any dispute relating thereto shall be settled by the Collector.

(6) When any right of way or drain shall have been so constituted the Collector shall cause a memorial of his decision to be registered upon the titles affected and may have endorsed thereon a plan of the right of way or drain. Rights granted under this rule shall run with the land and bind the owner thereof for the time being.

PROCEDURE UNDER SECTION 34 IN CASE OF BREACH OF
CONDITIONS OF TITLE.

12. (1) Before re-entering on any land as provided in section 34 for breach or default in the observance of the conditions of title, the Collector shall serve on the owner of the land a notice substantially in the form of Schedule F requiring him –

- (a) in case of a breach or default which in the opinion of the Collector is not capable of being repaired or made good, to appear and show cause to the satisfaction of the Collector why the Collector should not re-enter; or
- (b) in case of a breach or default which in the opinion of the Collector is capable of being repaired or made good, to repair or make good such breach or default within a time to be limited in the notice.

(2) On the day and at the hour and place fixed for the hearing the Collector shall proceed to hear the owner against such forfeiture, if he shall appear, and shall record the evidence in writing. The Collector may adjourn the hearing at any stage and for any period, and shall record his reasons for such adjournment.

(3) If the owner shall fail to appear or having appeared shall fail to show cause as aforesaid or shall have persisted in his neglect or refusal to repair or make good the breach or default, the Collector shall make an order in the form of Schedule G for the resumption of the whole or part of the land and upon registration thereof such land or such part thereof as the Collector may determine shall revert to the Government and all right, title and interest of any person shall cease and be extinguished:

Provided that no such order shall be registered until the period allowed for appeal shall have elapsed. A copy of the order shall be served if possible upon the owner, and notice of the resumption shall be published in the *Gazette*.

(4) If the owner shall satisfy the Collector as aforesaid or shall have duly repaired or made good such breach or default, the Collector shall record the fact and shall desist from all further proceedings.

PROCEDURE FOR PARTITION UNDER SECTION 40 (3)

13. (1) When the co-proprietors of any title are unable to agree as to a partition claimed by one or more of them, the Collector, after making such enquiry as he may deem necessary to ascertain the respective shares of each, may cause the land to be divided into as many parts as may be required, or may direct a sale of the land.

(2) The Collector shall allot such divided parts to the co-proprietors and shall apportion the cost of such division, and may in his discretion award sums to be paid for the purpose of equalising the value of the parts.

(3) Upon receiving proof to his satisfaction that such sums, if any, have been duly paid or deposited the Collector shall make an order appointing the part of each co-proprietor and distinguishing each part by survey, and such order shall be registered, and titles shall be prepared for each part on the terms of the original title and the rent on the original title shall be apportioned between the new titles.

(4) If it appears to the Collector that a sale of the land and a distribution of the proceeds would be more beneficial for the co-proprietors than a partition of the land between or among them the Collector may, if he thinks fit, on the request of any of the co-proprietors and notwithstanding the dissent or disability of any others of them direct a sale of the land accordingly in such manner as may be prescribed.

(5) On any such sale the Collector may, if he thinks fit, allow any of the co-proprietors to bid at the sale on such terms as the Collector may deem reasonable.

(6) The Collector shall determine the costs involved in any partition, and shall decide by whom they shall be paid.

SALE OF LAND BY CHARGE

14. (1) The notice required by section 111 to be given by the chargee to the owner may be substantially in the form of Schedule H, and shall be served in one or other of the ways prescribed for the service of notices:

Provided that where money secured by a charge is made payable on demand, a demand in writing pursuant to the charge shall be equivalent to the notice in writing provided for by section 111 and no other notice shall be required.

(2) The application by the chargee to the Collector shall be substantially in the form of Schedule I and upon receipt thereof the Collector, if it shall appear that notice has been given to the chargor as above provided, and that default has continued for the period stated, shall fix a day for the hearing of the application, and shall serve upon the chargor and on every person who holds a registered interest in the land a summons in the form of Schedule J to appear and show cause why the application should not be granted.

(3) At the day and hour fixed for the hearing the Collector shall proceed to hear the application in the presence of parties interested and shall record their evidence in writing. He may adjourn the hearing at any stage and for any period and shall record his reasons for such adjournment.

(4) Where on the day fixed neither chargee nor chargor appears, or where the chargor alone appears, the application shall be dismissed.

(5) Where an application is dismissed under rule 14 (4) the chargee may apply afresh, provided that if the chargor has appeared on the day originally fixed the chargee shall, before making any fresh application, pay the chargor's costs as allowed by the Collector.

(6) Where on the day fixed the chargee appears and the chargor does not appear then –

- (a) if it is proved that the summons was duly served the Collector may proceed ex-parte;
- (b) if it is not proved that the summons was duly served the Collector shall direct a second summons in the form of Schedule J to be served;
- (c) if it is proved that the summons was duly served but in the opinion of the Collector not in sufficient time to enable the chargor to appear and answer on the day fixed the Collector shall postpone the hearing of the application to a future day to be fixed by him, and shall direct a fresh summons in the form of Schedule J to be served.

(7) Where there are more chargees than one and one or more of them appear and the others do not appear the Collector may, at the instance of the chargee or chargees appearing, permit the application to proceed in the same way as if all the chargees had appeared, or make such order as he thinks fit.

(8) Where there are more chargors than one and one or more of them appear and the others do not appear the application shall proceed and the Collector shall at the time of deciding upon the application make such order as he thinks fit with respect to the chargors who do not appear.

(9) If after hearing the application the Collector is satisfied that default has been made in any particular as aforesaid, and if no cause be shown to his satisfaction, he shall by order in the form of Schedule K determine the amount due under the charge and order the sale of the land charged or of such portion thereof as he may think fit, provided that no lot shall be partitioned without the consent of the chargor unless each subdivision shall contain five or more acres.

(10) Every such sale shall be by public auction and the auctioneer shall be nominated by the Collector, provided that no person shall be nominated who has any interest whatever in the proceedings or who is not an officer borne on the establishment of Sabah or a person approved by the Government to conduct sales by auction in the district in which the land is situated.

(11) The conditions of sale shall be determined by the Collector, who shall also put a reserve price on the land and cause such public notice to be given of the sale as he may in the interest of the parties or of either of them think advisable, and may postpone the sale if he thinks fit.

(12) At any time prior to the fall of the hammer the owner of the land shall have the right to stop the sale upon payment of the sum due together with all costs.

(13) The chargee may himself bid at the sale.

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

(15) Upon completion of the sale by the payment of the purchase price to him the Collector shall make an order confirming the sale and directing the transfer of the land to the purchaser in the form of Schedule L and such order shall be registered.

(16) When no sale has been effected the Collector may order the land to be again put up for auction on some future date, and may reduce the reserve price, if any.

(17) The purchase money arising from any such sale shall be applied firstly in the payment of any rent and fees due to the Government; secondly in payment of the expenses and costs of, and incidental to, the notices, summonses and sale; thirdly in payment of the moneys which may then be due or owing to the chargee; fourthly in payment of subsequent charges if any in the order of their priority, and the surplus if any shall be paid to the chargor or other person entitled thereto.

(18) Upon registration of any memorandum of transfer by the Collector as aforesaid the land of the chargor therein transferred shall pass to and vest in the transferee freed and discharged from all liability on account of the charge in satisfaction whereof the land has been sold or of any charge registered subsequently thereto or of any attachment by order of Court, and the Registrar shall upon the registration of such transfer make a memorial upon the document of title cancelling such charge or charges.

(19) Such registration shall not free the land from any lease or charge registered prior to the charge in satisfaction whereof the land has been sold, or from any subsequent lease to which the chargee has consented in writing and the transferee shall be deemed to be the owner of the said land subject to any such lease or prior charge as aforesaid.

(20) No chargee shall sell any land comprised in a charge except in accordance with the provisions of the Ordinance, and no Court shall attach or sell land comprised in a charge in execution, of a decree in favour of the chargee in a suit for the recovery of money which might have been recovered by action under the Ordinance.

OFFICE FEES

15. (1) The following fees shall be charged for the services named under the Ordinance –

(a)	For preparation and issue of a new document of title:	RM
	Under section 92	... 30.00
	Under section 120 to replace a lost title:	
	(i) If a title under Part IV	... 20.00
	(ii) Any other title	... 100.00

(b)	For examination and certification of correctness of a document, under section 45 or 124	...	50.00
(c)	For each new title on combination or subdivision under section 39 or 40:		
	(i) If a title under Part IV	...	20.00
	(ii) Any other title	...	100.00
(d)	For appeal under section 41:		
	(i) To the Director from an order or decision of a Collector or Settlement Officer	...	50.00
	(ii) To the Court, from an order or decision of the Director	...	200.00
(e)	For the Registration of:		
	(i) An original title under Part II or Part III or a temporary title under section 18 or a sub-lease under section 104.	...	50.00
	(ii) A Native Title or Communal Native Title under Part IV	...	10.00
	(iii) A Land Application:		
	(a) If the area applied for is for a title under Part IV	...	5.00
	(b) Any other application including for a title under Part II or III where the land applied for:		
	(1) does not exceed 6 hectares	...	50.00
	(2) exceeds 6 hectares but does not exceed 200 hectares	...	200.00

(3)	exceeds 200 hectares except for residential and industrial use	... 500.00
(4)	exceeds 200 hectares and for residential, industrial and commercial use	... 1,000.00
(iv)	Renewal of T.O.L.	... 100.00
(f)	For the Registration of a Memorandum and Endorsement of Memorial under section 100:	
(i)	When one title only is involved in the dealing	... 50.00
(ii)	When more than one title is involved for endorsement of memorial on each additional title	... 30.00
(ff)	For a definitive lease under Part II when a provisional lease has been registered under section 49	... 100.00

EXEMPTIONS:

(A)	Caveat by Collector under section 116.		
(B)	Orders by the Collector or Director under sections 117 and 118 when he shall so direct.		
(C)	Surrender or cancellation of a title under section 112 or 142.		
(g)	(i)	For an order of sale under section 111	... 100.00
	(ii)	For an order of postponement of proceedings instituted under section 111	... 30.00
(h)	For commission of sale under section 111		
			Per centum
	(i)	On amounts realised up to RM1,000	5
	(ii)	On additional amounts up to RM10,000	2

	(iii) On additional amounts over RM10,000	2
(i)	For an order confirming a sale under section 111 and registration thereof:	RM
	(i) When one title only is involved in the dealing ...	50.00
	(ii) When more than one title is involved for endorsement of memorial on each additional title ...	30.00
(j)	For attestation by a Collector of a Power of Attorney under section 98 ...	30.00
(k)	For inspection of Registers under section 122 for each title involved ...	10.00
(l)	For every official search under section 123 ...	20.00
(m)	For copies of extracts if prepared by the Land Office under section 124 for each 100 words ...	20.00
(n)	For registration of an order of succession under the Administration of Native and Small Estates Ordinance* ...	30.00
	When more than one title is involved for endorsement of memorial on each additional title ...	10.00
(o)	Registration of any Order made by a Court under the Probate and Administration Ordinance [‡] ...	100.00
	When more than one title is involved for endorsement of memorial on each additional title ...	50.00
(p)	For issue of a Notice of Demand under section 134 ...	30.00

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

‡ See Probate and Administration (Amendment and Extension) Act, 1972 (Act A 128).

(q)	For issue of a Warrant of Attachment under section 135	... 50.00
(r)	For issue of a Notice of Sale under section 139:	
	(i) In the case of leases	... 50.00
	(ii) In all other cases	... 30.00
(s)	For issue of an order confirming sale under section 144 and registration thereof	... 50.00
(t)	Service of any notice (payable by the person at whose instance or on whose behalf the notice is served)	... 30.00
(u)	For copy of record of Land Enquiry proceedings for each 100 words	... 5.00
(v)	For preparation and attestation of any memorandum under Part V:	
	(i) Where the value of the transaction does not exceed RM500	... 30.00
	(ii) Where the value of the transaction exceeds RM500 but does not exceed RM1,000	... 50.00
	(iii) Where the value of the transaction exceeds RM1,000	... 100.00

(2) The Director or a Collector may at his discretion in any particular case for reasons to be endorsed by him on the document concerned exempt any person from payment of the whole or any part of the fees set out in subrule (1) hereof.

SURVEYS FEES

16.	(1)	(a)	<i>Agricultural land under Part II</i>	RM
			Basic Charge	... 950

An additional charge of a lot of 1 hectare or part thereof	...	350.00
For each additional hectare of one lot up to 5 hectares	...	300.00
5 hectares	...	2,500.00
For each additional hectare of a lot up to 25 hectares	...	150.00
25 hectares	...	5,500.00
For each additional hectare of a lot up to 50 hectares	...	125.00
50 hectares	...	8,625.00
For each additional hectare of a lot up to 100 hectares	...	75.00
100 hectares	...	12,375.00
For each additional hectare of a lot up to 500 hectares	...	35.00
500 hectares	...	26,375.00
For each additional hectare of a lot up to 1,000 hectares	...	25.00
1,000 hectares	...	38,875.00
For each additional hectare of a lot above 1,000 hectares	...	20.00

(b) *For connection surveys RM1.80 per metre.*

(2) Land held under Part II for other than Agriculture purposes and land held under Part III.

	RM
Basic charge	... 950.00
Additional charge for lot not exceeding 150 sq. metres	... 350.00
For each additional 100 sq. metres or part thereof of a lot exceeding 150 sq. metres and up to 1 hectare	... 10.00
1 hectare	... 1,335.00
For each additional 100 sq. metres or part thereof of a lot exceeding 1 hectare and up to 10 hectares	... 5.00
10 hectares	... 5,835.00
For additional 100 sq. metres or part thereof of a lot above 10 hectares	... 3.00

(3) (Deleted)

(4) Fees shall include survey, plans, boundary marks up to four in number and their emplacement. Actual expenses incurred in clearing boundaries and moving the surveyor and his party to the land to be surveyed will be additional to the above:

Provided that the Director may –

- (a) allow fees on any holding not exceeding 15 hectares in area to be paid in not more than six equal annual instalments, the first such instalment being payable on receipt of title; and
- (b) in the case of any survey carried out in connection with a settlement scheme remit such fees altogether upon holdings not exceeding 15 hectares in area.

(5) In calculating the above fees an additional part of a hectare will be reckoned as one hectare.

(6) For the survey of subdivisions of land previously surveyed the fees will be the same as the fees given above.

(7) In cases where subdivision necessitates no further survey on the ground the fees will be one quarter of the full rates.

(8) When previously surveyed land, which has been surrendered to Government, is re-alienated and the title is issued without any further survey on the ground, the fees will be one quarter of the full rates. If any further survey is necessary the full rates will be charged.

(9) The special rate under section 163 for surveys by linear measurement, shall be RM1.80 per metre for field measurement, and 18 sen per metre for measurement adopted from previous surveys.

(10) A fee of ten ringgit shall be payable for each boundary mark in excess of four.

(11) For valuations of property for non-Government purposes by Valuers of Lands and Surveys Department, in each case approved by the Director, the following fees shall be charged:-

1% on the first RM10,000

½ % on the next RM90,00

¼ % on the residue of the valuation.

(minimum fee – RM75.00).

In addition to the foregoing –

- (a) All travelling and subsistence expenses necessarily incurred will be charged.
- (b) Any disbursements on plans, copies of documents, lithography, etc., will be charged for at cost.

ENQUIRIES AND APPLICATIONS

17. Applications or enquires under section 111 of the Ordinance shall be presented to and shall be heard by the Collector of the district in which the land is situated.

18. Where an enquiry or application is made in respect of Lands situate within different districts, except in the case of applications under section 118 for rectification of any Register in the Central Land Office, the enquiry or application may be presented to and may be heard by the Collector of any district within which any of the land is situated.

19. On the application of a Collector or of any of the parties and after hearing such of them as desire to be heard, or of his own motion without such notice, the Director may at any stage order the transfer of any application or enquiry to any Collector for disposal or may dispose of such application or enquiry himself.

RE-SURVEY

20. If at any time the Director shall be of opinion that the re-survey of any area is desirable, either in consequence of inaccuracies in the surveys on which the existing titles are based, or because of changes in the actual boundaries by extension of cultivation or encroachment, it shall be lawful for him to direct the re-survey of the area in question.

Provided that no order for re-survey of an area previously proclaimed for settlement shall be made unless the approval of the Resident has been first obtained.

21. When such action has been directed, all existing titles in the area defined in the Director's order shall be surrendered, and after the re-survey has been completed in accordance with the procedure prescribed for survey in the first instance, new titles shall be issued in exchange for and on the terms of the titles surrendered in the names of the existing owners, free of cost except as provided for in rule 22.

22. When the boundaries of the lands as re-defined are found to differ from those of the original titles, the rent per acre may be revised, to accord with the new area, and questions of encroachment and compensation thereof, whether as between individual occupiers or lessees, or between an occupier or lessee and Government, shall be decided by the Collector in charge of the work, subject to appeal as provided for in the Ordinance.

RESTRICTION OF USER OF LAND HELD UNDER NATIVE TITLE

23. No person shall use any land held under Native Title for industrial purposes or erect thereon any mill or factory except under licence issued by the Collector and on such conditions as may be approved by him.

24. For every licence issued under the preceding rule a fee not exceeding five ringgit a year shall be charged and all licences shall be in the form of Schedule M.

REGISTRATION OF MEMORANDUM

25. No memorandum affecting any dealing with land shall be registered against a title unless the memorandum is accompanied by a certificate dated not more than twenty-eight days prior to the application for registration and signed by the Collector stating that all amounts due or payable to the Federal or State Government in respect of such land or, where such land is owned by twenty or more co-proprietors, in respect of the proportion thereof owned by the co-proprietor who carries out the dealing, have been paid.

SCHEDULE A

(Rule 2 (2))

REGISTER OF APPLICATION FOR LAND

No.	Date	Applicant	Locality Area A.R.P.	Description	Office Paper No.	Application Fees				Title issued and Terms				Remark
						Deposit		Withdrawal		Title No.	Area A.R.P.	Premium RM sen	Rent RM sen	
						Amount RM sen	Receipt No.	Date	Receipt, Voucher or Credit Note No.					

SCHEDULE B

(Rule 3 (2))

LICENCE TO REMOVE ARTICLES

SPECIFIED IN SECTIONS 23, 24 OR 25 OF THE LAND ORDINANCE

No.

District

is hereby authorised to remove from the land hereunder described during the calendar month of (or period ending).

District

Number of title, if any

Locality

Number of labourers to be employed

Other particulars

Fees RM (ringgit).

Dated this day of , 19 .

.....
Collector.

SCHEDULE C

(Rule 9 (1))

REGISTER OF ENQUIRES AND APPLICATIONS

UNDER THE LAND ORDINANCE

Number	Date of Application	Name of Applicant	Description & Situation of Land	Date of order	Nature of order	Costs	Whether appealed against or not	Decision on Appeal	Costs of Appeal	Remarks

SCHEDULE D

(Rule 9 (2))

REGISTER OF REVISIONS AND APPEALS
DECIDED BY THE DIRECTOR

Number	Date of Appeal	Name of Applicant	Name of Respondent	Description of Land	Order appealed against or under revision	Decision on Appeal or Revision	Costs of Appeal or Revision	Remarks

SCHEDULE E

(Rule 9 (4))

MEMORANDUM OF APPEAL IN AN APPEAL TO DIRECTOR

In re
v.

Whereas on the _____ day of _____, 19____,
the Collector or the Settlement Officer for the district of _____
made an order as follows –

Note – Here copy the order.

The above-named _____ appeals to the Director
against this order on the following grounds –

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

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

.....
Appellant.

SCHEDULE F

(Rule 12 (1))

NOTICE OF RE-ENTRY UPON THE LAND FOR* BREACH OR DEFAULT
IN THE OBSERVANCE* OF CONDITIONS OF TITLE

To _____ owner of the land, held under
No. _____ in the district of _____

Take notice that whereas you have committed a breach of/*a default in the observance of the conditions of the document of title abovementioned

- (a) which breach/default is in my opinion not capable of being repaired or made good I, _____, Collector of Land Revenue for the district of _____ do hereby in accordance with the provisions of section 34 of the Land Ordinance, and the rules thereunder require you to appear before me on the _____ day of _____, 19 _____ at _____ and to show cause to my satisfaction why Government should not re-enter on the said land.
- (b) which breach/default is in my opinion capable of being repaired or made good I, _____, Collector of Land Revenue for the district of _____ do hereby in accordance with the provisions of section 34 of the Land Ordinance, and the rules thereunder require you to make good such breach/default within a period of _____ months from the date of this notice.*

And take notice further that unless you

- (a) *appear and show cause to my satisfaction why Government should not re-enter on the said land;
- (b) make good such breach/default within the said period* Government will re-enter on the abovementioned land and thereupon the said land will be forfeited to and vest in the Government.

The condition expressed/implied in the document of title is/are as follows:

The breach/default is as follows –

Dated at _____ this _____ day of _____, 19 ____ .

.....
Collector of Land Revenue.

*Here the Collector shall strike out the inapplicable words and clauses (a) or (b).

SCHEDULE G

(Rule 12 (3))

ORDER FOR RE-ENTRY IN CONSEQUENCE OF DEFAULT IN
OBSERVANCE/BREACH OF THE CONDITIONS OF TITLE

To _____ owner of the land held under _____

Take notice that whereas you have committed a default in the observance/breach of the conditions of the title under which the land is held I, _____, Collector of Land Revenue for the district of _____ have on behalf of the Government this day re-entered upon and resumed [*the whole or part] of the said land.

Dated at _____ this _____ day of _____, 19 ____ .

.....
Collector.

REGISTERED

Memorial No.

Time:

Date:

To:

Nature:

By:

To:

REGISTRAR

*Here the Collector shall specify whether he has resumed the whole or part of the land and if part then what part.

SCHEDULE H

(Rule 14 (1))

NOTICE BY CHARGEES IN CASE OF DEFAULT

To _____ chargor of the *land/sublease held under _____ No.

Whereas upon the _____ day of _____, 19____, a charge upon the abovementioned land was registered in the _____ Land Office as Memorial No. _____ of which charge I am now the owner to secure the repayment of the sum of RM _____ together with interest at the rate of _____ per _____ payable (monthly), and whereas you, the said chargor, have made default by (here state the default) by which default the whole principal sum and interest thereon become due:

I hereby give you notice that unless payment is made of the sums now due under the charge, I shall at the expiration of _____ months from the date of the service on you of this notice apply to the Collector to order the sale of the said *land/sublease in accordance with the provisions of the Land Ordinance.

Dated this _____ day of _____, 19____.

.....
Chargee.

*Delete as appropriate.

SCHEDULE I

(Rule 14 (2))

APPLICATION BY CHARGEES FOR SALE OF *LAND/SUBLEASE

To the Collector

District of _____

Whereas by a Charge dated _____ 19____, and registered as No. _____ of 19____, the *land/sublease hereunder described was charged with the sum of ringgit _____ and interest payable in a manner therein appearing.

And whereas default has been made in payment of the said sum and interest in that

Note – Insert particulars of the default.

And whereas on the _____ day of _____, 19____, I
caused notice demanding payment, copy of which I attach, to be served upon _____ of
the registered owner of the said *land/sublease –

Note – Insert manner in which notice was served.

And whereas during the ensuring _____ month(s) full payment has not been
made, Now I _____ of _____ the registered Chargee under the said Charge,
apply that an order may issue to sell the said land.

DESCRIPTION OF THE *LAND/SUBLEASE CHARGED

Locality
Area
Title
State of cultivation or improvement

Dated at _____ this _____ day of _____, 19____.

.....
Chargee.

*Delete as appropriate.

SCHEDULE J

(Rule 14 (2))

NOTICE BY COLLECTOR THAT CHARGEES HAS APPLIED FOR
ORDER FOR SALE OF *LAND/SUBLEASE

To _____ of _____

Whereas _____ of _____ the holder of Charge
No. _____ dated the _____ day of _____, 19____.
on the *land/sublease hereunder described has applied to me for an order for the sale of the
said *land/sublease.

And whereas it has been made to appear to me that you would be affected by such order:

Now take notice that the said application will be heard before me at _____ o'clock
in the _____ noon at my office at _____ on the day of _____

, 19 , and that you can then, if you wish, appear before me and be heard in the matter of the said application.

DESCRIPTION OF THE *LAND/SUBLEASE ABOVE REFERRED TO

Dated at this day of , 19 .

.....
Collector.

*Delete as appropriate.

SCHEDULE K

(Rule 14 (9))

ORDER OF SALE BY COLLECTOR AT INSTANCE OF CHARGE

Whereas of the holder of Charge No. dated the day of , 19 has applied to me to order the sale of the *land/sublease thereby charged which is described hereunder and whereof of the registered owner is of and whereas I have held enquiry and am satisfied that default has been made in the payments secured by the said charge, I now order that

*Note – Insert the whole of the said *land/sublease or specified portion to be sold.*

shall be sold by public auction at m., on the day of , 19 , at and I appoint of to conduct the sale, and I order the purchase money shall be paid to

Note – Insert the person to whom and the time within which the purchase money is to be paid.

The above order is subject to the right of the owner of the said land to stop the sale at any time prior to the fall of the hammer upon payment of the sum of RM together with the costs of the charge which amount up to the present to RM

DESCRIPTION OF THE *LAND/SUBLEASE CHARGED

Locality

Area

Title

Description

Dated at this day of , 19 .

.....
Collector.

*Delete as appropriate.

SCHEDULE L
(Rule 14 (15))
ORDER TO TRANSFER BY COLLECTOR

Memo Type: LSF. 18

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

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

Whereas by virtue of the power given to me by section 111 of the Land Ordinance, the
*land/sublease held by

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

under the title as numbered above in the district of
was sold by public auction on the day of , 19

for the sum of ringgit

to

Name(s)

Undivided share
(fraction or decimal)

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

Dated at

this

day of

, 19

.

.....
Collector.

*Delete as appropriate.

SCHEDULE M

(Rule 24)

LICENCE TO USE LAND FOR INDUSTRIAL PURPOSES

(name) registered proprietor of N.T. No.

is hereby permitted to erect and maintain on this land held thereunder

Conditions (if any)

Fee RM

.....
Collector.