



LAWS OF MALAYSIA

REPRINT

Act 518

NATIONAL LAND CODE (PENANG AND MALACCA TITLES) ACT 1963

Incorporating all amendments up to 1 January 2006

PUBLISHED BY
THE COMMISSIONER OF LAW REVISION, MALAYSIA
UNDER THE AUTHORITY OF THE REVISION OF LAWS ACT 1968
IN COLLABORATION WITH
PERCETAKAN NASIONAL MALAYSIA BHD
2006

**NATIONAL LAND CODE (PENANG AND MALACCA
TITLES) ACT 1963**

First enacted 1963 (Act No. 2 of
1963)

Revised 1994 (Act 518
w.e.f. 7 April 1994)

PREVIOUS REPRINT

First Reprint 2002

LAWS OF MALAYSIA**Act 518****NATIONAL LAND CODE (PENANG AND MALACCA
TITLES) ACT 1963**

ARRANGEMENT OF SECTIONS

PART I**PRELIMINARY**

Section

1. Short title
2. Application
3. *(Omitted)*
4. Interpretation

PART II**ADMINISTRATION***Chapter 1—Areas and Officers*

5. *(Deleted)*
6. Appointment of officers
7. Seals of office
8. Protection of officers
9. Powers of the Director
10. Powers of a Land Administrator

Chapter 2—Land Titles Appeal Board

11. Land Titles Appeal Board
12. Meetings of the Board
13. Proceedings of the Board
14. Power to appoint secretary, *etc.*

Section

15. Appeals
16. General powers of the Board
17. Orders of the Board

Chapter 3—Questions of Law

18. Power to reserve question of law for Court
19. Appeals on points of law

Chapter 4— General

20. Evidence at enquiries, *etc.*
21. Review of orders of the Director and the Board
22. Cesser of powers upon indefeasibility
23. *(Deleted)*

PART III

THE INTERIM REGISTER

Chapter 1—General

24. Provision relating to Malacca

Chapter 2—Holdings

25. Powers of the Director relating to holdings
26. Limitations on powers of the Director
27. Special provision relating to enquiries by the Director
28. Applications relating to boundaries of holdings
29. Finality of certain boundaries
30. Seashore and riverine holdings

Chapter 3—Preparation and Maintenance of the Interim Register

31. Director to prepare and maintain Interim Register
32. Interim Register to be a public document

Section

- 33. Where the title to a holding is not clear
- 34. Correction of errors

PART IV

REPLACEMENT TITLE

Chapter 1—General

- 35. Presumption relating to replacement title

Chapter 2—Creation of Replacement Title

- 36. Extinguishment and replacement of existing interests
- 37. General incidents of replacement title
- 38. Replacement title protected from adverse possession
- 39. Replacement titles
- 40. Grant (first grade)
- 41. Grant
- 42. State lease
- 43. Mukim indication
- 44. Title by adverse possession
- 45. Conditions, *etc.*, of replacement titles
- 46. Merger and division of titles
- 47. Estates in absolute possession
- 48. Leaseholds
- 49. Mortgages, *etc.*
- 50. Settled estates
- 51. Easements and public rights of way
- 52. (*Deleted*)

Chapter 3—Claims relating to Replacement Titles

- 53. Presentation of claims
- 54. Enquiry by Director
- 55. Reference to Court

PART V

EFFECT OF INTERIM REGISTRATION

Chapter 1—General

Section

56. Interpretation
57. Restrictions to bind proprietor
58. Limitations of replacement title
59. Saving for fraud, contractual rights, *etc.*
60. Evidence of entries in Interim Register

Chapter 2—Leases

61. Saving of pre-existing rights, *etc.*

Chapter 3—Mortgages and Charges

62. Saving of pre-existing rights, *etc.*
63. Priorities of mortgages
64. Procedure on exercise of power of sale, *etc.*
65. Discharge of mortgage or charge

Chapter 4—Trusts and Settlements

66. Trusts generally excluded from Interim Register
67. Pre-existing trusts, *etc.*, to continue
68. Where person entitled to be registered as proprietor is an infant
69. Registration “as trustee”
70. Act not to affect powers under certain laws

Chapter 5—Easements and Restrictive Covenants

71. Registration of easements
72. *(Deleted)*
73. Public rights of way
74. *(Deleted)*

PART VI

DEALINGS ON THE INTERIM REGISTER

Section

75. *(Deleted)*
76. Effect of registration
77. Pre-executed instruments
78. Instruments to be in prescribed form
79. Saving
80. Duties of Director
81. Procedure relating to registration
82. Dealings prior to indefeasibility
83. Dealings after indefeasibility

PART VII

INDEFEASIBILITY OF TITLE

Chapter 1—Investigation of Title

84. Examination of title by the Director
85. Indefeasibility after twelve months' notice
86. Minors and persons of unsound mind
87. Examination of title at the instance of a proprietor
88. Indefeasibility after twelve years on Interim Register

Chapter 2—Certificates of Title

89. Certificate of indefeasibility
90. Cancellation of pre-existing deeds
91. Release of documents of historic interest
92. Advance certificate of title
93. Final documents of title

PART VIII

PROVISIONS RELATING TO MALACCA

Chapter 1—Preliminary

94. Interpretation

Section

- 95. Application
- 96. Repeal
- 97. Special provision relating to the Naning Custom
- 98. Finality of certain boundaries

Chapter 2—Application of the National Land Code

- 99. Effect of repealing the Ordinance
- 100. Saving relating to incomplete proceedings
- 101. Rent
- 102. Malacca Customary Land Register
- 103. Mortgages of customary land

Chapter 3—Certificated Lands

- 104. State Authority may declare a person to be a certificated person
- 105. Certificated land
- 106. When land ceases to be certificated land

Chapter 4—Restrictions in Use and Interest

- 107. *(Deleted)*
- 108. Limitation
- 108A. Liability of land to forfeiture where a Malacca Customary Land company ceases to be such
- 108B. Summary action to secure restoration of the status of a Malacca Customary Land company
- 108C. Action to enforce forfeiture
- 108D. Forfeiture to take effect upon notification in the *Gazette*
- 109. Right of re-entry
- 109A. Application for endorsement of title as Malacca Customary Land
- 109B. Effect of re-entry
- 109C. Effect of surrender

PART IX

NATURAL RIGHTS

Section

- 110. *(Deleted)*
- 111. *(Deleted)*
- 112. Special rights of certain riparian proprietors

PART X

GENERAL

- 113. Offences and penalties
- 114. Rules
- 115. Service of notices, etc.
- 116. Saving of rights of Land Administrator, *etc.*
- 117. Surveys to be free of charge
- 118. Repeal
- 119. Power of the Minister to make orders
- 120. Searches
- 121. Title in continuation and procedure on subdivision
- 122. Provision relating to State land, municipal streets, *etc.*
- 123. Transitional provisions relating to certain mortgages, *etc.*
- 124. Transitional provision relating to subdivision of certain lands

FIRST SCHEDULE

SECOND SCHEDULE *(Deleted)*

THIRD SCHEDULE

FOURTH SCHEDULE

FIFTH SCHEDULE

SIXTH SCHEDULE

SEVENTH SCHEDULE

LAWS OF MALAYSIA**Act 518****NATIONAL LAND CODE (PENANG AND MALACCA
TITLES) ACT 1963**

An Act to provide for the introduction of a system of registration of title to land in the States of Penang and Malacca, for the issue of replacement titles, for the assimilation of such system to the National Land Code, and for matters incidental thereto.

[1 January 1966, L.N. 475/1965]

WHEREAS it is desired to introduce in the form of a National Land Code a uniform land system within all the States of Malaya:

AND WHEREAS it is in consequence necessary for the purpose of ensuring uniformity of law and policy to introduce into the States of Penang and Malacca a system of registration of title to land and other provisions incidental thereto consonant with the provisions of a National Land Code:

NOW, THEREFORE, pursuant to the provisions of Clause (4) of Article 76 of the Constitution **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:

PART I**PRELIMINARY****Short title**

1. This Act may be cited as the National Land Code (Penang and Malacca Titles) Act 1963.

Application

2. (1) This Act shall apply to the States of Penang and Malacca.

(2) Nothing in this Act shall be deemed to affect any law relating to the imposition or levy by the Government of the Federation or the State or by any local authority of any taxes, duties, rates, charges or other outgoings on land, or to any encroachment on State lands, or to drainage works and irrigation areas, for the time being in force in the State, nor shall anything herein (other than section 97) be deemed to affect the custom called the Naning Custom.

3. (*Omitted*).

Interpretation

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

*“appointed day” means the day appointed by the Minister under section 3;

“Board” means the Land Titles Appeal Board established under section 11;

“Director” means the Director of Land Titles appointed under section 6, and includes a Deputy Director ;

“country land” has the same meaning as in the National Land Code [*Act 56 of 1965*];

“Court” means the High Court in Malaya;

“dealing” means any transaction of whatever nature by which any land is affected;

“Deputy Director” means a Deputy Director of Land Titles appointed under section 6;

“Director of Survey” means the Director of Survey of the State, and in relation to any time prior to the creation of the office of Director of Survey includes any officer who was then exercising in the State the powers of the Director of Survey;

*NOTE—The appointed day is 1 January 1966 *vide* L.N. 475/1965.

“document of original title” means the original grant, indenture, lease or other instrument made by the Dutch Authorities, the East India Company, the Crown or the State, as the case may be, from which the pre-existing title to a holding or part of a holding descends or is presumed to descend;

“estate in land” includes any title to land, any right thereunder, and any right subsisting under a replacement lease or replacement mortgage or charge;

“Form” means any form prescribed in the First Schedule;

“holding” means a piece of land (not being mining land or State land) duly surveyed under this or any other written law for the time being in force in the State and on the appointed day being delineated on a plan certified by or on behalf of the Director of Survey as a lot or lots delimited, except as otherwise provided in sections 29 and 30, by right-line boundaries;

“interest” in relation to land means any interest in land recognised as such by law, and includes an estate in land;

“Interim Register” means the register prepared and maintained under Chapter 3 of Part III;

“Land Administrator” means any Land Administrator or Deputy or Assistant Land Administrator appointed for the State or any district thereof;

“mining land” has the same meaning as in the National Land Code;

“Mukim indication” means words endorsed on the Interim Register under section 43;

“pre-existing” means, generally, in existence immediately before and not having lapsed or expired before the appointed day;

“pre-existing deeds” means all deeds, documents of original title and instruments of any kind whatsoever evidencing or purporting to evidence any pre-existing interests;

“pre-existing interests” means all interests, rights, titles and estates (not being interests, rights, titles or estates vested in the Yang di-Pertua Negeri or the Government of the State) subsisting immediately before the appointed day in any land in the State, including any title therein acquired by adverse possession or operation of law or under any unregistered pre-existing deed;

“purchaser” means a person who in good faith and for valuable consideration acquires an interest in land, and includes a mortgagee, chargee and lessee;

“registered” means, generally, registered under this Act or, in relation to the period preceding the appointed day, registered under the Registration of Deeds Ordinance [*S.S. Cap. 121*] or the Mutations in Titles to Land Ordinance [*S.S. Cap. 126*];

“replacement lease” means a lease endorsed upon a replacement title in the Interim Register in replacement of a pre-existing lease;

“replacement mortgage” or “replacement charge” means a charge endorsed upon a replacement title in the Interim Register in replacement of a pre-existing mortgage or charge, as the case may be;

“replacement title” or “replacement interest” means a title or interest, as the case may be, in any holding to which any person is entitled under, and which has been entered, on the Interim Register in accordance with Part IV;

“river” includes any stream, channel or watercourse;

“settlement” and “settled estate” have the meanings respectively assigned thereto by section 2 of the Settled Estates Ordinance [*S.S. Cap. 52*];

“State” means the State of Malacca or the State of Penang, as the circumstances may require;

“State land” has the same meaning as in the National Land Code;

“trust” and “trust for sale” have the meanings respectively assigned thereto by section 3 of the Trustee Act 1949 [Act 208];

(2) All words and expressions defined in any pre-existing law relating to land in the State shall, to such extent as they shall not be inconsistent with this Act or the National Land Code, retain the meanings assigned to them by such law.

(3) *(Deleted by Act 55 of 1965).*

PART II

ADMINISTRATION

Chapter 1—Areas and Officers

5. *(Deleted by Act 55 of 1965).*

Appointment of officers

6. (1) The Yang di-Pertuan Agong may appoint for each State a Director of Land Titles, and one or more Deputy Directors of Land Titles, as he may consider necessary for the due execution of this Act.

(2) *(Deleted by Act 55 of 1965).*

(3) Subject to any rules made under section 114, the Director shall have the general direction and control of all officers appointed under subsection (1).

(4) Every officer appointed under this section shall be deemed to be a public servant within the meaning of the Penal Code [Act 574].

Seals of office

7. Every officer appointed under section 6 shall have and may use a seal of office inscribed with the title of his office; and every

instrument bearing the imprint of such seal and purporting to be signed or issued by such officer shall be received in evidence and, unless the contrary intention be shown, shall be deemed without further proof to be issued by or under the direction of the Director.

Protection of officers

8. No action, suit or proceeding shall lie against any officer appointed under section 6 for anything done or omitted to be done by him in good faith in the intended exercise of any power or performance of any duty provided or imposed by this Act.

Powers of the Director

9. (1) The Director and the Deputy Director shall have and may exercise the following powers:

- (a) for the purposes of this Act to enter upon and have free access to any land in the State, and to make enquiries and to do or cause to be done all things necessary for effecting the survey demarcation of the boundaries of any such land;
- (b) for the purpose of satisfying himself of the validity of any title or interest in land, or for any purpose of this Act, to call upon the holder (including a mortgagee, lessee or any other person who may have an interest in land) of any title or interest in land, or any class or description of such holders, to produce for inspection by him any document of original title or other deed or document in his or their possession, to require any person to give the Director information as to the whereabouts of any deeds or documents or as to the person or persons in whose custody they may be, and to take copies of or extracts from such deeds or documents;
- (c) for the purpose of deducing the title to any holding under this Act, all the powers conferred upon and the benefit of all the assumptions entitled to be made by a purchaser of land under any pre-existing law;
- (d) for the purposes of this Act to conduct enquiries and to administer oaths and affirmations, to examine any

witness on oath or affirmation, to summon any person before him, to take and record the evidence of any such person, and to award costs to any person appearing and giving evidence before him;

- (e) to enter caveats on behalf of any person under the disability of infancy or unsoundness of mind or absence from Malaysia, or to prohibit the transfer of or any dealing with any land in any folio of the Interim Register belonging or supposed to belong to any such person, and also to prohibit the dealing with any such land in any case in which it appears to him that an error has been made in the Interim Register, or for the prevention of fraud or improper dealing:

Provided that knowledge of the fact that land has been acquired or will be held by a proprietor acting in a fiduciary capacity shall not of itself be a ground for the entry of a caveat by the Director;

- (f) all other powers conferred upon him by this Act, and all such powers ancillary or incidental thereto as may be reasonably necessary to carry out the purposes of this Act.

(2) The Director may by instrument under his hand and seal in Form A, and subject to such conditions and restrictions as he may think fit, delegate to any Land Administrator all or any of the powers conferred on him by this Act, and either generally or with respect to any specified holding:

Provided that no such delegation shall affect the exercise of any such powers by the Director.

(3) The Director of Survey and any other officer acting under his direction or control shall have all the powers conferred on the Director by paragraph (1)(a).

(4) Without prejudice to any other power conferred upon him by this Act, the Director may in respect of the Interim Register take all such action by way of making an endorsement, opening a new folio or otherwise as is necessary in his opinion to give effect in the Register to the operation of, or the exercise (by himself, the Board, a Court or any other person or authority) of any power under, this Act or any other written law.

(5) Subject to this Act, the Director shall have in relation to each folio of the Interim Register the same powers and duties as the Registrar has under the National Land Code in relation to a register document of title.

Powers of a Land Administrator

10. (1) The Director and the Deputy Director shall be deemed to have all the powers conferred upon a Land Administrator by the National Land Code.

(2) (*Deleted by Act 55 of 1965.*)

Chapter 2—Land Titles Appeal Board

Land Titles Appeal Board

11. (1) There shall be established a Land Titles Appeal Board for the State consisting of—

- (a) a chairman, who shall be appointed by and shall hold office during the pleasure of the Yang di-Pertua Negeri;
- (b) one member who shall be an advocate and solicitor resident and practising in the State;
- (c) one member who shall be either a public officer with experience of land administration or a surveyor licensed under the Licensed Land Surveyors Act 1958 [*Act 458*].

(2) The members of the Board referred to in paragraphs (1)(b) and (c) shall be appointed by the Yang di-Pertua Negeri in such manner and shall hold office for such periods and subject to such conditions as the Yang di-Pertua Negeri may determine.

(3) The Minister may, after consultation with the Yang di-Pertua Negeri, by notification in the *Gazette* prescribe a scale of allowances for the chairman and other members of the Board.

Meetings of the Board

12. (1) The Board shall meet at such times and such places as the chairman may appoint.

(2) The quorum at all meetings of the Board shall be two members present.

(3) The member presiding at any meeting of the Board shall have an original vote and also, if upon any question the votes shall be evenly divided, a casting vote.

(4) The Board may make regulations for the conduct of its business.

Proceedings of the Board

13. (1) The proceedings of the Board shall be open to the public and minutes thereof, including a note of any oral evidence given before the Board, shall be kept by the chairman or other member presiding.

(2) Any person claiming to be interested in any proceedings before the Board may apply to the Board to be made a party thereto, and the Board may in its discretion allow any such application.

(3) All summonses, orders and notices issued under the hand of the secretary of the Board shall be deemed to be issued by the Board.

(4) The proceedings of the Board shall be judicial proceedings, and the members of the Board shall be public servants, within the meaning of the Penal Code.

Power to appoint secretary, etc.

14. (1) The Board may appoint a secretary and such other officers as from time to time shall appear to be necessary for the discharge of the functions of the Board.

(2) The secretary shall not be a member of the Board and shall not have any vote in its deliberations.

Appeals

15. Any person who is aggrieved by any decision given by the Director under this Act may, unless such decision relates to a

matter in which the decision of the Director is final, within one month therefrom appeal to the Board by lodging with the secretary to the Board an application in duplicate in Form B.

General powers of the Board

16. The Board shall have and may exercise the following powers:

- (a) all the powers conferred on the Director by this Part;
- (b) power to hear and determine any appeal lodged under section 15 and to make such order thereon as it may think just;
- (c) power to award costs to parties in proceedings before the Board:

Provided that such costs shall not exceed in any case the costs which would be assessed in respect of such proceedings if they were brought in a Sessions Court.

Orders of the Board

17. (1) The Board shall, before making any order under paragraph 16(b), give the Director and any interested parties an opportunity of being heard, either personally or by advocate and solicitor, and of producing such evidence, oral or documentary, as seems relevant to the Board.

(2) The Director shall, in so far as any order of the Board affects any entry in the Interim Register, correct the Interim Register accordingly:

Provided that in making any such correction he shall not erase or render illegible the original words of the Register, and shall affix the date of the order and the date on which such correction was made, with his initials.

Chapter 3—Questions of Law

Power to reserve question of law for Court

18. (1) The Director or the Board may, at any stage of any enquiry or proceeding, reserve for the consideration of the Court

any question of law arising in such enquiry or proceeding, in the form of a special case, which shall—

- (a) set out shortly the facts to which the law is to be applied and the question or questions of law to be determined;
- (b) be sent to the Chief Registrar, Registrar, Deputy Registrar, Senior Assistant Registrar or Assistant Registrar of the Court; and
- (c) be set down for argument in such manner as the Court directs.

(2) When any question is referred to the Court under this section—

- (a) the reference may be heard and disposed of by a Judge in chambers;
- (b) the Court shall not give any opinion upon any such question unless it is satisfied that the Director and all persons who in the opinion of the Court are likely to be immediately affected by such opinion have had an opportunity to appear and be heard thereon by the Court, either personally or by advocate and solicitor.

(3) The Court shall hear and determine the question or questions of law arising on any special case reserved under subsection (1) and shall thereupon remit the matter to the Director or the chairman of the Board with the opinion of the Court thereon; and such opinion shall be binding on the Director or the Board, as the case may be.

(4) The costs of the proceedings in the Court under this section shall be in the discretion of the Court and may be dealt with by the order of such Court:

Provided that neither the Director nor any member of the Board shall be personally liable to any costs in respect thereof.

(5) No appeal shall lie from an opinion of the Court on any special case reserved under subsection (1) except by leave of *the Federal Court.

Appeals on points of law

19. (1) An appeal shall lie to the Court on a point of law from any decision of the Board.

*NOTE—Previously “the Supreme Court”—see section 46 of the Constitution (Amendment) Act 1994 [Act A885].

(2) An appeal under subsection (1) may be brought by any party aggrieved by the decision of the Board, or by the Director, and shall be brought before the Court by means of a notice of appeal lodged within six weeks after the date on which the decision of the Board was made.

(3) The procedure governing appeals to the Court under this section shall be the same as for appeals to the Court from decisions of Sessions Courts in civil matters.

Chapter 4—General

Evidence at enquiries, etc.

20. (1) In conducting any enquiry or proceeding under this Act it shall not be necessary for the Director or the Board—

(a) to take down the evidence of any witness in any such enquiry or proceeding verbatim, unless requested to do so by such witness or by any other person appearing in the course of the same enquiry or proceeding, or if the Director or the Board, as the case may be, shall think it desirable to do so:

Provided that the substance of such evidence shall be recorded;

(b) to put in writing any decision given or order made, except in a short and concise form, showing the reasons for arriving at such decision or order.

(2) The record of all evidence, whether oral or documentary, taken by the Director or the Board at any enquiry or proceeding under this Act shall be made up in a separate file together with the decision or order of the Director or the Board thereon, and shall at all reasonable times, upon a written application in that behalf, be open to the inspection of any person interested in such enquiry, or his agent duly authorized thereto in writing; and such person or agent may, upon payment of such fees as may be prescribed, obtain copies thereof or extracts therefrom.

Review of orders of the Director and the Board

21. A decision or order of the Director or the Board may be reviewed, varied or set aside by the Director or the Board, as the case may be, in any of the following cases:

- (a) where the decision or order was made in consequence of any fraud, misrepresentation or mistake;
- (b) where fresh evidence of a material nature, which could not by the exercise of reasonable diligence have been produced when the decision was given or the order was made, is available;
- (c) when the decision or order was made in the absence of any necessary or proper party whose absence was not due to any default or neglect on his part; or
- (d) when, in the opinion of the Director or the Board, as the case may be, substantial injustice has been occasioned by the decision or order.

Cesser of powers upon indefeasibility

22. The powers conferred by this Part upon the Court, the Board, the Director and any other officer shall cease to be exercisable in relation to any holding as soon as the replacement title thereto has become indefeasible pursuant to Part VII.

23. *(Deleted by Act 55 of 1965).*

PART III

THE INTERIM REGISTER

Chapter 1—General

Provision relating to Malacca

24. No land or holding which immediately before the appointed day was subject to the Malacca Lands Customary Rights Ordinance [*S.S. Cap. 125*] or to any title by entry in the Mukim Register kept under section 15 of that Ordinance, or to any mutation in

title to such customary rights, shall be entered in the Interim Register, and no provisions of this Act, other than this section and of Parts I, II, VIII, IX and X, shall apply to any such land or holding.

Chapter 2—Holdings

Powers of the Director relating to holdings

25. For the purpose of ascertaining the boundaries of holdings and preparing and maintaining an Interim Register under this Part, the Director shall have and may exercise (but without prejudice to the generality of the powers conferred on him by section 9) the following powers:

- (a) to enter upon and investigate the boundaries of a holding and to order that such boundaries be confirmed or varied in accordance with this Part;
- (b) to inspect and take copies of all records, plans and other documents relating to such holdings available in the office of the Director of Survey, in the Registry of Deeds, the registry of mutations of title, the Land Office, and any other public office in the State;
- (c) where there is any dispute concerning the boundaries of a holding or where the Director is in doubt concerning the correctness of any such boundary, to hold an enquiry in respect thereof in exercise of the powers conferred on him by Part II;
- (d) to reject any application made to him under subsection 28(1) if he is satisfied that such application is frivolous or not well-founded.

Limitations on powers of the Director

26. Without prejudice to the generality of the powers conferred on him by this Act, the Director shall not be required, for the purpose of preparing the Interim Register—

- (a) to inspect any records, plans or documents other than those to which he has access under paragraph 25(b);
or

- (b) to deduce the title to any holding for a period of more than twelve years prior to the appointed day, or for a period extending further back than a grant or lease by the Crown or the State, whichever shall be the shorter:

Provided that nothing in this paragraph shall be deemed to prejudice the powers of the Director to deduce a title to any holding for any period extending further back than any such period.

Special provision relating to enquiries by the Director

27. (1) Whenever in exercise of the powers conferred on him by paragraph 25(c) the Director shall hold an enquiry, any person interested may appear before the Director either personally or by an advocate and solicitor.

(2) Where all the persons interested in any holding which is the subject of an enquiry under paragraph 25(c) are in agreement upon the matter in dispute, the Director may make an order in accordance with such agreement:

Provided that the Director shall not make any order which is inconsistent with this Act or the National Land Code.

(3) Any order made in respect of any holding in any enquiry held by the Director under this Part shall be final and conclusive with respect to the area and boundaries of such holding and shall be binding upon all persons having or acquiring any interest therein and upon their successors in title.

(4) For the purposes of this section “person interested” includes any person whose name is recorded in the Interim Register as a proprietor, lessee or chargee of any holding and any person who claims to be such a proprietor, lessee or chargee or who would under Part IV be entitled to be so recorded.

Applications relating to boundaries of holdings

28. (1) Subject to section 29, any person interested in any holding who claims that any boundary mark relating thereto is incorrectly placed may apply to the Director in Form C, specifying the grounds of his claim and the evidence in support thereof.

(2) Where in exercise of the powers conferred on him by paragraph 25(d) the Director shall reject any such claim, such rejection shall be final and conclusive.

(3) Where the Director is satisfied that the claimant has a *prima facie* case he shall proceed to hold an enquiry under this Act.

Finality of certain boundaries

29. (1) Where the boundary of any holding has been or is deemed to have been finally ascertained or confirmed under the Boundaries and Survey Maps Ordinance [*S.S. Cap. 130*], the Malacca Re-surveys Ordinance [*S.S. Cap. 132*] or the Penang Corrected Re-surveys Ordinance 1950 [*Ord. 57 of 1950*], such boundary shall be deemed for the purposes of this Part to be final and conclusive and shall not be called in question in any proceedings under this Act.

(2) Where the proprietor or mortgagee of any holding or any of his predecessors in title has, by any conveyance or other instrument or in any enquiry under this Act, dealt with or accepted the boundaries of such holdings as surveyed on the appointed day such boundary shall be deemed for the purposes of this Part to be final and conclusive and shall not be called in question in any proceedings under this Act.

(3) Nothing in this section shall apply to any land in the State of Malacca held under any title expressed as extending to a boundary commonly known as a “redline boundary”, or to any land which has been conveyed or dealt with according to such a boundary; and the true boundary of any such land and any adjacent land to which such boundary is common shall be that which has been surveyed on the ground by or on behalf of the Director of Survey.

Seashore and riverine holdings

30. (1) Where the boundaries of a holding abutting on any part of the foreshore or the bank of any river have not been surveyed by right-lines immediately before the appointed day, then such boundaries shall be deemed to follow the line of any survey

traverse made by or on behalf of the Director of Survey before the appointed day for the purpose of determining the line of such foreshore or bank (being a traverse which immediately before the appointed day was still effective for that purpose):

Provided that—

- (a) where no such traverse exists the Director shall order that such boundaries be surveyed by right-lines as soon as may be after the appointed day; and
- (b) where a revetment, sea wall, river wall or other permanent structure has been lawfully built prior to the appointed day along the line of the foreshore or bank the boundary of the holding shall (unless such boundary shall operate to the disadvantage of the proprietor of such holding) be deemed to follow the line of such permanent structure and such line shall, if this has not already been done on the appointed day, be confirmed by survey as soon as may be thereafter.

(2) Where any permanent works or improvements for the purpose of lawfully diverting water from any river have prior to the appointed day lawfully been constructed by the proprietor of any holding abutting on the bank of any river and such works or improvements were in use on the appointed day, the land upon which such works or improvements were constructed shall be included within the boundaries of such holding.

(3) Any person aggrieved by the determination of any boundary under subsection (1) or (2) on the ground that the survey traverse referred to therein does not follow the course of any foreshore or bank or that permanent works or improvements have been excluded from the boundaries of a holding may at any time before the title to such holding has become indefeasible pursuant to Part VII apply to the Director under section 28.

Chapter 3—Preparation and Maintenance of the Interim Register

Director to prepare and maintain Interim Register

31. (1) The Director shall prepare and maintain in accordance with and for the purposes of this Act a register of all holdings in the State.

(2) The Register prepared and maintained under subsection (1) shall be called the Interim Register and shall consist of a series of folios compiled in the serial order of the lot numbers allotted to the holdings included therein.

(3) Each folio of the Interim Register shall—

- (a) relate to a single holding;
- (b) be in the form of and contain the particulars prescribed in Form D;
- (c) be bound in such manner and in a volume containing such number of folios as the Director may think fit; and
- (d) be endorsed with the rent payable for the holding.

(4) The Director shall affix to each volume of the Interim Register a certificate under his hand and seal certifying—

- (a) that the volume is part of the Interim Register on the appointed day;
- (b) the total number of folios in the volume on the appointed day; and
- (c) the numbers of the first and last holdings in the volume on the appointed day.

(5) The Director may open a folio in the Interim Register for any holding or for any surveyed lot upon being satisfied that—

- (a) the absence of such a folio for any holding constitutes an omission on the appointed day; or
- (b) the surveyed lot corresponds with the unsurveyed portion or with the balance area of a holding which was partly surveyed on the appointed day.

(6) A folio opened in the Interim Register pursuant to subsection (5) shall be deemed to be a single holding for the purposes of this Act and to have been included therein since the appointed day.

Interim Register to be a public document

32. Each volume of the Interim Register shall be a public document for the purposes of the Evidence Act 1950 [*Act 56*].

Where the title to a holding is not clear

33. (1) Whenever the Director is not satisfied of the nature, extent or proprietorship of any pre-existing interest in any holding, or in respect of any other matter arising out of or connected with such holding he shall unless he considers that such matter is of a trivial nature or occasioned by a minor error, defect or irregularity, thereupon endorse the appropriate folio of the Interim Register with the words “Title not clear”, and shall sign and date such endorsement and seal it with his seal.

(2) Every endorsement made on any folio of the Interim Register under subsection (1) shall have the same force and effect, and may be withdrawn or released, as if it were a caveat presented by the Director in respect of such holding under the National Land Code.

Correction of errors

34. (1) At any time before the title to a holding has become indefeasible pursuant to Part VII the Director may, in relation to any entry in the Interim Register relating to such holding, and whether or not he has held an enquiry in respect thereof—

- (a) correct any folio of the Interim Register which he is satisfied is incorrect, whether due to the inclusion of land included in another folio, or the incorrect description of the parcels or boundaries of the holding comprised therein, or for any other reason;
- (b) correct any erroneous entry in the Interim Register; or
- (c) add to the Interim Register any matter that has been erroneously omitted therefrom.

(2) Any correction made under subsection (1) shall be made in such manner as to leave the erroneous matter legible, and shall be authenticated by the Director’s initials, together with the date on which the correction was made.

(3) Where the folio of any holding has been erroneously opened in the Interim Register, the Director shall cancel such folio by an endorsement of the word “Cancelled” across the said folio and shall sign and date such endorsement and seal it with his seal:

Provided that the cancellation of any folio in relation to a holding which is deemed to be a single title within the meaning of the Land Acquisition Act 1960 [Act 486], or any other holding erroneously opened in the Interim Register shall not affect the validity of any memorial or entry made therein since the appointed day.

(4) Where any holding referred to in the proviso to subsection (3) has been cancelled under the said subsection, the Director shall as soon as possible endorse in any folio subsequently opened in the Interim Register for the said holding every memorial of registration or entry found in the cancelled folio.

(5) A memorial endorsed or entry made in any folio of the Interim Register pursuant to subsection (4) shall be deemed to be valid and effective against such holding.

PART IV

REPLACEMENT TITLE

Chapter 1—General

Presumption relating to replacement title

35. Every replacement title to which any person shall be entitled under this Part shall be deemed to arise under this Part without any formal alienation or approval thereof.

Chapter 2—Creation of Replacement Title

Extinguishment and replacement of existing interests

36. Subject to this Act, upon the appointed day all pre-existing interests in all lands in the State shall be extinguished and there shall be vested in all persons in whom were vested such corresponding interests in the holdings created in relation to such lands under this Act, and the right to such replacement titles to such holdings, as are provided by this Chapter; and unless otherwise provided by this Act, every pre-existing deed relating to a holding shall, on and after the appointed day, have effect only as evidence of the nature and extent of any pre-existing interest in such holding:

Provided that except in so far as any other provision is made by this Act nothing in this section shall be construed as preventing any such deed from operating as a contract, or as affecting the rights or liabilities of any person thereunder, either at law or in equity.

General incidents of replacement title

37. Upon the appointed day, and thereafter until the title to a holding shall have been declared indefeasible in accordance with Part VII—

- (a) a replacement title to such holding and all interests therein shall be conclusive only to the extent that the pre-existing interests therein were conclusive according to pre-existing law;
- (b) the proprietor of such holding and all other persons entitled to any interest therein shall hold such title or interest subject to the pre-existing law applicable thereto which are not inconsistent with this Act;
- (c) the proprietor of such holding and all other persons entitled to any interest therein shall in any dealing in respect thereof under Part VI be bound by the covenants for title contained in section 7 of the Conveyancing and Law of Property Ordinance [*S.S. Cap. 118*].

Replacement title protected from adverse possession

38. (1) On and after the appointed day no title or interest adverse to or in derogation of the replacement title or any replacement interest vested in the proprietor of any holding or in any other person pursuant to this Chapter shall be acquired by any length of possession by virtue of the Limitation Act 1953 [*Act 254*], or otherwise, nor shall such replacement title or replacement interest be extinguished by the operation of that Act.

(2) Nothing in this section shall affect—

- (a) the right of any person to make any claim (whether by virtue of adverse possession or otherwise) under section 53, or the due investigation and disposal of such claim;

- (b) the powers of the Court, the Board or the Director to make any decision or order under this Act; or
- (c) the exercise of any powers conferred by the National Land Code.

Replacement titles

39. The replacement title in respect of any holding to which a person has a right under section 36 shall be—

- (a) a grant (first grade);
- (b) a grant;
- (c) a State lease; or
- (d) any of the titles mentioned in the preceding paragraphs with a Mukim indication,

as may be appropriate in relation to such holding under this Chapter.

Grant (first grade)

40. (1) Where the document of original title to a holding is a grant, indenture or other form of title made or issued by the Dutch Authorities or by the East India Company or by any Government of the State, and such title created a pre-existing estate in such holding consisting of or in the opinion of the Director equivalent to an estate in fee simple, a grant (first grade) shall be issued in respect of such holding.

(2) *(Deleted by Act 55 of 1965).*

(3) *(Deleted by Act 55 of 1965).*

Grant

41. Where the document of original title to a holding is either a statutory grant issued under the Lands Ordinance [*S.S. Cap. 133*] or a lease for nine hundred and ninety-nine years a grant shall be issued in respect of such holding.

State lease

42. (1) Where the document of original title to a holding is a lease for a term of less than nine hundred and ninety-nine years and issued under or prior to the coming into force of the Lands Ordinance a State lease shall be issued in respect of such holding.

(2) The term of any lease issued under subsection (1) shall commence on the appointed day and shall be equal to the term unexpired immediately before that day of the pre-existing Crown or State lease of the holding.

Mukim indication

43. (1) Where any holding (or any subdivision of a holding made under section 46) consists of country land not exceeding 4.047 hectares in area, the Director, unless he is satisfied that the particular circumstances relating to the holding or to the area in which the holding is situated otherwise require, shall endorse on the relevant folio of the Interim Register—

- (a) in the case of a grant (first grade), the words “Mukim Grant (First Grade)”;
- (b) in the case of a grant, the words “Mukim Grant”; and
- (c) in the case of a State lease, the words “Mukim Lease”.

(2) The words endorsed under subsection (1) shall have effect only as an indication that the final documents of title, when issued, will be documents of Land Office title.

Title by adverse possession

44. Where any pre-existing interest in a holding has been acquired by adverse possession and the right of action accruing in respect of such possession has been barred by the Limitation Act 1953, then such form of replacement title as is referred to in section 39 shall be issued, or such replacement interest shall be endorsed on the appropriate folio of the Interim Register, as the Director may consider appropriate to accord due recognition to such interest.

Conditions, etc., of replacement titles

45. (1) Every replacement title shall be subject to the implied condition that—

- (a) the land to which the title relates shall be liable to be re-entered by the State if it is abandoned for a period of three years or more; and
- (b) after any such re-entry neither the proprietor nor any other person shall have any further right in or claim to the land or any interest therein:

Provided that, if within six years after the date of any such re-entry the last proprietor or any other person establishes a claim to the land or an interest therein to the satisfaction of the State Director of Lands and Mines, there may be paid to him such monetary compensation (not exceeding the value of the land or interest as appraised by the State Director) as the Yang di-Pertua Negeri may direct.

(2) Every replacement title shall be subject—

- (a) to any express covenants, conditions or restrictions appearing in the document of original title which were effective immediately before the appointed day; and
- (b) in so far as there is no inconsistency with any covenant, condition or restriction of the kind mentioned in paragraph (a), to the appropriate condition (if any) contained in the Third Schedule.

(3) A covenant, condition or restriction to which a replacement title is subject by virtue of paragraph (2)(a) or (b) shall be endorsed on the Interim Register in the manner provided by subsections (4), (5) and (6).

(4) Where the number and description of an indenture, grant, lease or other instrument are entered in the Interim Register under the heading “Original Tenure”, the entry shall be taken as referring to the document of original title and as constituting an endorsement on the Register of such covenants, conditions or restrictions of the kind mentioned in paragraph (2)(a) (if any) as appear in the document.

(5) Where the letter A, B or C is entered in the Interim Register under the heading “Replacement Title”, the entry shall be taken as constituting an endorsement on the Register of the condition contained in the Third Schedule which is described by the letter so entered.

(6) Where the words “First Grade” or “Grant (First Grade)” or any other words indicating that a replacement title is a grant (first grade) are entered in the Interim Register, the entry shall be taken as constituting an endorsement on the Register of the condition contained in paragraph 5 of the Third Schedule.

(7) Nothing in subsection (1) shall be deemed to affect sections 89 and 90 of the Administration of Muslim Law Enactment 1959 [*Penang En. No. 3 of 1959*], of the State of Penang or sections 37 and 38 of the Administration of Muslim Law Enactment 1991 [*Malacca En. No. 5 of 1991*], of the State of Malacca.

Merger and division of titles

46. (1) Subject to this section, where the Director is satisfied that—

- (a) a document of original title relates to part only of a holding; or
- (b) two or more documents of original title relate to different parts of one holding,

he may, instead of issuing the appropriate separate titles under sections 40 to 44 (referred to in this section as separate titles) issue a single replacement title for the holding (referred to in this section as a merged title).

(2) Where the separate titles are of different kinds, then—

- (a) if there is a majority title and either—
 - (i) it is superior to the other separate titles; or
 - (ii) whether or not it is superior to the other separate titles, the proprietor and any mortgagees consent,

the Director may issue a merged title in the same form as the majority title;

(b) in any other case, the Director shall not issue a merged title but shall order the subdivision of the holding or make such other arrangements as appear to him to be appropriate in the circumstances.

(3) For the purposes of this section the order of superiority of titles shall be as follows:

- (a) first, a grant (first grade);
- (b) second, a grant subject to conditions B and C in the Third Schedule;
- (c) third, a grant subject to conditions A and C in the Third Schedule;
- (d) fourth, a grant subject to condition A in the Third Schedule;
- (e) fifth, a grant not subject to a condition in the Third Schedule;
- (f) sixth, a lease subject to conditions B and C in the Third Schedule;
- (g) seventh, a lease subject to conditions A and C in the Third Schedule;
- (h) eighth, a lease subject to conditions A in the Third Schedule; and
- (i) ninth, a lease not subject to a condition in the Third Schedule.

(4) In this section “majority title” means—

- (a) a single separate title to the greater part of a holding;
or
- (b) two or more separate titles of the same kind which together cover the greater part of a holding.

Estates in absolute possession

47. (1) Where a pre-existing estate in absolute possession in any holding is vested—

- (a) in any person, such person shall, subject to paragraphs (b) and (c), be registered in the Interim Register as the proprietor thereof;

- (b) in two or more persons as tenants in common, such persons shall be registered in the Interim Register as proprietors of undivided shares therein, proportionate to the pre-existing interest of each such person;
- (c) in two or more persons as joint tenants, such persons shall be registered in the Interim Register as co-proprietors thereof, “with a right of survivorship”.

(2) In this section—

“estate in absolute possession” means an estate in possession arising under any pre-existing interest, other than one acquired by adverse possession, and which—

(a) is not the subject of a settlement:

Provided that for the purposes of this section an instrument creating a pre-existing joint tenancy in land shall not be deemed to constitute a settlement;

(b) does not arise under a mortgage; and

(c) does not arise by way of lease other than by an assignment for the unexpired term of any pre-existing lease granted by the State,

and includes the estate of a trustee for sale.

(3) Paragraphs (1)(b) and (c) shall apply, with such modifications as the Director may consider necessary, for the purpose of entering in the Interim Register the interests of any co-owners of any pre-existing estate other than a pre-existing estate in absolute possession.

Leaseholds

48. (1) Where a pre-existing estate in possession in any holding is vested in a lessee under a lease (other than one referred to in subsection (3)) then subject to Chapter 2 of Part V—

(a) the lessor or other person entitled to the reversion therein shall be deemed to hold the replacement title and shall be registered in the Interim Register as the proprietor thereof; and

(b) the person in whom the pre-existing estate in possession is vested shall be registered in the Interim Register as the lessee under such lease.

(2) Where a pre-existing estate in possession in any holding is vested in a sublessee then subject to Chapter 2 of Part V the person in whom such estate is vested shall be registered in the Interim Register as the sublessee thereof.

(3) At any time during the currency of any pre-existing lease or sublease of a holding not exceeding three years and excluded from operation of the Registration of Deeds Ordinance [*S.S. Cap. 121*] by section 26 thereof the Director may at the request of the lessor, lessee, sublessor or sublessee endorse such lease or sublease upon the replacement title to such holding.

(4) A replacement title issued in respect of any holding referred to in subsection (1) shall be endorsed as subject to a replacement lease or sublease by virtue of the pre-existing lease or sublease.

Mortgages, etc.

49. (1) Where a pre-existing estate in possession in any holding is vested in any person under a mortgage, then subject to Chapter 3 of Part V—

- (a) the mortgagor or owner of the equity of redemption therein shall be deemed to hold the replacement title and shall be registered in the Interim Register as the proprietor thereof;
- (b) the person in whom the pre-existing estate in possession was vested shall be registered in the Interim Register as the mortgagee under such replacement title.

(2) A replacement title issued in respect of any holding referred to in subsection (1) shall be endorsed as subject to a replacement mortgage by virtue of the pre-existing mortgage.

(3) Where any interest in any holding, other than a pre-existing estate in possession, is vested in any person under a pre-existing mortgage or charge (including a rent-charge), then subject to Chapter 3 of Part V the replacement title to such holding shall be endorsed as subject to a replacement mortgage or charge.

(4) This section shall apply to submortgages as it applies to mortgages, subject to the following additional provisions:

- (a) the existence of the submortgage shall not affect the registration of the mortgagor or owner of the equity of redemption under the original mortgage as proprietor of the holding;
- (b) the mortgagee under the submortgage shall be registered as mortgagee; and
- (c) the submortgage shall have the same effect as the transfer of a charge under the National Land Code.

Settled estates

50. Where any holding or any estate or interest therein is a pre-existing settled estate, then subject to Chapter 4 of Part V such person as may be entitled to the possession or to the receipt of the rents and profits of such settled estate for a term of years determinable on his death, or for any estate for life, or any person entitled to such possession or receipt as the assignee of any such person shall be registered in the Interim Register as the proprietor thereof for life, as trustee.

Easements and public rights of way

51. Where any holding is subject to a pre-existing easement or public right of way, the replacement title shall be subject to a registered easement or public right of way, to the extent provided by section 71 or 73, as the case may be.

52. *(Deleted by Act 55 of 1965).*

Chapter 3—Claims relating to Replacement Titles

Presentation of claims

53. (1) Any person claiming—

- (a) that immediately before the appointed day he had any pre-existing interest in any holding in respect of which no corresponding replacement title or interest is entered in the Interim Register; or

- (b) that any replacement title or interest entered in the Interim Register has been entered wrongly or in error or is or has been extinguished by non-user or otherwise,

may present to the Director a claim in respect thereof in Form E.

(2) Upon receiving any claim under subsection (1) the Director shall thereupon endorse upon the appropriate folio of the Interim Register a notice of such claim, and upon the making of such endorsement every person dealing with such holding shall be deemed to deal with it subject to and with notice of such claim.

(3) After making the endorsement required by subsection (2) the Director shall as soon as may be thereafter serve a notice of the claim made under subsection (1) in Form F on all persons to his knowledge affected thereby and take such further action under this Act as he may consider necessary for the due investigation and disposal of such claim.

(4) This section shall apply in relation to every holding of customary land in the Malacca Customary Land Register in respect of which the name of the proprietor has not been determined on the appointed day.

Enquiry by Director

54. (1) Whenever every person on whom a notice of any claim has been served under subsection 53(3) admits such claim the Director shall by writing under his hand and seal amend the Interim Register as may be necessary (subject to this Act) to give effect to such claim, and shall cancel the endorsement made under subsection 53(2).

(2) Whenever any person on whom a notice of any claim has been served under subsection 53(3) within one month of the date upon which such notice is served on him objects to or fails to admit such claim, the Director shall hold an enquiry and shall give notice to all persons interested therein of the date when and the time and place at which he proposes to hold such enquiry.

(3) At any enquiry held under subsection (2) the Director may confirm, amend or reject any claim, as he may think just, and shall so notify all persons interested therein:

Provided that he shall not cancel any endorsement made under subsection 53(2) or amend any entry in the Interim Register before the period prescribed for appeal shall have expired.

Reference to Court

55. (1) Whenever any question arises in any claim made under section 53 concerning—

- (a) the performance of any of the duties or the exercise of any of the powers imposed or conferred upon the Director by this Act;
- (b) any difficult question of law, or the true construction or validity or effect of any instrument, or concerning the person entitled to any holding or any interest therein, or the extent or nature of the right, interest, power or authority of any person or class of persons; or
- (c) any matter in respect of which any entry ought to be made by the Director in the Interim Register, or the manner in which any doubtful or uncertain right or interest should be dealt with by the Director under this Act,

and the Director considers that such question cannot be disposed of by him in exercise of the powers conferred on him by Part II, he may refer such question to the Court by a reference in Form G.

(2) Whenever the Director refers any question to the Court under subsection (1), he shall serve notice on all parties interested therein accordingly, and shall forthwith enter a caveat upon any appropriate folio or folios of the Interim Register.

(3) In considering any reference under this section the Court shall allow the Director and any of the persons interested in the reference to appear before it, and may summon any other of such parties to appear and show cause either personally or by his advocate and solicitor in relation thereto; and if in such reference the Court, having regard to the parties appearing before it shall think it proper to decide the question contained in such reference it shall have power to do so, or to direct that any proceedings be instituted for that purpose or, at the discretion of the Court and without deciding such question, to direct such entry or entries to be made on the Interim Register as under the circumstances shall appear to be just.

(4) No appeal shall lie from a decision of the Court under this section except with the leave of *the Federal Court.

(5) The powers conferred upon the Director by this section shall be exercisable only by that officer.

(6) Any caveat referred to in subsection (2) shall be entered in accordance with and shall be subject to and removable or renewable under the National Land Code.

PART V

EFFECT OF INTERIM REGISTRATION

Chapter 1—General

Interpretation

56. In this Part, unless the context otherwise requires, a reference to a lease, mortgage, charge or easement means a lease or sublease, a mortgage, submortgage or charge, or an easement, as the case may be, to which this Part is applied under Part IV.

Restrictions to bind proprietor

57. Where any pre-existing restriction or limitation in interest relating to any holding is endorsed on any folio of the Interim Register, such restriction or limitation shall, subject to this Part, bind every proprietor of such holding.

Limitations of replacement title

58. Where any person is under this Act registered as the proprietor of any holding in the Interim Register such person shall be deemed to hold the replacement title thereto under and subject to this Act; and such person shall hold such holding free from all pre-existing interests and encumbrances except such as may be entered in the Interim Register, but subject to—

- (a) any pre-existing easement or public right of way recognised under this Act;

*NOTE—Previously “the Supreme Court”—see section 46 of the Constitution (Amendment) Act 1994 [Act A885].

- (b) the power to correct errors in the Interim Register conferred on the Director by section 34;
- (c) the right of any person in occupation of the holding or any part thereof immediately before the appointed day under any lawful tenancy thereof.

Saving for fraud, contractual rights, etc.

59. Nothing in section 58 shall be held to prejudice the rights and remedies of any person—

- (a) to have the registered title of a proprietor defeated on the ground of fraud or forgery to which such proprietor or his agent was a party or in which he or his agent colluded;
- (b) to enforce against a proprietor any contract to which that proprietor was a party;
- (c) to enforce against a proprietor who is a trustee the provisions of a trust;
- (d) to recover from a proprietor any holding or any part thereof acquired by him from a person under a legal disability which was known to the proprietor at the time of dealing;
- (e) to recover from a proprietor any holding or any part thereof which has been unlawfully acquired by him in purported exercise of any power or authority conferred or created by any written law; or
- (f) to enforce any judgment or award of any Court affecting any land made or given before the appointed day,

or arising by virtue of the operation of the Limitation Act 1953, or to confer on a proprietor claiming otherwise than as a purchaser any better title than was held by his immediate predecessor.

Evidence of entries in Interim Register

60. Every copy of a folio of the Interim Register duly authenticated under the hand and seal of the Director shall be received in evidence in any court, or before any person having by law or by the consent of the parties appearing before him authority to

admit evidence, as *prima facie* proof of all the particulars and matters contained in or endorsed on the original folio, and that the person named as proprietor therein or in any memorial or endorsement thereon is or was at the relevant time entitled to the interest specified or described therein in relation to the holding included in such folio.

Chapter 2—Leases

Saving of pre-existing rights, etc.

61. Notwithstanding section 36, every replacement lease or sublease endorsed upon the replacement title to any holding in the Interim Register under section 48 shall, except as otherwise provided therein or by this Act—

- (a) be as valid and effectual as was the pre-existing lease or sublease relating to such holding immediately before the appointed day;
- (b) continue to be subject to the pre-existing law regulating such lease or sublease and to all the rights and remedies available thereunder;
- (c) not affect, or prejudice the enforcement of any estate, right or interest affecting or in derogation of the power to grant the pre-existing lease or sublease of such holding and subsisting or capable of arising immediately before the appointed day.

Chapter 3—Mortgages and Charges

Saving of pre-existing rights, etc.

62. (1) Notwithstanding section 36, every replacement mortgage or charge endorsed upon the replacement title to any holding in Interim Register under section 49 shall, except as otherwise provided therein or by section 64 or any other provision of this Act—

- (a) be as valid and effectual as was the pre-existing mortgage or charge relating to such holding immediately before the appointed day;

- (b) be deemed to charge such holding as security to the like extent as may be provided by such pre-existing mortgage or charge.

(2) Subject to subsection (1), the Conveyancing and Law of Property Ordinance shall continue to apply *mutatis mutandis* to replacement mortgages and charges registered under this Act; and for the purposes of such application, unless the context otherwise requires, where used in such Ordinance—

- (a) “conveyance” includes a transfer under this Act;
(b) “mortgage” includes a replacement mortgage or charge;
(c) “reconveyance” includes a discharge under this Act.

(3) To the extent to which any provision of the Conveyancing and Law of Property Ordinance is inconsistent with a provision of this Act, the latter shall prevail.

Priorities of mortgages

63. Subject to this Part and to any memorial of postponement in the Interim Register, replacement mortgages and charges relating to the same holding shall as between themselves rank according to the order in which the pre-existing mortgages and charges had priority under the Registration of Deeds Ordinance or the Mutations in Titles to Land Ordinance; and subject to this Act and of any pre-existing agreement or law the first mortgagee so registered shall have the right to custody of the deeds relating to such holding.

Procedure on exercise of power of sale, etc.

64. Whenever under any provision of the pre-existing law the right to any remedy would but for this section be exercisable by a mortgagee or any person for the time being entitled to receive and give a discharge for mortgage money under any replacement mortgage or by a chargee under any charge or other right endorsed upon a replacement title under this Act, such right shall be exercised in accordance with the Fourth Schedule, and not otherwise.

Discharge of mortgage or charge

65. Upon the repayment or satisfaction of the debt secured by any replacement mortgage or charge of any holding the mortgagee or chargee shall execute a memorandum of discharge in Form H and upon the registration of such memorandum such holding shall thereupon be discharged from such mortgage or charge.

*Chapter 4—Trusts and Settlements***Trusts generally excluded from Interim Register**

66. The Director shall as far as possible exclude from the Interim Register references to trusts, whether express, implied or constructive.

Pre-existing trusts, etc., to continue

67. Whenever any holding is subject to a pre-existing trust or settlement such trust or settlement shall, whether or not it has been registered under the Registration of Deeds Ordinance or the Mutations in Titles to Land Ordinance, remain valid and effectual on or after the appointed day:

Provided that where any provision of such trust or settlement has vested or purported to vest in any person any estate in possession, whether in trust or beneficially or for life or a term of years, such provision shall not be deemed to have vested such estate unless it has been duly registered under such Ordinance before the appointed day.

Where person entitled to be registered as proprietor is an infant

68. Whenever any person entitled to be registered as the proprietor of any holding under this Act is on the appointed day under the disability of infancy his parent or guardian shall be registered in the Interim Register as the proprietor of such holding as trustee.

Registration “as trustee”

69. (1) The Director—

- (a) shall, whenever he is satisfied that pursuant to section 50 or 68 any person should be registered as the proprietor of any holding as trustee; and
- (b) may, whenever he is satisfied that in any other case it is proper so to do,

enter upon the replacement title of any holding in the Interim Register an endorsement that the proprietor thereof holds such land “as trustee”:

Provided that where the Director is satisfied that such proprietor is a trustee for sale he shall not make any such endorsement.

(2) Any proprietor registered “as trustee” of any holding under subsection (1) shall hold such holding in trust for the persons and for the purposes for which it is applicable by law.

(3) Subject to this Act and the National Land Code, and of any caveat affecting such title or interest, neither the Director nor any person dealing with any replacement title or other interest registered in the Interim Register shall by reason of the registration of any person “as trustee” be affected with notice of any trust, express, implied or constructive; and any purchaser thereof shall not be concerned to enquire whether a dealing with the holding comprised therein is within the powers of the proprietor, but shall be entitled to assume that the proprietor has all the powers of disposition of a beneficial owner of the interest in question:

Provided that in the case of any person registered under section 50 as the proprietor for life as trustee of a holding, such powers of disposition shall not be deemed to exceed those conferred on him by or under any settlement under which such interest arises.

Act not to affect powers under certain laws

70. Nothing in this Part shall be deemed to affect the exercise of any of the powers conferred upon any person, trustee or Court under the Settled Estates Ordinance and the Trustee Act 1949.

*Chapter 5—Easements and Restrictive Covenants***Registration of easements**

71. (1) Where the Director is satisfied that a pre-existing easement affecting any holding is of such a kind that, if it were created after the appointed day, it would be an easement within the meaning of the National Land Code, he shall make a memorial thereof on—

- (a) the folio of the Interim Register relating to the holding so affected; and
- (b) the folio of the Interim Register relating to the holding for the benefit of which the easement exists.

(2) Where a memorial of an easement is made under subsection (1), the easement shall have effect as if it were an easement created under the National Land Code.

72. *(Deleted by Act 55 of 1965).*

Public rights of way

73. (1) Where in the document of original title there is an indication that a holding is crossed by a road or other right of way, the area of which is excluded from the title, the Director shall excise the area of the road or, as the case may be, the right of way from the replacement title.

(2) For the avoidance of doubt it is hereby declared that land excised under subsection (1) shall become State land.

74. *(Deleted by Act 55 of 1965).*

PART VI

DEALINGS ON THE INTERIM REGISTER

75. *(Deleted by Act 55 of 1965).*

Effect of registration

76. (1) The registration of an instrument of dealing in the Interim Register shall have the same effect as regards the indefeasibility of

the title or interest thereby transferred or created as the registration of an instrument of dealing under the National Land Code.

(2) Subsection (1) shall not affect the operation of section 37; and accordingly, where a replacement title has not yet become indefeasible under Part VII, the title or interest protected by that subsection shall be only such title or interest as, having regard to section 37, the transferor or creator was capable of transferring or creating.

Pre-executed instruments

77. (1) Except as provided by this section, no unregistered pre-executed instrument shall on or after the appointed day be capable of being registered or of creating, vesting or transferring any interest in a holding.

(2) Where a pre-executed instrument has before the appointed day been provisionally registered under section 6 of the Registration of Deeds Ordinance, the Director shall, notwithstanding subsection 9(3) of that Ordinance—

- (a) take the instrument into account provisionally in compiling the Interim Register, indication that he has done so by a suitable use of the word “provisional”; and
- (b) be deemed thereby to have entered a caveat having the same effect as a Registrar’s caveat entered under the National Land Code.

(3) Where an unregistered pre-executed instrument (not being an instrument provisionally registered under section 6 of the Registration of Deeds Ordinance) is produced to the Director within one week after the appointed day and the Director is satisfied that the failure to effect its provisional registration under the Registration of Deeds Ordinance or its registration under the Mutations in Titles to Land Ordinance is not due to the negligence or default of the person or body presenting it, then—

- (a) if the Director is satisfied that all the following conditions are fulfilled:
 - (i) that the boundaries of the holding to which the instrument relates have been surveyed and demarcated in the manner required by the National Land Code;

- (ii) that the instrument is properly stamped; and
- (iii) that all rents, premiums, fees and other sums payable in respect of or in connection with the holding, and all fees payable in respect of or in connection with the instrument, have been paid,

he shall register the instrument as if it were an instrument of dealing under this Act, and the registration shall be deemed to have been effective since the appointed day; and

- (b) if the Director is not satisfied, he shall enter a caveat in the relevant folio of the Interim Register, which shall have the same effect as a Registrar's caveat entered under the National Land Code.

(4) Where an instrument in respect of which a caveat is deemed to have been or has been entered under subsection (2) or (3) is presented to the Director within six months after the appointed day and the Director is satisfied with respect to the instrument that all the conditions specified in paragraph (3)(a) are fulfilled, he shall register the instrument as though it were an instrument of dealing under this Act, and the registration shall be deemed to have been effective since the appointed day.

(5) The Director may extend the period of six months for the presentation of an instrument under subsection (4) by such further period or periods as he thinks fit if he is satisfied that—

- (a) the extension is necessary because of delay (not due to the negligence or default of the person or body presenting the instrument) in assessing or adjudicating stamp duty or in completing survey or the demarcation of boundaries; or
- (b) it is otherwise just and equitable to do so.

(6) Nothing in the law relating to stamp duties shall be construed as requiring the Land Administrator to impound any instrument produced or presented to him in pursuance of this section.

(7) In this section—

“deed or other instrument” excludes a trust or settlement, but includes a deed or other instrument vesting an estate in possession in accordance with a trust or settlement;

“pre-executed instrument” means a deed or other instrument executed before the appointed day and purporting to create, vest or transfer a pre-existing interest in a holding;

“unregistered” means not registered under the Registration of Deeds Ordinance or the Mutations in Titles to Land Ordinance.

Instruments to be in prescribed form

78. No deed or other instrument (as defined in section 77) creating, vesting or transferring or purporting to create, vest or transfer any holding or any interest therein executed on or after the appointed day and not being in a form prescribed by this Act or the National Land Code shall be registered under this Act, nor shall any such deed or instrument be effectual to create, vest or transfer any such holding or interest.

Saving

79. Nothing in section 77 or 78 shall be construed as preventing any unregistered instrument from operating as a contract or as affecting the operation of any judgement or award of any Court.

Duties of Director

80. The Director—

(a) shall not register any dealing in a holding unless—

- (i) there has been produced to him by the person seeking to effect the dealing the pre-existing conveyance or other instrument on which that person relies as entitling him to do so and, where there has been a previous dealing under this Part, the copy of the relevant instrument; or
- (ii) where any such conveyance or instrument is not produced, he is satisfied that there is a reasonable excuse for its non-production;

(b) *(Deleted by Act 55 of 1965);*

(c) shall not register as proprietor of any holding any person or body other than a person or body specified in section 43 of the National Land Code;

- (d) shall not be bound to register any instrument unless any fees prescribed in respect thereof have been paid.

Procedure relating to registration

81. (1) An instrument of dealing relating to a holding shall not be effectual until it has been registered by—

- (a) presentation to the Director with a copy thereof; and
- (b) entry of a memorial thereof in the Interim Register,

and upon such registration such dealing shall take effect in the manner prescribed for instruments registered in accordance with the National Land Code.

(2) After registering any dealing under subsection (1) the Director shall—

- (a) return the copy of the instrument of dealing presented to him to the person by whom it was presented;
- (b) endorse upon the title deeds produced to him pursuant to paragraph 80(a) the number and description of the instrument of dealing, together with its date of registration; and
- (c) return such title deeds to the person by whom they were presented.

(3) The copy of the instrument of dealing referred to in subsections (1) and (2) shall—

- (a) take effect as though it were a conveyance or other form of pre-existing title deed;
- (b) be retained by the person who presented such copy; and
- (c) be produced by such person as necessary in any subsequent dealing.

(4) This section shall apply in relation to every holding entered in the Interim Register:

Provided that when the title thereto has become indefeasible pursuant to Part VII, this section shall apply thereto subject to the deletion of—

- (a) the words “with a copy thereof” appearing in subsection (1);

- (b) paragraph (2)(a); and
- (c) subsection (3).

Dealings prior to indefeasibility

82. (1) *(Deleted by Act 55 of 1965).*

(2) Any person purchasing any holding or any interest therein shall, subject to this Act and until the replacement title thereto has become indefeasible pursuant to Part VII, have the same rights relating to the investigation of the pre-existing title thereto as are conferred upon a purchaser by Part II of the Conveyancing and Law of Property Ordinance:

Provided that a purchaser shall not be entitled to require a title to be deduced for a period of more than thirty years (inclusive of any period after the appointed day) or for a period extending further back than a pre-existing grant or lease by the State, whichever period shall be the shorter.

Dealings after indefeasibility

83. Whenever the title to a holding has become indefeasible under Part VII, any dealing therein shall be registered in accordance with sections 80 and 81, save that subsection 92(2) shall have effect in place of paragraph 80(a).

PART VII

INDEFEASIBILITY OF TITLE

Chapter 1—Investigation of Title

Examination of title by the Director

84. (1) At any time on or after the appointed day the Director may, in exercise of the powers conferred on him by this Act, call for and examine the replacement title to any holding or group of holdings in the Interim Register, and make such enquiries in relation thereto as he may consider necessary for such purpose.

(2) Upon being satisfied of the validity of any replacement title or titles referred to in subsection (1) the Director shall thereupon publish a notice in Form I—

- (a) describing the holding or holdings comprised therein, and the proprietor or proprietors thereof;
- (b) stating that such replacement title or titles appear to be indefeasible for the purposes of this Act; and
- (c) requiring any person claiming any interest adverse to the title of the registered proprietor (and whether or not any suit, action or proceeding has been brought in respect of any such claim) to present a caveat in support of such claim within six months from the date of publication of such notice.

(3) Notwithstanding any provision of the National Land Code, any caveat presented under paragraph (2)(c) may be withdrawn or released by the person presenting it; and if it is not so withdrawn or released the Director shall as soon as possible hold an enquiry and may thereon either confirm or withdraw such caveat.

(4) When any caveat is confirmed by the Director under subsection (3) the caveatee or other person claiming any title to or registrable interest in the holding affected thereby may take such further action thereon as may be prescribed by the National Land Code.

Indefeasibility after twelve months' notice

85. Whenever in respect of any holding specified in any notice published under subsection 84(2) the period of six months from the date of the publication of such notice has expired, and—

- (a) no caveat has been presented thereunder; or
- (b) any caveat presented thereunder has been withdrawn or released,

then the title thereto shall thereupon become indefeasible within the meaning of the National Land Code.

Minors and persons of unsound mind

86. Where any claimant under paragraph 84(2)(c) or any other person who in the opinion of the Director is a necessary party to any enquiry under this Act is or appears to the Director to

be a minor or a person of unsound mind, the Director may by an order in writing appoint some suitable and proper person to be the guardian of such minor or person of unsound mind for the purposes of all proceedings under this Act, and all such proceedings shall be as effective and binding upon all persons concerned as if such person had not been a minor or person of unsound mind.

Examination of title at the instance of a proprietor

87. (1) At any time on or after the appointed day any person registered in the Interim Register as the proprietor of any holding—

- (a) shall upon seeking approval for any subdivision of such holding; and
- (b) may at any other time with the approval of the Director,

apply for an examination of the replacement title to such holding.

(2) Every application under subsection (1) shall—

- (a) be made to the Director in Form J;
- (b) be accompanied by all the pre-existing deeds relating to the holding in the possession or under the control of the applicant; and
- (c) be accompanied by a full abstract of title thereto prepared and certified by an advocate and solicitor and deduced for the period specified in subsection 82(2):

Provided that such abstract need not contain details of any dealings relating to such holding entered on the Interim Register.

(3) Upon receiving any application under subsection (1) the Director shall proceed to an examination of title in the manner prescribed by section 84.

(4) *(Deleted by Act 55 of 1965).*

Indefeasibility after twelve years on Interim Register

88. (1) When on the expiration of the period of twelve years next following the appointed day, which period the State Authority may, by notification in the *Gazette*, from time to time extend by

such further period as the State Authority may consider necessary, the title to any holding has not been duly examined pursuant to this Chapter, such title shall, on and from such date, become indefeasible within the meaning of the National Land Code:

Provided that when at such time any caveat or claim presented or made under this Act is then outstanding, no such title shall become indefeasible until such caveat or claim has been disposed of or withdrawn.

(2) When the proprietor of any holding referred to in subsection (1) first deals therewith on or after the expiration of the period of twelve years next following the appointed day, he shall thereupon surrender to the Director all the documents of title and other instruments relating to such holding and in his possession or under his control.

Chapter 2—Certificates of Title

Certificate of indefeasibility

89. Whenever the Director is satisfied that the title to any holding in the Interim Register has become indefeasible pursuant to this Part, he shall thereupon—

- (a) make such additions to or amendments in the endorsements upon the appropriate folio of the Interim Register as he may consider necessary; and
- (b) place upon the Interim Register a memorial under his hand and seal that such title is, on and from such date as may be specified in such memorial, indefeasible within the meaning of the National Land Code.

Cancellation of pre-existing deeds

90. (1) Whenever a certificate has been placed upon the Interim Register pursuant to paragraph 89(b) the Director shall in the exercise of the powers conferred on him by section 9 obtain all the pre-existing deeds relating to such holding, unless these are already in his possession.

(2) Where the pre-existing deeds relating to any holding in the possession of the Director relate—

- (a) only to the land comprised within such holding, the Director shall cancel each such deed by an endorsement made thereon under his hand and seal, indicating the date of such cancellation, and shall then impound such deed;

- (b) also to any land not comprised within such holding, the Director shall endorse upon each such deed the note “Cancelled with respect to Holding. . . .” under his hand and seal, indicating the date of such endorsement, and shall return such deed to the person entitled to the custody thereof:

Provided that a document of original title containing any express covenants, conditions or restrictions which were in force immediately before the appointed day shall not be dealt with as provided by paragraphs (a) and (b) until after the issue of final documents of title.

(3) Where any holding referred to in subsections (1) and (2) is subject to a replacement mortgage, charge, lease or sublease—

- (a) the pre-existing deeds relating to such mortgage, charge, lease or sublease shall not be cancelled under subsection (2) and shall be deemed for the purpose of this Act and the National Land Code to continue to have effect as instruments of dealing;

(b) *(Deleted by Act 55 of 1965).*

(4) Upon making any endorsement upon any deed relating to any holding pursuant to subsection (2) the Director shall enter upon the appropriate folio of the Interim Register a memorial that the pre-existing deeds relating to such holding have been cancelled under this section.

Release of documents of historic interest

91. Where the Director is satisfied that any document or instrument impounded under paragraph 90(2)(a) is of historical interest or for any other reason should not be impounded, he may upon the application in Form K by the proprietor of, or any other person having any interest in, the holding to which such document or instrument relates deliver any such document or instrument to the applicant, and in such event shall retain such application as the authority for such delivery.

Advance certificate of title

92. (1) The Director shall, upon the completion of the procedure prescribed in relation to any holding by section 90—

- (a) prepare and issue to the proprietor or chargee or other person entitled to the custody thereof an advance certificate of title in Form L endorsed with particulars of any charges, leases or other interests to which such holding is subject; and
- (b) cause final documents of title to be prepared in accordance with section 93.

(2) Any person who, after the issue of an advance certificate of title and before the issue of the final document of title relating to any holding, deals in such holding, shall present such certificate of title to the Registrar, together with a memorandum of such dealing; and the Registrar shall—

- (a) enter such dealing by way of memorial under his hand and seal in the Interim Register;
- (b) under his hand and seal endorse such memorial upon the advance certificate of title; and
- (c) return such certificate to the person entitled thereto.

(3) Notwithstanding subsection (1) the Director may, on and after the expiration of the period of twelve years next following the appointed day, in his discretion proceed to issue a final document of title to any holding without first issuing an advance certificate of title in respect thereof.

Final documents of title

93. (1) Subject to this section, final documents of title shall be prepared, issued and subsequently treated as if they were documents of title prepared and issued under the National Land Code on alienation under final title.

(2) In the preparation and issue of final documents of title—

- (a) the functions of the Registrar (but not of the Land Administrator) under the National Land Code shall be exercised by the Director; and

(b) the Land Administrator shall exercise his functions under the National Land Code in accordance with such instructions as he may receive from the Director.

(3) The Director—

(a) shall enter or cause to be entered in the final document of title relating to a holding—

(i) the name of the proprietor of the holding as entered in the Interim Register; and

(ii) details of all leases, charges and other interests to which the holding is subject; and

(b) where the holding is subject to a condition of the kind mentioned in subsection 45(2), shall endorse or cause to be endorsed on the document—

(i) in the case of the condition set out in paragraph 5 of the Third Schedule, the words “First Grade”; and

(ii) in any other case, the words of the condition as they appear in the document of original title or the Third Schedule, as the case may be.

(4) The final document of title for a holding shall be issued in the form which corresponds to the replacement title entered in the Interim Register; and for the purposes of this subsection—

(a) a grant under the National Land Code corresponds to a grant (first grade) without a Mukim indication or a grant without a Mukim indication;

(b) a State lease under the National Land Code corresponds to a State lease without a Mukim indication;

(c) a Mukim grant under the National Land Code corresponds to a grant (first grade) with a Mukim indication or a grant with a Mukim indication; and

(d) a Mukim lease under the National Land Code corresponds to a State lease with a Mukim indication.

(5) When the final document of title has been prepared for a holding, the Director shall—

- (a) call for and destroy the advance certificate of title; and
- (b) endorse on the appropriate folio of the Interim Register a signed and dated certificate to the effect that—
 - (i) the advance certificate of title has been destroyed; and
 - (ii) the title has been continued in the final document of title (which shall be specified).

(6) No issue document of title shall be issued until subsection (5) has been complied with.

PART VIII

PROVISIONS RELATING TO MALACCA

Chapter 1—Preliminary

Interpretation

94. (1) In this Part, unless the context otherwise requires—

“certificated land” means any customary land subject to Chapter 3 of this Part;

“certificated person” means any person to whom a certificate has been issued under section 104, or who, not being a Malay, is deemed to be a proprietor under paragraph 99(c);

“customary land” means land which, immediately before the appointed day, was customary land within the meaning of the Ordinance and includes land in respect of which the title had been endorsed under subsection 109A(2) and land re-alienated or otherwise disposed of under subsection 109B(3);

“customary landholder” means a person who, immediately before the appointed day, was registered under the Ordinance as the holder of customary land;

“Malacca Customary Land Register” has the meaning assigned by section 102;

“Malacca Customary Land company” means a company incorporated pursuant to any written law for the time being in force in relation to companies—

- (a) all members of which are Malays;
- (b) the articles of association of which prohibit the transfer of its shares to any person who is not a Malay; and
- (c) one of the objects of which is to deal in customary land;

and a Malacca Customary Land company, as so defined, shall, for the purpose of this Part, be deemed to be a Malay;

“Malay” means a person who professes the religion of Islam, habitually speaks Malay language, conforms to Malay custom and—

- (a) was before Merdeka Day born in the Federation or born of parents one of whom was born in the Federation, or was on that day domiciled in the Federation; or
- (b) is the issue of such a person;

“Ordinance” means the Malacca Lands Customary Rights Ordinance of the Straits Settlements as in force in the State of Malacca immediately before the appointed day, and repealed by section 96;

“State Authority” means the Yang di-Pertua Negeri of the State who shall act in accordance with the advice of the State Executive Council or a member thereof acting under the general authority of the Council.

(2) *(Deleted by Act A731).*

Application

95. This Part shall apply only to the State of Malacca.

Repeal

96. The Malacca Lands Customary Rights Ordinance is repealed.

Special provision relating to the Naning Custom

97. Whenever the Land Administrator is satisfied that any land in the Malacca Customary Land Register is subject to the Naning custom, he shall endorse the appropriate folio of the Register with the words, “Naning custom”.

Finality of certain boundaries

98. Where the boundary of any holding has been or is deemed to have been finally ascertained or confirmed under the Ordinance, or where the proprietor or mortgagee of any such holding or any of his predecessors in title has, by any conveyance or other instrument or in any enquiry under this Act dealt with or accepted the boundaries of such holding as surveyed under the Ordinance, such boundary shall be deemed for the purposes of this Act to be final and conclusive and shall not be called in question in any proceedings under this Act.

*Chapter 2—Application of the National Land Code***Effect of repealing the Ordinance**

99. (1) On and after the appointed day customary landholders shall continue to be deemed to have a permanent and transferable right of occupancy in their customary land, but otherwise—

- (a) shall cease to hold their customary land subject to and in accordance with the Ordinance; and
- (b) shall hold their customary land subject to and in accordance with this Part and the National Land Code.

(2) In the application of the National Land Code to customary land—

- (a) the land shall be deemed to be land alienated before the commencement of the Code;

- (b) the landholder shall be deemed to be a proprietor within the meaning of the Code; and
- (c) the Malacca Customary Land Register shall be deemed to be a Mukim Register within the meaning of the Code:

Provided that this Part shall prevail over the Code in the event of inconsistency:

Provided further that no title in the Malacca Customary Land Register shall become indefeasible in accordance with the National Land Code unless the name of the proprietor or the names of all proprietors has or have been entered therein on the appointed day or pursuant to a claim made under section 53 or pursuant to any order of the Board or of the Court.

Saving relating to incomplete proceedings

100. Where any act or proceeding has, before the appointed day, been lawfully commenced but not completed under the Ordinance it may be continued and completed under any corresponding provision of the National Land Code:

Provided that where any form in Schedule A of the Ordinance has been duly executed but not presented or, if presented, has not been duly registered before the appointed day, then such presentation or registration or both may be made after the appointed day and such form shall be deemed to be a prescribed form for the purposes of this Act.

Rent

101. The assessment payable in respect of any customary land under sections 32 to 36 of the Ordinance immediately before the appointed day shall, subject to subsection (2), continue in force thereafter and shall be deemed to be the rent due thereon under the National Land Code, and shall be payable and recoverable in accordance with such Code.

(2) The State Authority may, within a period of three years beginning with the appointed day, alter any assessment referred to in subsection (1) in accordance with section 33 of the Ordinance (notwithstanding its repeal), and such assessment shall thereupon be deemed for the purposes of the National Land Code to be the

rent fixed on the land on which any such assessment is imposed, and shall not thereafter be revised except under and in accordance with such Code.

Malacca Customary Land Register

102. Subject to this section, the Mukim Register kept under the Ordinance shall continue in existence after the appointed day, but shall be known as the Malacca Customary Land Register.

(2) As and when it is expedient to do so, the Land Administrator shall prepare and issue documents of title under the National Land Code in continuation of the titles entered in the Malacca Customary Land Register and, in doing so, shall follow as nearly as may be the procedure prescribed by the National Land Code in respect of land held on a Mukim grant for the issue of final title in continuation of final title to land as a whole:

Provided that—

- (a) sections 166 to 169 of the Code shall not apply; and
- (b) no fee shall be chargeable.

(3) The Land Administrator shall register an instrument of dealing with respect to a holding of customary land—

- (a) where title in continuation has not yet been issued under subsection (2), by entering a memorial of the dealing (the memorial being signed and dated and otherwise in such terms as the Land Administrator considers appropriate) in the Malacca Customary Land Register and filing the instrument; and
- (b) where title in continuation has been so issued, in the manner provided by the National Land Code.

(4) Registration under paragraph (3)(a) shall be deemed to be, and shall be as effective as, registration under the National Land Code.

(5) The Malacca Customary Land Register shall be maintained separately from all other registers relating to land in the State.

Mortgages of customary land

103. Upon the appointed day every pre-existing charge by way of legal mortgage of any customary land duly registered under the Ordinance shall be deemed to be a charge duly registered under the National Land Code:

Provided that—

- (a) subject to paragraph (b), every such charge shall continue to be subject to all the express and implied conditions thereof subsisting immediately before the appointed day;
- (b) notwithstanding any express or implied condition referred to in paragraph (a), the National Land Code shall apply to the discharge of any such charge and in relation to any remedies of the chargee thereunder;
- (c) notwithstanding the National Land Code, it shall be an implied condition of any charge deemed to be registered under this section that no chargee or other person shall have any right to enter into possession thereunder if he is not competent to hold such land under this Part.

Chapter 3—Certificated Lands

State Authority may declare a person to be a certificated person

104. (1) Whenever the State Authority is satisfied that any person who is not a Malay is entitled to or otherwise should be registered as the proprietor of any customary land (otherwise than by way of succession pursuant to paragraph 105(b) he may issue a certificate to such person, specifying the name of such person and the land in respect of which such certificate is issued.

(2) Whenever any certificated person presents to the Land Administrator any certificate referred to in subsection (1) the Land Administrator shall record such person in the appropriate folio of the Malacca Customary Land Register as the proprietor of the land specified therein, and shall endorse such folio in the manner prescribed by paragraph 105(c).

Certificated land

105. Where any certificated person is registered as the proprietor of any customary land—

- (a) he shall not by reason of his status as a certificated person be deemed to be entitled to be registered as the proprietor of any customary land other than that to which he may be entitled under paragraph 99(c) or any certificate issued to him under section 104;
- (b) he shall have a permanent and hereditary right to the ownership of such land, and upon his decease such land shall be transmissible according to the law for the time being in force relating to succession;
- (c) the title to such land in the Malacca Customary Land Register shall be endorsed with the words “Certificated Land”.

When land ceases to be certificated land

106. Whenever any certificated land at any time, whether by transfer, succession or otherwise becomes registered in the name of any Malay, the Director shall thereupon cancel the endorsement referred to in paragraph 105(c), and such land shall thereupon cease to be certificated land.

Chapter 4—Restrictions in Use and Interest

107. *(Deleted by Act 55 of 1965).*

Limitation

108. (1) Subject to Chapter 3, the following provisions shall apply to land subject to this Part:

- (a) no such land may at any time be transferred, leased, transmitted or charged to any person other than a Malay. For this purpose “lease” does not include a tenancy for a term not exceeding three years or a lease for a term exceeding three years but not exceeding thirty years;

- (aa) no tenancy or lease granted in respect of any such land to any person other than a Malay may at any time be transferred to any person other than a Malay; and no subtenancy or sublease of whatever form or duration shall be granted to any person in respect of any such land from any tenancy or lease granted to any person other than a Malay;
- (b) no lien by deposit of the issue document of title for any such land as security for a debt shall be capable of being created in favour of any person other than a Malay, and no caveat in support of such lien by deposit shall be capable of registration under the National Land Code;
- (c) no caveat, not being a caveat as is referred to in paragraph (b) or a Registrar's caveat under the National Land Code, against the title for any such land shall be capable of registration under the National Land Code in any case where the caveator is not a Malay, or in any case where the caveator is acting as agent, his principal is not a Malay;
- (d) every trust or alleged trust, whether such trust be express, implied or constructive, which purports to be created in respect of any such land by the proprietor in favour of or for the benefit of any person who is not a Malay shall be null and void and shall be incapable of being enforced by any Court;
- (e) no grant of probate or letters of administration shall operate to vest any such land in any executor or administrator who is not a Malay;
- (f) no power of attorney or any form of agency in respect of the land shall be capable of being granted to, or created in favour of any person who is not a Malay.

(2) Notwithstanding paragraph (1)(a), land subject to this Part may be charged to any person or body specified in the Sixth Schedule or transferred to any person or body specified in the Seventh Schedule.

(3) For the purposes of paragraph (1)(e) the *Public Trustee or Official Administrator shall be deemed to be a Malay.

*NOTE—All references to “Public Trustee or Official Administrator” shall be construed as “Corporation”—see section 2 and subsection 43(3) of the Public Trust Corporation Act 1995 [Act 532].

(4) Any transfer, lease, transmission or charge contrary to paragraph (1)(a) shall not be valid for the purpose of registration under this Part and shall not be capable of registration under the National Land Code.

(5) No action for breach of contract shall lie in respect of any dealing in or disposal of or any attempt to deal in or dispose of any land subject to this Part contrary to subsection (1) and no rent paid in pursuance of such dealing or attempt shall be recoverable in any Court.

(6) The State Authority may from time to time, by order published in the *Gazette*, add to, delete from or amend the Sixth Schedule or the Seventh Schedule.

Liability of land to forfeiture where a Malacca Customary Land company ceases to be such

108A. If at any time whilst a customary land is owned by, charged or leased to, or is otherwise held in the name of, a Malacca Customary Land company pursuant to paragraph 108(1)(a), such company ceases to be a Malacca Customary Land company as defined in subsection 94(1)—

- (a) the land shall become liable to forfeiture to the State Authority; and
- (b) except in a case where action for the purpose of restoring the company as a Malacca Customary Land company is first required to be taken under section 108B, the Land Administrator shall proceed with the enforcement of the forfeiture in accordance with section 108C.

Summary action to secure restoration of the status of a Malacca Customary Land company

108B. (1) Where—

- (a) any customary land is liable under section 108A to forfeiture to the State Authority; and
- (b) it appears to the Land Administrator that action is capable of being taken by the Malacca Customary Land company in question within a reasonable time to restore itself as a Malacca Customary Land company,

the Land Administrator shall serve, or cause to be served, on the company a notice in Form “M” in the First Schedule specifying the action required to be taken in this regard and calling upon it to take such action within the time therein specified.

(2) Upon the service of any notice under subsection (1), the Land Administrator shall endorse, or cause to be endorsed, on the register document of title to the land in question a note to the effect that action is being taken under this section in respect of the land.

(3) If the notice under subsection (1) is complied with, the note endorsed under subsection (2) shall be cancelled and the land shall not be forfeited under section 108A.

(4) If the notice under subsection (1) is not complied with, the Land Administrator shall take action in accordance with section 108c.

Action to enforce forfeiture

108c. (1) Subject to section 108B, the Land Administrator shall take action under this section whenever any customary land is liable to forfeiture under section 108A.

(2) The Land Administrator shall—

(a) cause a notice in Form “N” in the First Schedule to be served on the company; and

(b) cause a copy of that notice to which there shall be appended the additional notice set out in the supplement to that to be served on—

(i) any person or body having a registered interest affecting the land (including a charge of any lease or sublease thereof);

(ii) any person or body having a lien over the land or over any lease or sublease thereof;

(iii) any person or body in occupation of any part thereof under any tenancy exempt from registration; and

- (iv) any person or body having a claim protected by caveat affecting the land or any interest therein.

(3) Upon the service of a notice under subsection (2), the Land Administrator shall endorse, or cause to be endorsed, on the register document of title to the land in question a note to the effect that action is being taken under this section in respect of the land.

(4) Upon the date, and at the time and place, specified in such notice, the Land Administrator shall hold an enquiry and on the conclusion thereof—

- (a) if it appears to him that the company has restored itself as a Malacca Customary Land company, he shall so declare by order, and shall cancel or cause to be cancelled any note endorsed under this section or section 108B;
- (b) if it appears to him just that further time should be allowed for enabling the company to restore itself as a Malacca Customary Land company, he shall make an order specifying the action to be taken for that purpose, and the time within which it is to be taken; or
- (c) in any other case, he shall make an order declaring the land forfeit to the State Authority.

(5) If the order under paragraph (4)(b) is complied with, the Land Administrator shall cancel or cause to be cancelled any note endorsed under this section or section 108B.

(6) If the said order is not complied with, the Land Administrator shall, on the expiry of the period specified therein, make a further order declaring the land forfeit to the State Authority.

Forfeiture to take effect upon notification in the *Gazette*

108D. (1) As soon as may be after the making of an order under section 108C with respect to any land, the Land Administrator shall publish in the *Gazette* a notification of forfeiture in Form “O” in the First Schedule, and upon such publication, the forfeiture shall take effect as mentioned in section 109B.

(2) Copies of any notification published under subsection (1) shall—

(a) be affixed in a conspicuous position—

(i) on the land and in the Penghulu's office or balai in the area in which the land is situated; and

(ii) in that area, on such court-houses and mosques (if any) and in such markets and other public places (if any) as the Land Administrator thinks fit; and

(b) where the State Authority considers that publication in a newspaper is desirable, be published in such newspaper circulating in the State as the Land Administrator thinks fit, and the Land Administrator shall, as soon as may be after the notification is published, register or cause to be registered a memorial thereof upon the register document of title to the land in question.

Right of re-entry

109. (1) All land subject to this Part shall be deemed to be subject to a right of re-entry on behalf of the State Authority upon any breach of or default in the observance of this Part or of any conditions created or implied thereunder; and such right shall be exercised in accordance with and shall be subject to the National Land Code, as if such breach or default related to any condition implied or imposed thereunder.

(2) Where a right of re-entry is exercised on behalf of the State Authority under this section in respect of any land subject to this Part, an endorsement of the re-entry shall be made in the Malacca Customary Land Register, and in the case of a title endorsed under subsection 109A(2), in the respective register, against such land.

(3) *(Deleted by Act A649).*

(4) *(Deleted by Act A649).*

Application for endorsement of title as Malacca Customary Land

109A. (1) Any proprietor of any alienated land who is a Malay may, with the consent of every person having a right or interest therein apply to the State Authority to have the title to the land endorsed as a Malacca Customary Land.

(2) Upon approval by the State Authority under subsection (1), the Registrar or the Land Administrator shall endorse or cause to be endorsed a note thereof on the register and issue documents of title to the land to which it relates.

(3) Upon endorsement thereof on the register and issue documents of title, the land shall be subject to this Part.

Effect of re-entry

109B. (1) Where re-entry on any land subject to this Part is effected under section 109, forfeiture shall be deemed to have taken effect in respect of that land and—

- (a) the land shall revert to, and vest in, the State Authority freed and discharged from all titles and interests subsisting or capable of arising immediately before the forfeiture took effect; and
- (b) there shall also vest in the State Authority, without payment of compensation and subject to any provision to the contrary in the document of title to the land in question, or, as the case may be, the lease, the licence or permit in question, all buildings on the land (by whomsoever erected) other than any of temporary construction and capable of removal.

(2) The land shall not be re-alienated or otherwise disposed of to any person who is not a Malay or to a statutory authority, body or corporation which is not specified in the Seventh Schedule.

(3) Where any such land is re-alienated or otherwise disposed of to a Malay or to a statutory authority, body or corporation specified in the Seventh Schedule, it shall be deemed to be customary land.

(4) The land so re-alienated shall be held in perpetuity and the title shall be registered in the Malacca Customary Land Register.

Effect of surrender

109c. Whenever any customary land is surrendered to the State Authority pursuant to the National Land Code, the land shall revert to and vest in the State Authority as State land, and section 109B shall apply as if the land had reverted pursuant to a forfeiture.

PART IX

NATURAL RIGHTS

110. *(Deleted by Act 55 of 1965).*

111. *(Deleted by Act 55 of 1965).*

Special rights of certain riparian proprietors

112. The proprietor of any holding which under section 30 is deemed to follow the line of a survey traverse, whether made before, on or after the appointed day, or the line of any permanent structure, may on and after the appointed day as of right and without payment of any fee therefor divert water from any river on which such holding abuts to the like extent to which he may lawfully have made any such diversion prior to the appointed day:

Provided that the power conferred by this section may be exercised only to the extent that the rights of other lawful users of water from such river are not thereby affected.

PART X

GENERAL

Offences and penalties

113. (1) Any person who—

- (a) fraudulently procures, assists in fraudulently procuring, or is privy to the fraudulent procuring of any document of title or other instrument, or of any entry in the Interim

Register, or any alteration or erasure of or addition to any entry in the Interim Register, or in any instrument or form issued by the Director;

- (b) after a requisition in writing made by any officer pursuant to paragraph 9(1)(b), without reasonable excuse refuses or neglects—
 - (i) to produce any deed or document in his possession or under his control or to allow such deed or document to be inspected by such office; or
 - (ii) to give information as to the whereabouts of any deed or document or the person in whose custody any deed or document may be;
- (c) fraudulently uses or assists in fraudulently using or is privy to the fraudulent using of any instrument or form purporting to be issued or authorized under this Act;
- (d) knowingly misleads or deceives or fails to comply with any lawful request of any person authorized by this Act to obtain information in respect of any land or holding; or
- (e) fraudulently removes from the Interim Register any part thereof, or causes any defacement, obliteration, mutilation or unauthorized entry or alteration to be made thereto;
- (f) (Omitted)

shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding two thousand ringgit or to a term of imprisonment not exceeding three years or to both.

(2) No proceeding or conviction for any act punishable under subsection (1) shall affect any remedy which any person aggrieved or injured by such act may be entitled to against the person who committed such act or his estate.

Rules

114. (1) The Minister may, after consultation with the Yang di-Pertua Negeri, make rules for carrying out or giving effect to

the purposes of this Act and, without prejudice to the generality of such power, may by such rules provide for—

- (a) the powers and duties of officers appointed or exercising any powers conferred by or under this Act;
- (b) the practice of any office or department of the Government of the Federation or the State in relation to matters arising under this Act;
- (c) the procedure and practice of the Board;
- (d) the forms of instrument to be used under this Act;
- (e) the amendment of the First Schedule;
- (f) subject to section 117, the fees, if any, to be charged for any matter or thing to be done under this Act, the method by which such fees shall be accounted for and disposed of, and the circumstances in which such fees may be dispensed with or remitted;
- (g) prescribing anything required by this Act to be prescribed;
- (h) the procedure and practice relating to the presentation and registration of instruments under this Act;
- (i) the issue in cases of loss or destruction of duplicate certificates and other documents used for the purposes of this Act;
- (j) the disposal of any registers, titles and other documents the validity or operation of which has pursuant to this Act ceased or become extinguished.

(2) All rules made under this section shall be published in the *Gazette* of the State.

Service of notices, etc.

115. Any notice, summons or other process to be served under this Act may be served in the manner prescribed for the service of notices, summonses and other processes under the National Land Code.

Saving of rights of Land Administrator, etc.

116. Nothing in this Act shall affect the right of the Land Administrator or of any other person or authority empowered by any written law to enter on any land subject to this Act under any power or authority conferred by such written law.

Surveys to be free of charge

117. No fee shall be charged in respect of any survey undertaken by or on behalf of the Director of Survey for the purpose of this Act (not being a survey consequential upon the exercise by a proprietor in respect of his holding of a power conferred by the National Land Code).

Repeal

118. (1) The Ordinances set out in the Fifth Schedule are repealed to the extent therein specified:

Provided that—

- (a) such Ordinances shall remain in force for the purpose of determining the nature and extent of any pre-existing interests;
- (b) such Ordinances shall be repealed without prejudice to the validity of any boundaries finally ascertained and confirmed or confirmed thereunder, or of any maps or plans prepared or validated under the authority thereof;
- (c) except to such extent as they may be inconsistent with this Act, the repealed provisions of the Conveyancing and Law of Property Ordinance shall not be repealed in relation to any dealing in any holding until the title thereto has become indefeasible pursuant to this Act.

(2) (*Deleted by Act 55 of 1965*).

(3) On the appointed day all the registers, books, indexes and other records in the possession or under the control of the Registrar of Deeds of the State immediately before the appointed

day under any Ordinance repealed by subsection (1) shall vest in the Director for the purposes of this Act.

Power of the Minister to make orders

119. (1) The Minister may, after consultation with the State Authority, by order—

- (a) make such modifications in any pre-existing law in force in the State and relating to land which is not repealed under section 118 as appear to him necessary or expedient for the purpose of bringing such law into accord with this Act;
- (b) extend to the State the Small Estates (Distribution) Act 1955 [*Act 98*], and make such modifications therein as appear to him necessary or expedient for the purpose of bringing that Act into accord with this Act and enabling it to be fully operative in relation to the State;
- (c) except from the operation of this Act any artificial channel or watercourse;
- (d) (*Deleted by Act 55 of 1965*);
- (e) make such further or other provision as he may deem necessary or expedient for the purpose of removing any difficulties occasioned by the enactment of this Act.

(2) In paragraphs (1)(a) and (b) “modification” includes amendment, addition, adaptation and repeal.

(3) Any order made under this section shall be published in the *Gazette* of the State and shall be presented to the Legislative Assembly as soon as may be after publication; and if a resolution is passed pursuant to a motion notice whereof has been given for a sitting day not later than the first available sitting day of the Assembly next after the expiry of one month from the date when such order is so presented annulling the order or any part thereof as from a specified date, such order or such part thereof, as the case may be, shall thereupon become void as from such date, but without prejudice to the validity of anything previously done thereunder or to the making of new orders.

Searches

120. (1) Any person may, on payment of such fee and subject to such conditions as may be prescribed, inspect and take notes of or extracts from—

- (a) the Interim Register or any instrument of dealing or application presented or made to or in the custody of the Director; or
- (b) the former registers and any document of original title or pre-existing deed which is in the possession or under the control of the Director.

(2) The Director may refuse to make the Interim Register available for inspection under subsection (1) where he is satisfied that, by reason of the pressure of business or otherwise, it would be difficult or inexpedient to do so:

Provided that, if he makes such a refusal in respect of a person who is a *bona fide* prospective purchaser of a holding, he shall issue to that person on request (without any charge other than the fee payable under that subsection) a copy of the relevant folio of the Interim Register made by photographic or other suitable means.

(3) Subject to subsection (6), any person may apply to the Director for an official search of the former registers and the Interim Register in respect of any holding, and where any such application is made—

- (a) the applicant shall supply in writing such particulars of the proposed search as are required by the Director; and
- (b) the Director, on receipt of the particulars and the prescribed fee, shall cause the search to be made and shall issue to the applicant a certificate of the result of the search of the former registers; and either—
 - (i) a certificate giving, with the necessary modifications, the same information as a certificate issued under section 385 of the National Land Code; or

- (ii) if he thinks fit, a copy of the relevant folio of the Interim Register made by photographic or other suitable means.

(4) Subject to subsection (6), any person may apply to the Director for a copy of the folio of the Interim Register relating to a holding, and on receipt of an application in that behalf and the prescribed fee the Director shall issue to the applicant a copy of the relevant folio made by photographic or other suitable means.

(5) Certificates and copies issued under this section shall be signed and sealed by the Director and shall be receivable in legal proceedings as *prima facie* evidence of the matters contained therein.

(6) This section shall cease to apply in relation to a holding when its title becomes indefeasible under this Act.

(7) In this section “the former registers” means all registers, books, records, indexes and other documents formerly in the possession or under the control of the Registrar of Deeds of the State which are in the possession or under the control of the Director as a result of the operation of this Act.

Title in continuation and procedure on subdivision

121. (1) While a holding is included in the Interim Register, title in continuation may be issued as follows:

- (a) title in continuation to the holding as a whole may be issued when the Director decides with respect to the relevant folio of the Interim Register—
 - (i) at the time when he makes any entry thereon, that there is insufficient space for the making of further entries; or
 - (ii) at any time, that the folio can by reason of its physical condition no longer be used;
- (b) title in continuation may be issued on subdivision as provided by subparagraph (2)(b)(ii);

- (c) title in continuation may be issued on any changes being made to the lot number of any holding under section 396 of the National Land Code; and
- (d) title in continuation shall consist of a fresh folio or folios, as the case may be, which shall replace and shall be in the same form as the original folio.

(2) Where, in relation to a holding included in the Interim Register, a subdivision has been approved under Chapter 1 of Part Nine of the National Land Code and the title has become indefeasible under section 85, then—

- (a) if the survey of the subdivisational portions is not complete, the Director shall cause the final document of title to the holding to be issued as soon as reasonably possible; and
- (b) if the survey of the subdivisational portions is complete, the Director shall either—
 - (i) prepare and issue final documents of title for each of them; or
 - (ii) if he is requested to do so by the proprietor of the holding, prepare and issue title in continuation for each of them in the Interim Register.

(3) Where the Director prepares and issues final documents of title under subparagraph (2)(b)(i), he shall act as nearly as may be in accordance with the procedure prescribed by section 93, making such modifications as are necessitated by the fact that, in consequence of the subdivision, more than one final document of title are to be issued for the subdivided holding.

Provision relating to State land, municipal streets, etc.

122. Notwithstanding Part III, the Director shall not be required to enter in the Interim Register any State land, or any public street, public canal or public bridge, or any stream or river, or any back-lane, which immediately before the appointed day was vested in or set apart for the purposes of the Government of the State, the City Council of George Town, the Municipal Councillors of the Town and Fort of Malacca or any local authority.

Transitional provisions relating to certain mortgages, etc.

123. (1) Any pre-existing agreement, covenant or undertaking to enter into a mortgage, charge or statutory mortgage of any land in the State shall, in relation to any period commencing on the appointed day, be construed and may be enforced as an agreement, covenant or undertaking, as the case may be, to enter into a charge of such land pursuant to the National Land Code.

(2) Any pre-existing memorandum of lien or charge registered under section 8 of the Registration of Deeds Ordinance shall be deemed to be and shall be entered upon the appropriate folio of the Interim register as a caveat subject to the National Land Code.

(3) Nothing in this Act shall be deemed—

(a) to prejudice or to derogate from the rights of any equitable mortgagee or chargee under any pre-existing equitable mortgage or charge; or

(b) to prevent the presentation by any person and the registration under the National Land Code of any caveat arising out of any pre-existing deed or other instrument referred to in subparagraph 77(i), or out of any pre-existing equitable mortgage or charge.

(4) From the appointed day any pre-existing agreement to convey land in the State shall be construed and may be enforced as an agreement to transfer the land under the National Land Code.

Transitional provision relating to subdivision of certain lands

124. (1) Where any holding has, prior to the appointed day, been the subject of a subdivision effected by the conveyance of a part or parts of the holding, and the conveyed part or parts and the residue of the holding (if any) have not on the appointed day been delineated on a plan certified by or on behalf of the Director of Survey as lots delimited (except as otherwise provided in sections 29 and 30) by right-line boundaries, then the Director may, if he is satisfied—

(a) that a plan of such subdivision has been deposited with the Registrar of Deeds before the appointed day, or with

the Director on or within one month after the appointed day; and

- (b) that such subdivision has been approved by any State or local authority charged with responsibility for the approval of such subdivision for the purposes of any law relating to local government or town and country planning,

open a folio of the Interim Register in respect of each conveyed part and the residue of the holding (if any), and the conveyed part or parts and the residue (if any) shall, subject to this section, thereupon each be deemed to be a single holding for the purposes of this Act.

(2) Whenever any folio of the Interim Register is opened pursuant to subsection (1) the Director shall endorse each folio with the words “Subdivision under section 124”, and every such endorsement shall be deemed to constitute notice that the area and boundaries of the holding comprised therein have not been surveyed for the purposes of this Act.

(3) The Director shall, upon being satisfied that the holding comprised in any folio referred to in subsection (2) has been duly surveyed for the purposes of this Act, cancel the endorsement made upon such folio under the said subsection.

(4) The Director may exercise his powers under subsections (1), (2) and (3) in respect of any other holding if he is satisfied that—

- (a) specific areas of such holding were, on the appointed day, being occupied by the respective registered co-proprietors; and
- (b) each occupied area is referred to in a document of original title in the possession of the co-proprietor or co-proprietors:

Provided that no approval of the plan for subdivision shall be necessary for the purpose of this subsection or for the purpose of authorizing the survey of the new holdings so created.

(5) Notwithstanding the definition of the word “holding” in subsection 4(1), the Director may exercise powers under

subsections (1), (2) and (3) in respect of any unsurveyed land which represents the combined areas of two or more holdings if he is satisfied that such act is necessary for or in connection with the registration of a pre-executed instrument.

(6) No folio in the Interim Register may be opened by the Director under subsection (1) for any part of the said unsurveyed land unless the following conditions are satisfied:

- (a) that the amalgamation of two or more holdings has been duly approved by the proper authority before the appointed day; and
 - (b) that the application for amalgamation survey has been lodged with the appropriate authority.
-

FIRST SCHEDULE

FORMS

FORM A—DELEGATION BY THE DIRECTOR

[Subsection 9(2)]

In exercise of the powers conferred on me by subsection 9(2) of the National Land Code (Penang and Malacca Titles) Act 1963, I delegate to.....

..... *all the powers conferred on me by this Act
*the following powers conferred on me by this Act

*subject to the following conditions and restriction:

*and generally/with respect to the following holding:

Dated this day of 20
Director of Land Titles

* Amend as necessary.

FORM B—APPLICATION FOR APPEAL TO THE BOARD

[Section 15]

To the Secretary to the Land Titles Appeal Board,

.....

PURSUANT to section 15 of the National Land Code (Penang and Malacca Titles) Act 1963, I appeal against the following decision given by the Director of Land Titles on the day of 20

(here set out the substance of the decision)

on the following grounds, namely:

(here set out the substance of the grounds of appeal)

2. I adduce the following documents in support of my appeal:

(here set out list of documents)

and am prepared to call the following witnesses in support thereof:
(here specify names and addresses of witnesses)

Dated this day of 20

.....
*Signature of person aggrieved or his
advocate and solicitor*

Address

.....

FORM C—APPLICATION CONCERNING BOUNDARIES

[Section 28]

To the Director of Land Titles,

.....

PURSUANT to section 28 of the National Land Code (Penang and
Malacca Titles) Act 1963, I,
..... (full name)
of (address)
claim that the boundary marks relating to the following holding:
..... (here include a
reference to the lot number and description of the holding) is incorrectly placed.

2. My interest in the said holding is as follows:
(here specify nature of interest)

and the following are the grounds of my claim:
(here specify such grounds)

3. I adduce the following evidence in support of my claim:
(here specify such evidence and annex to the application any documents in
support thereof and the names and addresses of any witnesses supporting the
application)

Dated thisday of 20.....

.....
*Signature of claimant or his
advocate and solicitor*

FORM D—FORM OF INTERIM REGISTER

[Paragraph 31(3)(b)]

Area HOLDING No.

Survey Particulars

Original Tenure Replacement Title.....

Registered Mortgages or Leases }

Other Known Incumbrances

Proprietor or Proprietors }

Registry Officer

Title continued in register entered this day.

Director of Land Titles

FORM E—CLAIM RELATING TO REPLACEMENT TITLE

[Subsection 53(1)]

To the Director of Land Titles,

.....

PURSUANT to section 53 of the National Land Code (Penang and Malacca Titles) Act 1963, I,

..... (full name)

of(address)

claim that—

(here insert substance of claim, in conformity with subsection 53(1))

2. The following are the grounds for my claim:
(here specify such grounds)

and I adduce the following evidence in support thereof:
(here specify such evidence)

3. I believe that the following persons may be affected by this claim:
(here insert names and addresses of such persons)

Dated this day of 20

.....
*Signature of claimant or his
advocate and solicitor*

FORM F—NOTICE OF CLAIM
[Subsection 53(3)]

To
.....

In exercise of the powers conferred on me by subsection 53(3) of the National Land Code (Penang and Malacca Titles) Act 1963, I give notice that a claim has been made under the said section in respect of
.....(here specify the lands or interests affected)
by.....(here specify the claimant).

2. The following are the grounds of such claim, and the evidence in support thereof:
(here specify such grounds and evidence)

3. On the day of 20
I endorsed upon the appropriate folios of the Interim Register a notice of such claim, in accordance with subsection (2) of the said section, in consequence whereof every person dealing with the holdings comprised therein is deemed to deal with it subject to and with notice of such claim.

4. In accordance with section 54 of the said Act you may either admit such claim or, within one month of the date on which this notice is served upon you, object thereto, in which event an enquiry will be held pursuant to the said Act.

5. In consequence I shall be grateful if you will inform me, by writing, on or before the expiration of one month from the date of service of this notice upon you, whether you admit or object to such claim. In the event of objection, I shall also be grateful if you will submit the grounds for your objection and a note of any evidence in support thereof.

Dated this day of 20

.....
Director of Land Titles

FORM G—REFERENCE BY THE DIRECTOR

[Subsection 55(1)]

In the matter of section 55 of the National Land Code (Penang and Malacca Titles) Act 1963, and in the matter of.....

To the Register, High Court,

.....

REFERENCE BY THE DIRECTOR

WHEREAS a claim has been made to me under section 53 of the National Land Code (Penang and Malacca Titles) Act 1963, details of which are set out in the copy thereof hereunto annexed:

(Annexure A: Copy of Form E):

AND WHEREAS a question has arisen in such claim concerning—
*(here specify, with details, the question that has arisen,
in accordance with subsection 55(1))*

AND WHEREAS I consider that such question cannot be disposed of by me in exercise of the powers conferred on me by Part II of the said Act:

AND WHEREAS I have served notice on the following parties interested therein in the form set out in the copy/copies thereof hereunto annexed:

*(Annexure B: Copy of Form F):
(here specify names and addresses of parties)*

AND WHEREAS in accordance with subsection 55(2) of the said Act I have on this day entered a caveat upon the appropriate folio of the Interim Register,
viz

(here include details of folios/and holdings affected)

Now therefore IN EXERCISE of the powers conferred on me by subsection 55(1) of the said Act I refer the foregoing question to the Court for its consideration in accordance with the said section.

Dated this day of 20

.....
Director of Land Titles



FORM H—MEMORANDUM OF DISCHARGE

[Section 65]

Presentation No.

MEMORANDUM OF DISCHARGE

Replacement mortgage/charge No.
on the land comprised in
has been discharged upon payment of the sum of.....
.....ringgit..... sen
(the receipt whereof is hereby acknowledged) in satisfaction and discharge
thereof.

Dated this day of 20

.....
Signature of mortgagee or chargee

Memorial made in the Interim Register.....
.....this..... day of 20...

.....
Registrar

FORM I—NOTICE BY DIRECTOR RELATING
TO INDEFEASIBILITY

[Subsection 84(2)]

NOTICE BY THE DIRECTOR OF LAND TITLES

WHEREAS I am satisfied of the validity of the replacement title/titles to the holding/holdings described in the Schedule hereto, together with the names and addresses of the proprietors thereof:

AND WHEREAS such replacement title/titles appear to be indefeasible for the purposes of the National Land Code (Penang and Malacca Titles) Act 1963:

Now therefore IN EXERCISE OF the powers conferred on me by subsection 84(2) of the said Act I REQUIRE any person claiming any interest adverse to the title of such registered proprietor/proprietors (and whether or not any suit, action or proceeding has been brought in respect of any such claim) to present a caveat in support of such claim within six months from the date of publication of this notice.

NOTICE is hereby given that failing presentation of any caveat in due time the title/titles described will become infeasible.

Dated this day of20

.....
Director of Land Titles

THE SCHEDULE ABOVE REFERRED TO

<i>Description of holding</i>	<i>Name and addresses of proprietor</i>	<i>Replacement title</i>
-------------------------------	---	--------------------------

FORM J — APPLICATION FOR EXAMINATION OF TITLE

[Paragraph 87(2)(a)]

To the Director of Land Titles,

WHEREAS I, (*name and address*)
am registered in the Interim Register as the proprietor of the following holding:..... (*here specify holding*):

*AND WHEREAS I am seeking approval for a subdivision of such holding:

Now therefore PURSUANT to section 87 of the National Land Code (Penang and Malacca Titles) Act 1963, I apply for an examination of the replacement title to such holding and enclose herewith—

- (a) all the pre-existing deeds relating to such holding in my possession or under my control, and of which a list is annexed hereto;
- (b) a full abstract of title thereto prepared and certified by an advocate and solicitor and deduced for the period specified in subsection 82(2) of the said Act.

Dated this day of 20

.....
Applicant

* Delete if inapplicable.

FORM K — APPLICATION FOR DELIVERY OF DOCUMENTS, ETC.

[Section 91]

To the Director of Land Titles,

WHEREAS I am the proprietor of/have the following interest, viz in* the following holding

AND WHEREAS the *document/instrument specified in the Schedule hereto relating to the said holding have been impounded under section 90 of the National Land Code (Penang and Malacca Titles) Act 1963:

AND WHEREAS such *document/instrument is of historical interest/should not be impounded for the following reason(s) (here specify reasons in support of application):

Now therefore PURSUANT to section 91 of the said Act I apply for the delivery to me of such *document/instrument.

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

..... Applicant

* Amend as necessary.

FORM L — ADVANCE CERTIFICATE OF TITLE

[Paragraph 92(1)(a)]

THE STATE OF

ADVANCE CERTIFICATE OF TITLE

Holding No..... Mukim Township

The replacement title to the land comprised in the above holding is indefeasible with effect from theday of 20..... In due course a final document of title will be issued in the form of

At the time of the issue of this certificate the registered title and interest are:

- Proprietor
- Charges
- Leases
- Known Incumbrances

.....
Director of Land Titles

FORM M — NATIONAL LAND CODE (PENANG AND MALACCA TITLES) ACT 1963

NOTICE TO A COMPANY TO RESTORE ITSELF AS A MALACCA CUSTOMARY LAND COMPANY

[Section 108B]

To
of

Proprietor of the land scheduled below.

Whereas, I, the undersigned, am satisfied that you have ceased to be a Malacca Customary Land company in that—

.....
.....
.....

(Here describe how the company has ceased to be a Malacca Customary Land company).

Now, therefore, in exercise of the powers conferred by section 108B of the National Land Code (Penang and Malacca Titles) Act 1963, I require you within a period offrom the date of this notice to take the following action to restore yourself as a Malacca Customary Land company:

.....
.....

Dated this day of 20

.....
Land Administrator

(L.S.)

District of

SCHEDULE OF LAND

*Town/Village/Mukim *Lot/L.O. No
Description and No. of Title Area

* Delete as appropriate.

FORM N

NATIONAL LAND CODE (PENANG AND MALACCA TITLES)
ACT 1963

NOTICE TO SHOW CAUSE

[Section 108c]

To

of

Proprietor of the land scheduled below.

Whereas, I, the undersigned, am satisfied that you have ceased to be a Malacca Customary Land company in that—

.....
.....
.....

(Here describe how the company has ceased to be a Malacca Customary Land company).

And whereas—

*(a) I am of the opinion that the taking of action under section 108b of the National Land Code (Penang and Malacca Titles) Act 1963, would not be appropriate;

*(b) you have failed to comply with the notice served on you under section 108b of the National Land Code (Penang and Malacca Titles) Act 1963, requiring you to restore yourself as a Malacca Customary Land company.

Now, therefore, in exercise of the powers conferred by section 108c of the National Land Code (Penang and Malacca Titles) Act 1963, I require you to appear before me on the day of 20

at hours at to show cause why I should not forthwith declare the land forfeit to the State Authority.

Dated this..... day of20.....

.....
Land Administrator

(L.S.)

District of

SCHEDULE OF LAND

* Town/Village/Mukim *Lot/L.O. No
Description and No. of Title Area

SUPPLEMENT

To
of

*Chargee/Lessee/Sublessee/Tenant/Lienholder/Caveator

TAKE NOTICE that if you wish to show cause why the above land should not be declared forfeit, you should appear at the time and place specified above.

Dated this day of 20.....

.....
Land Administrator

(L.S.)

District of.....

* Delete as appropriate.

FORM O

NATIONAL LAND CODE (PENANG AND MALACCA TITLES)
ACT 1963

NOTICE OF REVERSION TO THE STATE AUTHORITY

[Section 108D]

Whereas, pursuant to section 108c of the National Land Code (Penang and Malacca Titles) Act 1963, the land scheduled below has by order been declared forfeit to the State Authority.

Notice is given that such forfeiture has this day taken effect and that, in consequence of the said land vesting in the State Authority—

- (a) any title or interest in the land heretofore subsisting or capable of arising is extinguished; and
- (b) the issue document of title to the land is void and is impoundable by the State.

Dated thisday of 20

.....
Land Administrator

(L.S.)

District of

SCHEDULE OF FORFEITED LAND

*Town/Village/ Mukim	*Lot/L.O. No.	Description and No. of Title	Area

* Delete as appropriate.

SECOND SCHEDULE

(Deleted by Act 55 of 1965)

THIRD SCHEDULE

[Section 45]

CONDITIONS OF REPLACEMENT TITLES

1. Where a pre-existing grant or lease was issued *after the first day of January 1936*, the replacement title shall not be subject to any condition under this Schedule.

2. Where the pre-existing title, not being one to which paragraph 3 applies, was issued *not later than the first day of January 1936*, the replacement title shall be subject to the following condition, which shall be known as Condition A:

“The land comprised in this title shall not be affected by any provision of the National Land Code or any other written law prohibiting mining or the removal of specified materials beyond the boundaries of the land, except a provision prohibiting the prospecting for and extraction of mineral oil.”

3. Where the pre-existing title was granted *before the fourth day of May 1907*, the replacement title shall be subject to the following condition, which shall be known as Condition B:

“The land comprised in this title shall not be affected by any provision of the National Land Code or any other written law prohibiting mining or the removal of specified materials beyond the boundaries of the land.”

4. Where the pre-existing title was granted *before the second day of December 1915*, then, in the absence of an express condition thereon making the land subject to re-entry for the purposes of a right of way, the replacement title shall be subject to the following condition additional to that set out in paragraph 2 or 3, which shall be known as Condition C:

“The land comprised in this title shall not be affected by any provision of the National Land Code limiting the compensation payable on the creation of a Land Administrator’s right of way to compensation for damage in respect of trees, crops or buildings.”

5. Paragraphs 1 to 4 shall not apply in respect to a grant (first grade), which shall instead be subject to the following condition:

“The land comprised in this title—

- (a) shall not be affected by any provision of the National Land Code limiting the compensation payable on the exercise by the State Authority of a right of access or use conferred by Chapter 3 of Part Three of the Code or on the creation of a Land Administrator’s right of way; and
- (b) subject to the implied condition that land is liable to be re-entered if it is abandoned for more than three years, shall revert to the State only if the proprietor for the time being dies without heirs,

and the title shall confer the absolute right to all forest produce and to all oil, mineral and other natural deposits on or below the surface of the land (including the right to work or extract any such produce or deposit and remove it beyond the boundaries of the land).”

FOURTH SCHEDULE

[Section 64]

PART I—GENERAL

Interpretation

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

“charge” includes mortgage;

“issue document of title” includes, in relation to any holding to which the title has not yet become indefeasible under this Act, all the pre-existing deeds relating to the title to such holding;

“land” includes any immovable property;

“Part” means a Part of this Schedule;

“prescribed form” means any form prescribed by or under this Act or, if no such form is so prescribed, any form prescribed by or under the National Land Code;

“Register” means the Interim Register.

Saving relating to contract

2. Nothing in this Schedule shall be deemed to derogate from any remedy that may be available to any chargee under any charge pursuant to any contractual obligation.

3. *(Deleted by Act 55 of 1965).*

4. *(Deleted by Act 55 of 1965).*

5. *(Deleted by Act 55 of 1965).*

PART II—POWERS OF CHARGING

6. *(Deleted by Act 55 of 1965).*

7. *(Deleted by Act 55 of 1965).*

PART III—IMPLIED CONDITIONS

8. *(Deleted by Act 55 of 1965).*

9. *(Deleted by Act 55 of 1965).*

PART IV—POWER OF SALE

Notice of sale

10. (1) If default is made—

- (a) in the payment of the principal sum, interest, annuity or rent-charge, or any part thereof, secured by any charge; or
- (b) in the observance of any covenant or condition expressed in the memorandum of charge or implied therein under this Act,

and such default is continued for the space of one month, or for such other period as may be expressed in the memorandum of charge, the chargee may serve upon the chargor a notice in the prescribed form.

(2) Any notice served under subparagraph (1) shall—

- (a) specify the following particular default or defaults that may have been made:
 - (i) default in the payment of the principal sum, interest, annuity or rent-charge, or any part thereof, secured by the charge; or
 - (ii) default in the observance of any covenant or condition expressed in the memorandum of charge or implied therein under this Act;
- (b) require the chargor within one month, or such other period as may be expressed in the memorandum of charge—
 - (i) to pay all the money then due or owing on such memorandum of charge; or
 - (ii) to observe the covenants and conditions therein expressed or implied; and
- (c) warn the chargor that in default of compliance therewith a sale of the land will be effected.

(3) Whenever any money is secured by a memorandum of charge, and such sum is by such memorandum made payable on demand—

- (a) such demand shall be made by serving upon the chargor a written notice in the prescribed form;
- (b) such notice may be served on the chargor although no default in payment has been made.

(4) Any notice served under subparagraph (1) or (3) shall be served in the manner prescribed by the National Land Code for the service of notices thereunder.

Transfer after notice

11. If after the service of any notice under paragraph 10 the land comprised in the memorandum of charge referred to therein is transferred subject to such memorandum of charge, then such notice shall be as valid and effectual

against any subsequent proprietor of such land as against the original chargor thereof.

Protection of purchaser

12. (1) The receipt or receipts in writing of a chargee exercising any power of sale conferred hereunder shall be a sufficient discharge to any purchaser of any land, parcel or interest sold pursuant to paragraph 16 for so much of his purchase money as may be thereby expressed to be received.

(2) No purchaser referred to in subparagraph (1) shall be answerable for any loss, misapplication or non-application, or be obliged to see to the application of the purchase money paid by him, nor shall he be concerned to enquire as to the fact of any default or notice having been made or given as aforesaid.

Application of purchase money

13. The purchase money arising from any sale under this Schedule shall be applied—

- (a) firstly, in payment of any rent or fees due to the State;
- (b) secondly, in payment of the expenses occasioned by such sale;
- (c) thirdly, in payment of the moneys which may then be due or owing to the chargee;
- (d) 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.

Powers under Part V to be additional to power of sale

14. The powers conferred upon a chargee by this Part may be exercised without prejudice to Part V, and no chargee shall be debarred from exercising any such powers by reason of the fact—

- (a) that he may in such circumstances exercise any powers conferred on him by Part V; or
- (b) that he has already exercised or is exercising any of the powers conferred on him by Part V.

Chargee not answerable for involuntary loss

15. A chargee shall not be answerable for any involuntary loss happening in or about the exercise or execution of the power of sale conferred by this Schedule or of any trust connected therewith.

Power of sale, etc.

16. (1) Where any default in payment or in the observance of any covenant or condition, as the case may be, continues for the period of one month after the service of any notice under paragraph 10, or for such other period as may be specified in the memorandum of charge, the chargee shall be at liberty to sell and is authorized and empowered, in accordance with this Act—

- (a) to sell the land charged, or any parcel thereof which is under a separate title or which has been duly surveyed for the purposes of subdivision, and all the interest therein of the chargor, either by public auction or private contract, and subject to such conditions as he may think fit;
- (b) to buy in and resell such land without being liable for any loss occasioned thereby;
- (c) to make and execute all such instruments as shall be necessary for effecting the sale of such land.

(2) All sales, contracts, matters and things authorized under subparagraph (1) shall be as valid and effectual as if they had been made, done or executed by the chargor.

Notice of sale

17. (1) A chargee at liberty to sell may prepare a notice in the prescribed form declaring that he will sell the charged land on or after a specified day which shall not be less than one month from the date of the service of such notice upon the chargor.

(2) Every notice prepared under subsection (1) shall be served on—

- (a) the chargor;
- (b) every other chargee, whether or not his charge is prior or subsequent to that of the chargee serving such notice;
- (c) the Registrar.

Tender after notice of sale

18. (1) At any time before the date specified in any notice served under subparagraph 17(1) the chargor or any chargee referred to in subsubparagraph (2)(b) of such section may tender to the chargee preparing such notice; or to any auctioneer or agent acting in his behalf, payment of all the outstanding sums secured by the charge, together with all interest due thereon and all the costs incurred by the chargee in proceedings under this Act.

(2) Where any payment under subsection (1) is tendered—

- (a) by the chargor the chargee shall upon receipt thereof discharge the charge;

- (b) by any chargee referred to in subsubparagraph 17(2)(b) the chargee shall upon receipt thereof transfer the charge to the chargee making such payment.

Registrar to give effect to sale by chargee

19. (1) Upon the completion of any sale under this Part the chargee shall transfer the land sold to the purchaser by completing a memorandum of dealing in the prescribed form.

(2) The Registrar shall register any memorandum of dealing executed by a chargee pursuant to subparagraph (1), and upon such registration the estate or interest of the chargor, as therein described to be transferred, shall pass to and vest in the purchaser freed and discharged from all liability on account of such charge or of any charge registered subsequent thereto.

PART V

POWER TO ENTER INTO POSSESSION

Powers not to prejudice power of sale

20. The powers conferred upon a chargee by this Part may be exercised without prejudice to Part IV.

Power to enter into possession

21. (1) If default is made in the payment of the principal sum, interest, annuity or rent-charge, or any part thereof secured by any charge, and such default is continued for the space of one month, or for such other period as may be expressed in the memorandum of charge, the chargee may after serving upon the tenant or occupier or other person liable to pay or account for the rents and profits thereof a notice in the prescribed form, enter into possession of the charged land or any part thereof—

- (a) by receiving the rents and profits therefor; or
(b) by appointing a receiver of the income of the said land.

(2) Upon the service of any notice pursuant to subparagraph (1) all the powers and remedies of the chargor in regard to the receipt and recovery of and the giving of discharges for any rents and profits (including any rents due but not paid prior to the service of such notice) shall be suspended and transferred to the chargee or receiver, as the case may be, and such notice shall continue in force, until—

- (a) the notice is withdrawn by the chargee; or
(b) the charge shall be satisfied and the discharge thereof duly registered.

Effect of entry into possession

- 22.** During the continuance in force of any notice under paragraph 21—
- (a) the receipt in writing of the chargee or receiver, as the case may be, shall be a sufficient discharge for any rents and profits therein expressed as having been received;
 - (b) no person paying such rents and profits shall be bound to enquire concerning any default or other circumstance affecting the right of the person giving such notice beyond the fact of his being duly registered as chargee of the land;
 - (c) any person who in contravention of such notice shall pay any rents or profits to the chargor shall notwithstanding such payment remain liable to the chargee or receiver, as the case may be, for the whole of any such rents or profits;
 - (d) a person paying money to the chargee or receiver shall not be concerned to inquire whether any case has happened to authorize the chargee or receiver to act;
 - (e) any rents and profits received shall be applied—
 - (i) in discharge of all rents, taxes, rates and outgoings affecting the charged land;
 - (ii) in keeping down all annual sums or other payments, and the interest on all principal sums, having priority to the charge in right whereof such rents and profits are received;
 - (iii) in payment of any commission (not exceeding five per centum on the gross amount of all money received) due to the receiver, if any;
 - (iv) in payment of the premiums on any fire or other insurances properly payable under the memorandum of charge;
 - (v) in payment of the cost of executing necessary or proper repairs under the memorandum of charge; and
 - (vi) in payment of the interest accruing due in respect of any principal sum due under the charge,

and the residue thereof shall be paid to the person who, but for the entry into possession upon the charged land, would have been entitled to the income thereof, or who is otherwise entitled to such land.

Chargee of leasehold land in possession liable to lessor

23. Any chargee of leasehold land, or any person claiming such land as a purchaser or otherwise from or under such chargee shall, after entering into possession of any such land during such possession (but only to the extent of any benefit, rents or profits received by him) become and be subject and liable to the lessor of such land, or to the person for the time being entitled

to such lessor's estate or interest therein, to the same extent as the lessee or tenant was subject to and liable therefor prior to such chargee or other person entering into possession of the said land or the receipt of the rents and profits thereof.

Saving relating to orders of Court, etc.

- 24.** Nothing in this Part shall—
- (a) interfere with the effect of any rule, order or judgment of any Court in regard to the payment of rent under the special circumstances of any case; or
 - (b) prejudice any remedy of the chargor against the chargee for wrongful entry into possession or for an account.
- 25.** *(Omitted).*

PART VI— DISCHARGE

- 26.** *(Deleted by Act 56 of 1965).*
- 27.** *(Deleted by Act 56 of 1965).*
- 28.** *(Deleted by Act 56 of 1965).*
- 29.** *(Deleted by Act 56 of 1965).*

FIFTH SCHEDULE
[Section 118]

REPEALS

	<i>Ordinance</i>	<i>Extent of Repeal</i>
Cap. 115	Resumption of Crown Rights, Malacca, Ordinance	The whole Ordinance
Cap. 118	Conveyancing and Law of Property Ordinance	Parts II, III, IV, V, XI, (excluding sections 62 to 66), XIII and XV
Cap. 121	Registration of Deeds Ordinance	The whole Ordinance
Cap. 126	Mutations in Titles to Land Ordinance	The whole Ordinance

	<i>Ordinance</i>	<i>Extent of Repeal</i>
Cap. 127	Malacca Lands Ordinance	The whole Ordinance
Cap. 130	Boundaries and Survey Maps Ordinance	The whole Ordinance
Cap. 132	Malacca Re-Surveys Ordinance	The whole Ordinance
35 of 1938	Bodies Corporate (Joint Tenancy) Ordinance 1938	The whole Ordinance
57 of 1950	Penang Corrected Re-Surveys Ordinance 1950	The whole Ordinance

SIXTH SCHEDULE

[Section 108]

PERSONS TO WHOM OR BODIES TO WHICH LAND SUBJECT
TO PART VIII MAY BE CHARGED

1. Minister of Finance.
2. Federal Lands Commissioner.
3. Majlis Amanah Rakyat.
4. The Housing Trust.
5. Bank Bumiputra Malaysia Berhad.
6. Bank Pembangunan Malaysia Berhad.
7. Lembaga Padi dan Beras Negara.
8. Bumiputra Merchant Bankers Berhad.
9. Malayan Banking Berhad.
10. Bank Pertanian.
11. Bank Kerjasama Rakyat Malaysia.
12. Petroliam National Berhad.
13. Southern Bank Berhad.
14. Public Bank Berhad.
15. Malaysia Borneo Finance Corporation (M) Berhad.
16. Sabah Bank Berhad.
17. The Co-Operative Central Bank Ltd.
18. Lembaga Pelabuhan Kelang.

19. Koperasi Guru-Guru Melayu Melaka Berhad.
20. Petronas Dagangan Sdn. Bhd.
21. Yayasan Melaka.
22. Perwira Habib Bank.
23. Perbadanan Kemajuan Negeri Melaka.
24. Lembaga Letrik Negara.
25. Perbadanan Pembangunan Bandar.
26. Lembaga Pemulihan dan Penyatuan Tanah Negara.
27. Bank Islam.
28. Setiausaha Kerajaan Melaka.
29. Pembangunan Pertanian Melaka Sdn. Bhd.
30. Rubber Industry Smallholders Development Authority (RISDA).
31. Chung Khiaw Bank.
32. United Malayan Banking Corporation Bhd.
33. United Asian Bank.
34. The Malayan Finance Corporation Bhd. Ltd.
35. Malayan United Finance Bhd.
36. Public Finance Bhd.
37. Malaysia Building Society Bhd.
38. Kewangan Bumiputra Berhad.
39. Malaysia National Insurance Sdn. Bhd.
40. Talasco Insurance Sdn. Bhd.
41. Majlis Perbandaran Melaka Tengah.
42. The Oriental Bank.
43. The Government of Malaysia (Kerajaan Malaysia).
44. Majlis Agama Islam Melaka.
45. Permodalan Nasional Berhad (PNB).
46. Heavy Industries Corporation of Malaysia Bhd. (Hicom).
47. Oversea Chinese Banking Corporation Limited.
48. Kwong Yik Bank Berhad.
49. Koperasi Polis Diraja (Malaysia) Bhd.
50. Kewangan Usaha Bersatu Berhad.
51. Lee Wah Bank.

52. Lembaga Urusan dan Tabung Haji.
53. Amanah International Finance Sdn. Bhd.
54. Malaysian International Finance Berhad.
55. Malaysian French Bank Berhad.
56. Arab Malaysian Merchant Bank Berhad.
57. Arab Malaysian Finance Berhad.
58. Malaysia Credit Finance Berhad.
59. Koperasi Wanita Melaka Berhad.
60. The Pacific Bank Berhad.
61. Koperasi Pekerja-Pekerja Melayu Melaka Bhd.
62. ESSO Malaysia Bhd.
63. Kumpulan Guthrie Sdn. Bhd.
64. State Secretary Selangor (Incorporation).
65. Development and Commercial Bank Bhd.
66. Visia Finance Bhd.
67. Kompleks Kewangan Malaysia Bhd.
68. Lembaga Kumpulan Wang Simpanan Pekerja.
69. UMBC Finance Bhd.
70. Cagamas Bhd.
71. PETMAL Sdn. Bhd.
72. Bank Utama (Malaysia) Bhd.
73. Utusan Melayu (Malaysia) Bhd.
74. Cempaka Finance Bhd.
75. Perbadanan Kemajuan Getah Malaysia Bhd. (MARDEC).
76. Syarikat Telekom Malaysia Bhd.
77. SHELL Malaysia Trading Sdn. Bhd.
78. KCB Finance Bhd.
79. D & C Finance Bhd.
80. Affin Finance Bhd.
81. Malaysian Industrial Development Finance Bhd. (MIDF).
82. MUI Bank Berhad.
83. MBF Finance Bhd.
84. CALTEX Oil Malaysia Limited.

85. Bank Simpanan Nasional.
86. Tenaga Nasional Bhd.
87. Telekom Malaysia Bhd.
88. Bank of Commerce (M) Berhad.
89. Kewangan Industri Berhad.
90. Mayban Finance Berhad.
91. Oriental Bank Berhad.
92. Mobil Oil Malaysia Sdn. Bhd.
93. Perbadanan Kemajuan Tanah Adat Melaka.
94. Hongkong and Shanghai Banking Corporation Limited.
95. Lembaga Pengelola Dewan Bahasa dan Pustaka.
96. Oriental Finance Berhad.
97. BBMB Kewangan Berhad.
98. Petronas Dagangan Berhad.
99. The Malaysian Co-operative Insurance Society Ltd.
100. Hongkong Bank Malaysia Berhad.
101. Chung Khiaw Bank (Malaysia) Berhad.
102. Koperasi Muslim Malaysia Berhad.
103. Pertubuhan Keselamatan Sosial.
104. OCBC Bank Malaysia Berhad.
105. United Merchant Finance Berhad.
106. Bank Islam Malaysia Berhad.
107. Arab Malaysian Eagle Assurance Berhad.
108. Persatuan Nelayan Kawasan Melaka.
109. United Overseas Bank (Malaysia) Berhad.
110. Hong Leong Finance Berhad.
111. Perwira Affin Bank Berhad.
112. EON Finance Berhad.
113. BSN Commercial Bank Malaysia Berhad.
114. Arab-Malaysian Assurance Berhad.
115. Kewangan Bersatu Berhad.
116. Perbadanan Usahawan Nasional Berhad.
117. DCB Bank Berhad.
118. Amanah Merchant Bank Berhad.

119. Kwong Yik Finance Berhad.
120. Allied Bank (Malaysia) Bhd.
121. Multi-Purpose Finance Berhad.
122. Arab-Malaysian Bank Berhad.
123. EON Bank Berhad.
124. Ketua Menteri Melaka.
125. Koperasi Majlis Agama Islam Melaka.
126. Pembangunan Pembinaan Melaka Sdn. Bhd.
127. Overseas Union Bank (Malaysia) Berhad.
128. Sime Bank Berhad.
129. BSN Finance Berhad.
130. Perwira Affin Merchant Bank Berhad.
131. Phileo Allied Bank (Malaysia) Berhad.
132. RHB Finance Berhad.
133. Bank Pertanian Malaysia.
134. Bank Kerjasama Rakyat Malaysia Berhad.
135. Syarikat Takaful Malaysia Berhad.
136. BP Malaysia Sdn. Bhd.
137. Setiausaha Kerajaan Johor.
138. Hong Leong Bank Berhad.
139. Amanah Finance Malaysia Berhad.
140. Sime Finance Berhad.
141. RHB Bank Berhad.
142. Koperasi Majlis Agama Islam Melaka Berhad.
143. Pembiayaan Perumahan Nasional Sdn. Bhd. (PPN).
144. Credit Corporation (Malaysia) Berhad.
145. Perdana Finance Berhad.
146. Pengurusan Danaharta Nasional Berhad.
147. BBMB Securities Sdn. Bhd.
148. HSBC Bank Malaysia Berhad.
149. Lembaga Tabung Haji.
150. Danaharta Managers Sdn. Bhd.
151. Danaharta Urus Sdn. Bhd.

152. Bank Industri Malaysia Berhad.
153. Malaysia Assurance Alliance Berhad.
154. Malaysia Airports Sdn. Bhd.
155. Amanah General Insurance Berhad.
156. Bank Muamalat Malaysia Berhad.
157. Bumiputra-Commerce Bank Berhad.
158. Multi Purpose Bank Berhad.
159. Asia Commercial Finance (M) Sdn. Bhd.
160. Kuala Lumpur Stock Exchange.
161. Bank Pembangunan Dan Infrastruktur Malaysia Berhad (BPIMB).
162. Setiausaha Kerajaan Negeri Selangor (Pemerbadanan).
163. Affin Bank Berhad.
164. Alliance Bank Malaysia Berhad.
165. Arab-Malaysian Assurance Berhad.
166. Pertubuhan Keselamatan Social (PERKESO).
167. Bank Negara Malaysia.
168. Southern Finance Berhad.
169. Koperasi Guru-Guru Melayu Kedah Berhad.
170. AmBank Berhad.
171. AmFinance Berhad.
172. Affin-ACF Finance Berhad.
173. Credit Guarantee Corporation Malaysia Berhad.
174. Lembaga Tabung Angkatan Tentera.
175. Pembangunan Sumber Manusia Berhad.
176. Cagamas MBS Berhad.
177. Suruhanjaya Syarikat Malaysia.
178. Syarikat Perumahan Negara Berhad.
179. RHB Islamic Bank Berhad.

SEVENTH SCHEDULE

[Sections 108 and 109B]

PERSONS TO WHOM OR BODIES TO WHICH LAND SUBJECT
TO PART VIII MAY BE TRANSFERRED OR DISPOSED OF

1. Yayasan Melaka.
2. Setiausaha Kerajaan Melaka.
3. Perbadanan Pembangunan Bandar.

4. Pembangunan Pertanian Melaka Sdn. Bhd.
5. Perbadanan Kemajuan Negeri Melaka.
6. Majlis Agama Islam Melaka.
7. Majlis Amanah Rakyat.
8. Federal Lands Commissioner.
9. Koperasi Wanita Melaka Berhad.
10. Kompleks Kewangan Malaysia.
11. PETRONAS Penapisan (Melaka) Sdn. Bhd.
12. PETMAL Sdn. Bhd.
13. PETRONAS Dagangan Sdn. Bhd.
14. Koperasi Pekerja-Pekerja Melayu Melaka Bhd.
15. Koperasi Homeopathy Melaka Bhd.
16. EON Properties Sdn. Bhd.
17. Bank Pertanian Malaysia.
18. Shapadu Kontena Sdn. Bhd.
19. Lembaga Kebajikan Perempuan Islam Perhubungan Negeri Melaka.
20. Perbadanan Kemajuan Tanah Adat Melaka.
21. Syarikat Kerjasama Serbaguna Sungai Rambai Berhad.
22. Petronas Dagangan Berhad.
23. Syarikat Kerjasama Serbaguna Guru-Guru Ugama Negeri Melaka Berhad.
24. Persatuan Nelayan Kawasan Melaka.
25. Bank Islam Malaysia Berhad.
26. Koperasi Polis DiRaja Malaysia Berhad.
27. Koperasi Pekebun Kecil Negeri Melaka.
28. Pertubuhan Peladang Kawasan Masjid Tanah.
29. Ketua Menteri Melaka.
30. Pertubuhan Peladang Kawasan Melaka Tengah.
31. Koperasi Majlis Agama Islam Melaka.
32. Pembangunan Pembinaan Melaka Sdn. Bhd.
33. Tenaga Nasional Berhad.
34. Koperasi Majlis Agama Islam Melaka Berhad.
35. Pengurusan Danaharta Nasional Berhad.
36. Perbadanan Air Melaka.

37. Danaharta Managers Sdn. Bhd.
 38. Danaharta Urus Sdn. Bhd.
 39. Pertubuhan Peladang Kawasan Merlimau.
 40. Koperasi Majuera Melaka Berhad.
 41. Bank Negara Malaysia.
 42. Lembaga Tabung Angkatan Tentera.
 43. Majlis Bandaraya Melaka Bersejarah.
-

LAWS OF MALAYSIA**Act 518****NATIONAL LAND CODE (PENANG AND MALACCA
TITLES) ACT 1963**

LIST OF AMENDMENTS

Amending law	Short title	In force from
Act 55/1965	National Land Code (Penang and Malacca Titles) (Amendment) Act 1965	01-01-1966
Act 11/1968	National Land Code (Penang and Malacca Titles) (Amendment) Act 1968	04-04-1968
Act A113	National Land Code (Penang and Malacca Titles) (Amendment) Act 1972	04-04-1972
Act A385	National Land Code (Penang and Malacca Titles) (Amendment) Act 1977	18-03-1977
Act A597	National Land Code (Penang and Malacca Titles) (Amendment) Act 1984	07-09-1984
Act A649	National Land Code (Penang and Malacca Titles) (Amendment) Act 1986	16-05-1986
Act A731	National Land Code (Penang and Malacca Titles) (Amendment) Act 1989	05-05-1989
Act A829	National Land Code (Penang and Malacca Titles) (Amendment) Act 1992	17-07-1992

LAW OF MALAYSIA

Act 518

NATIONAL LAND CODE (PENANG AND MALACCA TITLES) ACT 1963

AMENDMENT TO SIXTH AND SEVENTH SCHEDULES

Amending Law	Short title	In force from
Malacca P.U. 24/1984	National Land Code Act (Penang and Malacca Titles) Order 1984	01-01-1985
Malacca P.U. 9/1985	National Land Code Act (Penang and Malacca Titles) Order 1985	13-09-1985
Malacca P.U. 4/1986	National Land Code Act (Penang and Malacca Titles) Order 1986	11-04-1986
Malacca P.U. 7/1986	National Land Code Act (Penang and Malacca Titles) Order 1986	05-06-1986
Malacca P.U. 9/1986	National Land Code Act (Penang and Malacca Titles) Order 1986	26-09-1986
Malacca P.U. 10/1986	National Land Code Act (Penang and Malacca Titles) Order 1986	21-11-1986
Malacca P.U. 11/1986	National Land Code Act (Penang and Malacca Titles) Order 1986	21-11-1986
Malacca P.U. 15/1986	National Land Code Act (Penang and Malacca Titles) Order 1986	26-12-1986
Malacca P.U. 3/1987	National Land Code Act (Penang and Malacca Titles) Order 1987	27-02-1987
Malacca P.U. 4/1987	National Land Code Act (Penang and Malacca Titles) Order 1987	24-04-1987
Malacca P.U. 5/1987	National Land Code Act (Penang and Malacca Titles) Order 1987	03-07-1987
Malacca P.U. 9/1987	National Land Code Act (Penang and Malacca Titles) Order 1987	28-08-1987
Malacca P.U. 10/1987	National Land Code Act (Penang and Malacca Titles) Order 1987	28-08-1987

Amending Law	Short title	In force from
Malacca P.U. 14/1987	National Land Code Act (Penang and Malacca Titles) Order 1987	06-11-1987
Malacca P.U. 3/1988	National Land Code Act (Penang and Malacca Titles) Order 1988	04-03-1988
Malacca P.U. 15/1988	National Land Code Act (Penang and Malacca Titles) Order 1988	22-07-1988
Malacca P.U. 16/1988	National Land Code Act (Penang and Malacca Titles) Order 1988	02-09-1988
Malacca P.U. 37/1989	National Land Code Act (Penang and Malacca Titles) Order 1989	10-11-1989
Malacca P.U. 38/1989	National Land Code Act (Penang and Malacca Titles) Order 1989	22-12-1989
Malacca P.U. 7/1990	National Land Code Act (Penang and Malacca Titles) Order 1990	02-03-1990
Malacca P.U. 8/1990	National Land Code Act (Penang and Malacca Titles) Order 1990	02-03-1990
Malacca P.U. 20/1990	National Land Code Act (Penang and Malacca Titles) Order 1990	08-06-1990
Malacca P.U. 1/1991	National Land Code Act (Penang and Malacca Titles) Order 1991	15-03-1991
Malacca P.U. 13/1991	National Land Code Act (Penang and Malacca Titles) Order 1991	19-07-1991
Malacca P.U. 14/1991	National Land Code Act (Penang and Malacca Titles) Order 1991	13-09-1991
Malacca P.U. 22/1991	National Land Code Act (Penang and Malacca Titles) Order 1991	22-11-1991
Malacca P.U. 23/1991	National Land Code Act (Penang and Malacca Titles) Order 1991	22-11-1991
Malacca P.U. 21/1992	National Land Code Act (Penang and Malacca Titles) Order 1992	31-07-1992
Malacca P.U. 22/1992	National Land Code Act (Penang and Malacca Titles) Order 1992	31-07-1992
Malacca P.U. 23/1992	National Land Code Act (Penang and Malacca Titles) Order 1992	18-12-1992

National Land Code (Penang and Malacca Titles) 115

Amending Law	Short title	In force from
Malacca P.U. 1/1993	National Land Code Act (Penang and Malacca Titles) Order 1993	05-02-1993
Malacca P.U. 4/1993	National Land Code Act (Penang and Malacca Titles) Order 1993	02-12-1993
Malacca P.U. 7/1993	National Land Code Act (Penang and Malacca Titles) Order 1992	23-07-1993
Malacca P.U. 8/1993	National Land Code Act (Penang and Malacca Titles) Order 1992	23-07-1993
Malacca P.U. 9/1993	National Land Code Act (Penang and Malacca Titles) Order 1992	23-07-1993
Malacca P.U. 14/1993	National Land Code Act (Penang and Malacca Titles) Order 1993	01-10-1993
Malacca P.U. 18/1993	National Land Code Act (Penang and Malacca Titles) Order 1993	24-12-1993
Malacca P.U. 2/1994	National Land Code Act (Penang and Malacca Titles) Order 1993	18-03-1994
Malacca P.U. 3/1994	National Land Code Act (Penang and Malacca Titles) Order 1993	18-03-1994
Malacca P.U. 7/1994	National Land Code Act (Penang and Malacca Titles) Order 1994	27-05-1994
Malacca P.U. 11/1994	National Land Code Act (Penang and Malacca Titles) Order 1994	22-07-1994
Malacca P.U. 15/1994	National Land Code Act (Penang and Malacca Titles) Order 1994	19-08-1994
Malacca P.U. 24/1994	National Land Code Act (Penang and Malacca Titles) Order 1994	14-10-1994
Malacca P.U. 25/1994	National Land Code Act (Penang and Malacca Titles) Order 19894	14-10-1994
Malacca P.U. 1/1995	National Land Code (Penang and Malacca Titles) Order 1995	17-02-1995
Malacca P.U. 2/1995	National Land Code (Penang and Malacca Titles) Order 1995	31-03-1995
Malacca P.U. 5/1995	National Land Code (Penang and Malacca Titles) Order 1995	04-08-1995

Amending Law	Short title	In force from
Malacca P.U. 8/1995	National Land Code (Penang and Malacca Titles) (No. 4) Order 1995	24-11-1995
Malacca P.U. 3/1996	National Land Code (Penang and Malacca Titles) Order 1996	02-08-1996
Malacca P.U. 5/1996	National Land Code (Penang and Malacca Titles) (No. 2) Order 1996	30-08-1996
Malacca P.U. 1/1997	National Land Code (Penang and Malacca Titles) Order 1997	31-01-1997
Malacca P.U. 2/1997	National Land Code (Penang and Malacca Titles) (No. 2) Order 1997	31-01-1997
Malacca P.U. 8/1997	National Land Code (Penang and Malacca Titles) Order 1997	26-09-1997
Malacca P.U. 9/1997	National Land Code (Penang and Malacca Titles) Order 1997	26-09-1997
Malacca P.U. 1/1998	National Land Code (Penang and Malacca Titles) Order 1998	16-01-1998
Malacca P.U. 2/1998	National Land Code (Penang and Malacca Titles) Order 1998	27-03-1998
Malacca P.U. 4/1998	National Land Code (Penang and Malacca Titles) Order 1998	05-06-1998
Malacca P.U. 5/1998	National Land Code (Penang and Malacca Titles) Order 1998	05-06-1998
Malacca P.U. 6/1998	National Land Code (Penang and Malacca Titles) Order 1998	31-07-1998
Malacca P.U. 7/1998	National Land Code (Penang and Malacca Titles) Order 1998	31-07-1998
Malacca P.U. 10/1998	National Land Code (Penang and Malacca Titles) Order 1998	11-09-1998
Malacca P.U. 1/1999	National Land Code (Penang and Malacca Titles) Order 1999	05-03-1999
Malacca P.U. 2/1999	National Land Code (Penang and Malacca Titles) (No. 2) Order 1999	05-03-1999

National Land Code (Penang and Malacca Titles) 117

Amending Law	Short title	In force from
Malacca P.U. 6/1999	National Land Code (Penang and Malacca Titles) (No. 3) Order 1999	16-04-1999
Malacca P.U. 19/1999	National Land Code (Penang and Malacca Titles) (No. 4) Order 1999	26-11-1999
Malacca P.U. 20/1999	National Land Code (Penang and Malacca Titles) (No. 5) Order 1999	26-11-1999
Malacca P.U. 10/2000	National Land Code (Penang and Malacca Titles) Order 2000	17-03-2000
Malacca P.U. 15/2000	Corrigendum:Malacca P.U. 10/2000	07-07-2000
Malacca P.U. 20/2000	National Land Code (Penang and Malacca Titles) Order 2000	24-11-2000
Malacca P.U. 21/2000	National Land Code (Penang and Malacca Titles) Order 2000	24-11-2000
Malacca P.U. 4/2001	National Land Code (Penang and Malacca Titles) Order 2000	13-04-2000
Malacca P.U. 7/2001	National Land Code (Penang and Malacca Titles) Order 2001	13-04-2000
Malacca P.U. 23/2002	National Land Code (Penang and Malacca Titles) Order 2000	11-10-2002
Malacca P.U. 25/2002	National Land Code (Penang and Malacca Titles) Order 2002	25-10-2002
Malacca P.U. 26/2002	National Land Code (Penang and Malacca Titles) Order 2002	25-10-2002
Malacca P.U. 5/2003	National Land Code (Penang and Malacca Titles) Order 2003	14-03-2003
Malacca P.U. 23/2003	National Land Code (Penang and Malacca Titles) Order 2003	27-06-2003
Malacca P.U. 24/2003	National Land Code (Penang and Malacca Titles) Order 2003	08-08-2003
Malacca P.U. 25/2003	National Land Code (Penang and Malacca Titles) Order 2003	08-08-2003

Amending Law	Short title	In force from
Malacca P.U. 35/2003	National Land Code (Penang and Malacca Titles) Order 2003	14-11-2003
Malacca P.U. 36/2003	National Land Code (Penang and Malacca Titles) Order 2003	14-11-2003
Malacca P.U. 23/2004	National Land Code (Penang and Malacca Titles) Order 2004	13-08-2004
Malacca P.U. 32/2004	National Land Code (Penang and Malacca Titles) Order 2004	17-12-2004
Malacca P.U. 25/2005	National Land Code (Penang and Malacca Titles) Order 2005	01-07-2005
Malacca P.U. 28/2005	National Land Code (Penang and Malacca Titles) Order 2005	22-07-2005
Malacca P.U. 41/2005	National Land Code (Penang and Malacca Titles) Order 2005	30-09-2005
Malacca P.U. 46/2005	National Land Code (Penang and Malacca Titles) Order 2005	30-12-2005
Malacca P.U. 47/2005	Corrigendum : Malacca P.U. 26/2002	30-12-2005
Malacca P.U. 48/2005	Corrigendum : Malacca P.U. 25/2003	30-12-2005
Malacca P.U. 49/2005	Corrigendum : Malacca P.U. 36/2003	30-12-2005

LAWS OF MALAYSIA

Act 518

**NATIONAL LAND CODE (PENANG AND MALACCA
TITLES) ACT 1963**

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
4	Act 55/1965	01-01-1966
5	Act 55/1965	01-01-1966
6	Act 55/1965 Act A113	01-01-1966 04-04-1972
9	Act 55/1965	01-01-1966
10	Act 55/1965	01-01-1966
23	Act 55/1965	01-01-1966
Heading of Part III	Act 55/1965	01-01-1966
25	Act 55/1965	01-01-1966
30	Act 55/1965	01-01-1966
Heading of Chapter 3 of Part III	Act 55/1965	01-01-1966
31	Act 55/1965 Act 11/1968	01-01-1966 04-04-1968
33	Act 55/1965	01-01-1966
34	Act 11/1968	04-04-1968
35	Act 55/1965	01-01-1966
36	Act 55/1965	01-01-1966
37	Act 55/1965	01-01-1966
39	Act 55/1965	01-01-1966
40	Act 55/1965	01-01-1966
41	Act 55/1965	01-01-1966
42	Act 55/1965	01-01-1966
43	Act 55/1965	01-01-1966
45	Act 55/1965	01-01-1966
46	Act 55/1965	01-01-1966

Section	Amending authority	In force from
49	Act 55/1965	01-01-1966
51	Act 55/1965	01-01-1966
52	Act 55/1965	01-01-1966
53	Act 11/1968	04-04-1968
58	Act 55/1965	01-01-1966
62	Act 55/1965	01-01-1966
63	Act 55/1965	01-01-1966
68	Act 55/1965	01-01-1966
71	Act 55/1965	01-01-1966
72	Act 55/1965	01-01-1966
73	Act 55/1965	01-01-1966
74	Act 55/1965	01-01-1966
75	Act 55/1965	01-01-1966
76	Act 55/1965	01-01-1966
77	Act 55/1965	01-01-1966
78	Act 55/1965	01-01-1966
80	Act 55/1965	01-01-1966
81	Act 55/1965	01-01-1966
82	Act 55/1965	01-01-1966
83	Act 55/1965	01-01-1966
84	Act 11/1968	04-04-1968
85	Act 55/1965 Act 11/1968	01-01-1966 04-04-1968
87	Act 55/1965	01-01-1966
88	Act 55/1965 Act A385	01-01-1966 18-03-1977
89	Act 55/1965	01-01-1966
90	Act 55/1965	01-01-1966
92	Act 55/1965	01-01-1966
93	Act 55/1965 Act 11/1968	01-01-1966 04-04-1968
Part VIII	Act A597 Act A649	07-09-1984 16-05-1986
94	Act 55/1965 Act A597 Act A649 Act A731	01-01-1966 07-09-1984 16-05-1986 05-05-1989

Amending law	Short title	In force from
97	Act 55/1965 Act A649	01-01-1966 16-05-1989
99	Act 55/1965 Act 11/1968	01-01-1966 04-04-1968
101	Act 55/1965 Act A597	01-01-1966 07-09-1984
102	Act 55/1965 Act 11/1968	01-01-1966 04-04-1968
103	Act 55/1965	01-01-1966
104	Act 55/1965 Act A597 Act A649	01-01-1966 07-09-1984 16-05-1986
105	Act 55/1965	01-01-1966
107	Act 55/1965	01-01-1966
108	Act A597 Act A649 Act A829	07-09-1984 16-05-1986 17-07-1992
108A-108D	Act A649	16-05-1986
109	Act A597 Act A649	07-09-1984 16-05-1986
109A-109C	Act A649	16-05-1986
110	Act 55/1965	01-01-1966
111	Act 55/1965	01-01-1966
112	Act 55/1965	01-01-1966
114	Act 55/1965	01-01-1966
115	Act 55/1965	01-01-1966
117	Act 55/1965	01-01-1966
118	Act 55/1965	01-01-1966
119	Act 55/1965	01-01-1966
120	Act 55/1965	01-01-1966
121	Act 55/1965 Act A11/1968	01-01-1966 04-04-1968
122	Act 55/1965	01-01-1966
123	Act 55/1965	01-01-1966
124	Act 55/1965 Act A11/1968	01-01-1966 04-04-1968

Amending law	Short title	In force from
First Schedule	Act A55/1965	01-01-1966
	Act 11/1968	04-04-1968
	Act A649	16-05-1986
Second Schedule	Act 55/1965	01-01-1966
Third Schedule	Act 55/1965	01-01-1966
Fourth Schedule	Act 55/1965	01-01-1966
Fifth Schedule	Act 55/1965	01-01-1966
Sixth Schedule and Seventh Schedule	Act 55/1965	01-01-1966
	Act A597	07-09-1984
	Act A649	16-05-1986
	M. P.U. 24/1984	01-01-1985
	M. P.U. 9/1985	13-09-1985
	M. P.U. 4/1986	11-04-1986
	M. P.U. 7/1986	05-06-1986
	M. P.U. 9/1986	26-09-1986
	M. P.U. 10/1986	21-11-1986
	M. P.U. 11/1986	21-11-1986
	M. P.U. 15/1986	26-12-1986
	M. P.U. 3/1987	27-02-1987
	M. P.U. 4/1987	24-04-1987
	M. P.U. 5/1987	03-07-1987
	M. P.U. 9/1987	28-08-1987
	M. P.U. 10/1987	28-08-1987
	M. P.U. 14/1987	06-11-1987
	M. P.U. 3/1988	04-03-1988
	M. P.U. 15/1988	22-07-1988
	M. P.U. 16/1988	02-09-1988
	M. P.U. 37/1989	10-11-1989
	M. P.U. 38/1989	22-12-1989
	M. P.U. 7/1990	02-03-1990
	M. P.U. 8/1990	02-03-1990
	M. P.U. 20/1990	08-06-1990
	M. P.U. 1/1991	15-03-1991
	M. P.U. 13/1991	19-07-1991
M. P.U. 14/1991	13-09-1991	
M. P.U. 22/1991	22-11-1991	
M. P.U. 23/1991	22-11-1991	
M. P.U. 21/1992	31-07-1992	
M. P.U. 22/1992	31-07-1992	
M. P.U. 23/1992	18-12-1992	
M. P.U. 1/1993	05-02-1993	
M. P.U. 4/1993	02-12-1993	
M. P.U. 7/1993	23-07-1993	
M. P.U. 8/1993	23-07-1993	
M. P.U. 9/1993	23-07-1993	
M. P.U. 14/1993	01-10-1993	
M. P.U. 18/1993	24-12-1993	
M. P.U. 2/1994	18-03-1994	
M. P.U. 3/1994	18-03-1994	
M. P.U. 7/1994	27-05-1994	

Amending law	Short title	In force from
	M. P.U. 11/1994	22-07-1994
	M. P.U. 15/1994	19-08-1994
	M. P.U. 24/1994	14-10-1994
	M. P.U. 25/1994	14-10-1994
	M. P.U. 1/1995	17-02-1995
	M. P.U. 2/1995	31-03-1995
	M. P.U. 5/1995	04-18-1995
	M. P.U. 8/1995	24-11-1995
	M. P.U. 3/1996	02-08-1996
	M. P.U. 5/1996	30-08-1996
	M. P.U. 1/1997	31-01-1997
	M. P.U. 2/1997	31-01-1997
	M. P.U. 8/1997	26-09-1997
	M. P.U. 9/1997	26-09-1997
	M. P.U. 1/1998	16-01-1998
	M. P.U. 2/1998	27-03-1998
	M. P.U. 4/1998	05-06-1998
	M. P.U. 5/1998	05-06-1998
	M. P.U. 6/1998	31-07-1998
	M. P.U. 7/1998	31-07-1998
	M. P.U. 10/1998	11-09-1998
	M. P.U. 1/1999	05-03-1999
	M. P.U. 2/1999	05-03-1999
	M. P.U. 6/1999	16-04-1999
	M. P.U. 19/1999	26-11-1999
	M. P.U. 20/1999	26-11-1999
	M. P.U. 10/2000	17-03-2000
	M. P.U. 15/2000	07-07-2000
	M. P.U. 20/2000	24-11-2000
	M. P.U. 21/2000	24-11-2000
	M. P.U. 4/2001	13-04-2000
	M. P.U. 7/2001	13-04-2001
	M. P.U. 23/2002	11-10-2002
	M. P.U. 25/2002	25-10-2002
	M. P.U. 26/2002	25-10-2002
	M. P.U. 5/2003	14-03-2003
	M. P.U. 23/2003	27-06-2003
	M. P.U. 24/2003	08-08-2003
	M. P.U. 25/2003	08-08-2003
	M. P.U. 35/2003	14-11-2003
	M. P.U. 36/2003	14-11-2003
	M. P.U. 23/2004	13-08-2004
	M. P.U. 32/2004	17-12-2004
	M. P.U. 25/2005	01-07-2005
	M. P.U. 28/2005	22-07-2005
	M. P.U. 41/2005	30-09-2005
	M. P.U. 46/2005	30-12-2005
	M. P.U. 47/2005	30-12-2005
	M. P.U. 48/2005	30-12-2005
	M. P.U. 49/2005	30-12-2005

