



STATE OF SABAH

I assent,



TAN SRI DATUK SERI PANGLIMA HAJI SAKARAN BIN DANDAI,
Yang di-Pertua Negeri.

29TH JUNE, 1995.

No. 7 of 1995

An Enactment to amend the Land Ordinance (Cap. 68).

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

1. This Enactment may be cited as the Land (Amendment) Enactment 1995 and shall come into force on the date of its publication in the *Gazette*.

Short title
and
commence-
ment.

Amendment
of section 4,
Cap. 68.

2. Section 4 of the Land Ordinance, which in this Enactment is referred to as "the principal Ordinance", is amended by inserting, immediately after the definition of "Director", the following new definition:

""foreshore" means all that land lying between the high-water mark and low-water mark of ordinary spring tides;"

Amendment
of section 6.

3. Section 6 of the principal Ordinance is amended by inserting, immediately after the words "State land" wherever they appear, the words "or land reserved for a public purpose or residential purpose".

Amendment
of section
10.

4. Section 10 of the principal Ordinance is amended —

(a) in paragraph (b), by substituting for the words "local or adopted Ordinance" in line 3 the words "written law"; and

(b) by deleting paragraph (c) and the proviso thereto.

Amendment
of section
15.

5. Section 15 of the principal Ordinance is amended in paragraph (b) by substituting for the word "twenty" in line 2 the word "fifty" and for the word "acre" in the last line the word "hectare" respectively.

Amendment
of section
17.

6. Subsection (4) of section 17 of the principal Ordinance is amended —

(a) by substituting for the words "Credit Corporation Ordinance, 1955, or any bank licensed under the provisions of section 3 of the Banking Act, 1973" in lines 5, 6 and 7 the words "Credit Corporation Enactment 1981 or any bank or finance company licensed under the provisions of the Banking and Financial Institutions Act 1989"; and

(b) by substituting for the words "1/55." and "Act 102." appearing in the marginal note the words "Enactment No. 22 of 1981." and "Act 372." respectively.

7. Subsection (1) of section 30 of the principal Ordinance is amended — Amendment
of section
30.
- (a) in paragraph (d), by substituting for the words "one chain" in line 3 the words "twenty metres"; and
 - (b) in paragraph (f), by inserting, immediately after the words "State land" in line 5, the words "or Forest Reserve".
8. Subsection (1) of the section 31 of the principal Ordinance is amended in paragraph (d) — Amendment
of section
31.
- (a) by substituting for the word "country" in line 1 the word "alienated"; and
 - (b) by deleting the word "country" in line 5.
9. Section 32 of the principal Ordinance is amended — Amendment
of section
32.
- (a) in subsection (1), by inserting, immediately after the words "sold or alienated" in line 2, the words "prior to or"; and
 - (b) in subsection 2, by substituting for the word "ten" in line 3 the word "fifteen".
10. Subsection (1) of section 40 of the principal Ordinance is amended in the further proviso — Amendment
of section
40.
- (a) by substituting for the word "Collector" in line 1 the word "Director";
 - (b) by substituting for the word "apportion" in line 1 the words "impose additional premium and"; and
 - (c) by inserting, immediately after the words "the new titles" in lines 3 and 4, the words "and also impose special conditions in respect thereof to be set out in the titles".
11. Subsection (1) of section 41 of the principal Ordinance is amended — Amendment
of section
41.
- (a) by deleting the words "Settlement Officer," in line 2; and

(b) by deleting the words "or, where any of the parties are resident outside Sabah, ninety days," in lines 1 and 2 of paragraph (a) of the proviso.

Amendment
of section
42.

12. Section 42 of the principal Ordinance is amended by substituting for the full-stop at the end thereof a colon and inserting immediately thereafter the following proviso:

"Provided that no order or decision shall be made to the prejudice of any person unless such person has been given an opportunity of being heard."

Amendment
of section
46.

13. Section 46 of the principal Ordinance is amended by substituting for paragraph (a) thereof the following:

"(a) make rules not inconsistent with the provisions of this Ordinance for more effectually carrying out the land administration of Sabah, and in particular, but without prejudice to the generality of the foregoing, may by such rules make provision with respect to —

- (i) the mode and manner in which applications for State land are made;
- (ii) the issue of licences for the purposes of removal of articles specified in sections 23, 24 and 25 and the regulation and control of the operations under such licences;
- (iii) the control and management of land reserved under sections 28 and 78;
- (iv) the procedure for the sale of land by public auction required by or under the Ordinance to be sold;
- (v) the payments to be made under licences and permits issued under the Ordinance;
- (vi) the fees to be paid in connection with any matter arising under the Ordinance;
- (vii) the forms to be used in connection with any matter arising under the Ordinance;

- (viii) the mode and manner of collection of land revenue;
- (ix) the manner and procedure for dealing with any enquiry and application under the Ordinance;
- (x) the mode of service of notices required to be served under the Ordinance;
- (xi) the partition of land under section 40(3);
- (xii) the user of land alienated under the Ordinance;
- (xiii) the powers and duties of any officer appointed under section 47;
- (xiv) offences for the contravention of such rules and penalties thereof; and
- (xv) all procedural and other matters which by this Ordinance are required or permitted to be prescribed or which are necessary or convenient to be prescribed;"

14. Subsection (1) of section 47 of the principal Ordinance is amended by deleting the words "Settlement Officer," in line 5. Amendment
of section
47.

15. Section 53 of the principal Ordinance is amended — Amendment
of section
53.

- (a) in subsection (2), by substituting for the words "100 acres" in line 1 the words "40 hectares";
- (b) in subsection (3), by substituting for the words "100 acres" in line 1 the words "40 hectares" and for the words "640 acres" in line 2 the words "250 hectares" respectively;
- (c) in subsection (4), by substituting for the words "640 acres" in line 1 the words "250 hectares"; and
- (d) in subsection (5), by substituting for the words

"100 acres" in lines 4 and 5 the words "40 hectares" and for the words "640 acres" in lines 5 and 6 the words "250 hectares" respectively.

Amendment
of section
54.

16. Section 54 of the principal Ordinance is amended —

- (a) by inserting, immediately after the words "under this Part" in line 1, the words "or under similar part of any previous Land Ordinance";
- (b) by inserting, immediately after the words "the Minister who may" in line 3, the words "impose additional premium or rent or"; and
- (c) by inserting, immediately after the words "such terms" in lines 3 and 4, the words "and conditions".

Amendment
of section
56.

17. Subsection (2) of section 56 of the principal Ordinance is amended by substituting for the words "Permanent Secretary to the Chief Minister" in lines 5 and 6 the words "State Secretary".

Amendment
of section
69.

18. Section 69 of the principal Ordinance is amended by deleting the words "or by the Settlement Officer" in line 2.

Amendment
of section
70.

19. Section 70 of the principal Ordinance is amended —

(a) by substituting for subsection (2) the following:

" Use of
land for
agricultural
purposes.

(2) Land which is to be or has been alienated under this Part or under similar part of any previous Land Ordinance shall not be used for other than agricultural purposes except with the permission of the Minister who may impose additional premium or rent or add or substitute such terms and conditions as he may think fit. ";

(b) in subsection (3)—

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- (i) by deleting the words "with any other land held by the applicant under native title" in lines 2 and 3; and
- (ii) by substituting for the words "in total area fifteen acres" in line 3 the words "twenty hectares"; and
- (c) in the proviso to subsection (3), by substituting for the words "fifteen acres" in line 5 the words "twenty hectares".
- 20.** Section 71 of the principal Ordinance is amended — Amendment
of section
71.
- (a) in paragraph (a) of the proviso, by substituting for the words "fifteen acres shall be such amount not being less than fifty cents per acre as the Resident may fix" in lines 2, 3 and 4 the words "twenty hectares shall be such amount as the Director may fix"; and
- (b) in paragraph (b) of the proviso, by deleting the words ", not being less than fifty cents per acre," in line 6.
- 21.** Section 81 of the principal Ordinance is amended by substituting for the words "Settlement Officer" in line 5 and the marginal note the word "Collector". Amendment
of section
81.
- 22.** Section 82 of the principal Ordinance is amended by substituting for the words "Settlement Officer" in line 1 and the marginal note the word "Collector". Amendment
of section
82.
- 23.** Section 83 of the principal Ordinance is amended by substituting for the words "Settlement Officer" in line 1 the word "Collector". Amendment
of section
83.
- 24.** Section 84 of the principal Ordinance is amended by substituting for the words "Settlement Officer" in lines 1 and 2 of the proviso the word "Collector". Amendment
of section
84.

- Amendment of section 86. **25.** Section 86 of the principal Ordinance is amended by substituting for the words "Collector and Settlement Officer" in lines 1, 2 and the marginal note the word "Collector".
- Amendment of section 94. **26.** Section 94 of the principal Ordinance is amended —
- (a) in subsection (2), by deleting the words ", or shall take such action under Part VI hereof as may be required"; and
- (b) in subsection (3), by substituting for the word "three" in line 2 the word "six" and for the words "five hundred dollars" in lines 7 and 8 the words "five thousand ringgit" respectively.
- Amendment of section 97. **27.** Subsection (1) of section 97 of the principal Ordinance is amended in the proviso thereto by deleting the words ", Singapore, Brunei or the United Kingdom of Great Britain and Northern Ireland".
- Amendment of section 100. **28.** Section 100 of the principal Ordinance is amended by substituting for the word "Sabah" in line 3 of the proviso the word "Malaysia".
- Amendment of section 101. **29.** Section 101 of the principal Ordinance is amended by substituting for the words "Sabah or in any British possession" in lines 2 and 3 of the proviso the word "Malaysia".
- Amendment of section 116. **30.** Section 116 of the principal Ordinance is amended —
- (a) in the proviso to the subsection (1), by substituting for the word "six" in the last line the word "twelve"; and
- (b) in subsection (4), by substituting for the words "The caveatee" in line 1 the words "Any person whose land or interest is bound by a caveat".

- 31.** Section 119 of the principal Ordinance is amended by inserting, immediately after the words "his own motion" in line 2, the words "after giving the parties affected an opportunity of being heard" and, immediately after the words "for purpose of" in line 4, the word "cancelling,". Amendment of section 119.
- 32.** Section 121 of the principal Ordinance is amended — Amendment of section 121.
- (a) in subsection (1), by inserting, immediately after the words "from the Register" in lines 1 and 2, the words "is cancelled or"; and
- (b) in subsection (2), by substituting for the words "twenty-five dollars" in lines 3 and 4 the words "one thousand ringgit".
- 33.** Section 142 of the principal Ordinance is amended by inserting, immediately after the words "there shall be" in line 1, the words "no bid at all or". Amendment of section 142.
- 34.** Section 152 of the principal Ordinance is amended by substituting for the words ", Survey Officer or Settlement Officer" in line 1 the words "or Surveyor". Amendment of section 152.
- 35.** Subsection (1) of section 153 of the principal Ordinance is amended by substituting for the words ", Survey Officer or Settlement Officer" in lines 1 and 2 the words "or Surveyor". Amendment of section 153.
- 36.** Section 154 of the principal Ordinance is amended by substituting for the words ", Survey Officer or Settlement Officer" in line 1 the words "or Surveyor". Amendment of section 154.
- 37.** Subsection (1) of section 156 of the principal Ordinance is amended by substituting for the words ", Survey Officer or Settlement Officer" in lines 1 and 2 the words "or Surveyor". Amendment of section 156.

- Amendment of section 157. **38.** Subsection (1) of section 157 of the principal Ordinance is amended by substituting for the words ", Survey Officer or Settlement Officer" in lines 1 and 2 the words "or Surveyor".
- Amendment of section 160. **39.** Subsection (1) of section 160 of the principal Ordinance is amended by substituting for the word "three" in line 9 the word "ten".
- Amendment of section 161. **40.** Section 161 of the principal Ordinance is amended in the proviso by substituting for the words "of one dollar and twenty-five cents per chain of lineal measurement" in lines 1 and 2 the words "as prescribed by rules".
- Amendment of section 166. **41.** Section 166 of the principal Ordinance is amended by substituting for the words "of two hundred dollars, or, in default of the payment thereof, to imprisonment for six months" in lines 9 and 10 the words "not exceeding five thousand ringgit or to imprisonment not exceeding two years, or to both fine and imprisonment".
- Amendment of section 167. **42.** Section 167 of the principal Ordinance is amended by substituting for the words "of fifty dollars" in the last line the words "not exceeding one thousand ringgit, or in default of payment thereof, to imprisonment not exceeding six months".
- Amendment of section 168. **43.** Section 168 of the principal Ordinance is amended by substituting for the words "of five hundred dollars, or in default of payment thereof, to imprisonment for six months" in lines 6 and 7 the words "not exceeding ten thousand ringgit or to imprisonment not exceeding two years, or to both fine and imprisonment".
- Amendment of section 170. **44.** Section 170 of the principal Ordinance is amended by substituting for the words "of one hundred dollars" in lines 4 and 5 the words "not exceeding five thousand ringgit" and for the words "for four months" in the last line the words "not exceeding two years".
- New section 171B. **45.** The principal Ordinance is amended by inserting, immediately after section 171A, a new section 171B as follows:

"171B.
Power to
prosecute.

Prosecutions in respect of any offence committed under this Ordinance may be conducted —

(a) by the State Attorney-General or a legally qualified member of his Chambers; or

(b) by the Director or an officer of his Department not below the rank of Superintendent."

46. Schedule XXI to the principal Ordinance is amended by inserting, immediately after the words "owner of" in line 1, the words "or person having interest in", and, immediately after the words "made by" in line 3, the word "you".

Amendment
of Schedule
XXI

CERTIFIED by me to be a true copy of the Bill passed by the Legislative Assembly on Tuesday, the 16th May, 1995.

DATUK HJ. HASSAN ALBAN HJ. SANDUKONG,
Speaker,
State Legislative Assembly.