

LAND ACQUISITION RULES 1998

PU(A) 70/1998

IN exercise of the powers conferred by section 69 of the Land Acquisition Act 1960, the Minister, with the approval of the National Land Council, makes the following rules:

1. Citation and commencement.

These rules may be cited as the Land Acquisition Rules 1998 and shall come into force on 1 March 1998.

2. Reference to form.

A reference in these Rules to a form identified by an Arabic numeral is a reference to a form identified by that numeral in the First Schedule.

3. Application.

An application for acquisition of any land under paragraph 3(1)(b) or (c) of the Act shall be made in Form 1.

4. Fee.

The fee payable for an application for acquisition of any land under paragraph 3(1)(b) or (c) of the Act shall be as prescribed in the Second Schedule 5. Deposit.

(1) The deposit payable for an application for acquisition of any land under paragraph 3(1)(b) or (c) of the Act shall be at a rate of one hundred and twenty-five per centum of the estimated market value of the land to be acquired, as determined by a valuation officer employed by the Government, and shall be payable, in the form of a bank draft, in the following manner :

(a) fifty per centum of the deposit shall be submitted with the application ;

(b) the remaining seventy-five per centum shall be submitted upon acceptance of the terms and conditions of the approval imposed by the State Authority.

(2) Where the compensation awarded under section 14 of the Act, or the amount claimed by the person interested made before the Land Administrator under section 12 of the Act, is higher than the deposit required under subrule (1), the Land Administrator shall in Form 2 require an additional deposit amounting to the amount of compensation awarded by the Land Administrator or the amount of claim by the person interested, whichever is the higher, to be paid within thirty days of the requirement.

6. Notice of negotiation.

Where the State Economic Planning Unit, or the Committee for the Federal Territory of Kuala Lumpur, as the case may be, is satisfied that it is appropriate for the registered proprietor to participate in the project for which the land is intended to be acquired under subsection 3A(3) of the Act, it shall give a written notice to the applicant in Form 3 within six weeks from the date of receipt of the application from the Land Administrator under subsection 3(4) of the Act.

7. Notice to the State Committee.

The State Economic Planning Unit shall, after it has considered each application under rule 3, transmit the application with the accompanying documents and a report of the negotiaton, if any, together with its recommendation, to the Committee in Form 4, within fourteen days of the date of receipt of the report under subsection 3A(4) of the Act.

8. Notice of appointment to be in writing.

The appointment by the Chairman of the Committee or the Committee for the Federal Territory of Kuala Lumpur of representatives from other related Government departments or agencies to be members of the Committee under subsection 3C(2) of the Act shall be made by notice in writing.

9. Refund of deposit.

Where the negotiation referred to in subsection 3A(5) of the Act is successful, the Land Administrator shall refund the full amount of the deposit paid, without payment of any interest, within three months from the date of request made by the applicant.

10. Notice to the applicant.

(1) Where the State Authority has approved the application, the Land Administrator on being notified of the decision of the State Authority, shall, within fourteen days, notify the applicant of such decision in Form 5.

(2) Where the State Authority has rejected the application, the Land Administrator on being notified of the decision shall, within fourteen days, notify the applicant in Form 6.

11. Withdrawal.

(1) The Land Administrator shall conduct the enquiry referred to in subsection 3F(2) of the Act within twenty-one days from the date of receipt of the notice of withdrawal from the applicant or the date the applicant is deemed to have withdrawn his application under subsection 3E(4) of the Act, as the case may be.

(2) Having determined the amount of the deposit to be forfeited, the Land Administrator shall, within fourteen days, notify the applicant of the forfeiture by notice in Form 7.

(3) Where the applicant agrees with the amount of the deposit to be forfeited, the Land Administrator shall refund the amount of deposit which is not forfeited within three months of the receipt of the notification referred to in subrule (2).

(4) Where the applicant disagrees with the amount of the deposit to be forfeited, he may make an objection in Form 8 to the Land Administrator within thirty days from the receipt of the notification referred to in subrule (2), failing which the applicant shall be deemed to have accepted the decision of the Land Administrator and the Land Administrator shall refund the amount of deposit which is not forfeited within three months of the expiry of the period of thirty days for objection.

(5) Upon receipt of the objection referred to in subrule (4), the Land Administrator shall, within fourteen days, refer the objection for the decision of the State Authority, whose decision thereon shall be final.

(6) Upon receipt of the decision of the State Authority referred to in subrule (5), the Land Administrator shall, within three months thereof, refund the amount decided by the State Authority as to be due to the applicant without payment of any interest.

FIRST SCHEDULE

FORM 1

(Rule 3)

Application for Acquisition of Land under paragraph 3(1)(b)/(c)* of the Land Acquisition Act 1960.

To:

The Land Administrator,

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Application for Land Acquisition under paragraph 3(1)(b)/(c)* of the Land Acquisition Act 1960 for the purpose of in the Town/Village/Mukim of District of the State of

I/We* of notify that the lands described in the Schedule hereto, including those lands, if any, specified by a lot number or by lot numbers of the neighbouring lands, are likely to be needed for the following purposes :

.....

SCHEDULE

State of

District of

Town/Village/Mukim of

Description of the locality.....

Survey Lot. No./L.O. No.	Title No. or Type of Occupation.	Registered. Proprietor or Recorded	Area of Lot.	Approximate Area to be Acquired.

		Occupant.		

2. APPLICANT'S PARTICULARS :

**(a) Application by a person*

(The following items shall be completed by each person)

(i) Name.

(Capital letter).

(ii) Identity card number.

(iii) Correspondence address.

Postcode :

(iv) Occupation.

**(b) Application by a corporation or body*

(The following items shall be filled by the corporation or body)

(i) Name of corporation/body* :

(Capital letter)

(ii) Number, date and place of registration of corporation/body* :

(iii) Registered address of corporation/body* (If foreign company, present business address in Malaysia):

.....

(v) Paid-up capital.

(v) Type of business/activity* registered.

(vi) Name and citizenship of every director/designator* :

3. The following documents are hereby attached:

Appendix A — Project proposal.

Appendix B — Layout and land acquisition plans.

Appendix C — Preliminary Government valuation report.

Appendix D — Memorandum and Articles of Association.

4. I/We* attach herewith a sum of RM (Ringgit.) in the form of bank draft number dated for the application fee as required by rule 4 of the Land Acquisition Rules 1998.

5. I/We* attach herewith a sum of RM. (Ringgit :) (equivalent to fifty per centum of the deposit) in the form of bank draft number. dated being the amount of deposit to be submitted upon this application as required by paragraph 5(1)(a) of the Land Acquisition Rules 1998.

Dated this day of 19.

Signature or (other form of execution)

By or on behalf of the applicant

** Delete as appropriate.*

FORM 2

(Subrule 5(2))

NOTICE TO REQUIRE ADDITIONAL DEPOSIT

To:

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.

Application for Land Acquisition under paragraph 3(1)(b)!(c)* of the Land Acquisition Act 1960 for the purpose of in the Town/Village/ Mukim of District of the State of

2. IN exercise of the powers conferred by subrule 5(2) of the Land Acquisition Rules 1998, you are hereby required to submit an additional deposit amounting to a sum of RM (Ringgit :) in the form of a bank draft being the amount of compensation awarded by the Land Administrator/the amount of claim by the person interested* within thirty days of the receipt of this notice.

Dated this day of 19.

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Land Administrator.

** Delete as appropriate.*

FORM 3

(Rules 6)

NOTICE OF NEGOTIATION

To:

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Application for Land Acquisition under paragraph 3(1)(b)(c)* of the Land Acquisition Act 1960 for the purpose of in the Town/Village/Mukim of District of the State of

IN exercise of the powers conferred by subsection 3A(3) of the Land Acquisition Act 1960, I hereby direct you to negotiate with the registered proprietor as in the schedule hereunder within a period of days from the date of the service of this notice on the following terms and conditions ;

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2. You are hereby required to furnish a report in such detail of the result of the negotiations within the specified period of time as referred to under paragraph (1), failing which the application shall be deemed to have been withdrawn.

Dated this day of 19.....

Director

State Economic Planning Unit/

Chairman, Committee for the Federal

*Territory of Kuala Lumpur **

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

* *Delete as appropriate.*

FORM 4

(Rules 7)

NOTICE TO THE COMMITTEE

To:

Chairman,

Jawatankuasa Khas Pengambilan Tanah

.....

Application for Land Acquisition under paragraph 3(1)(b)/(c)* of the Land Acquisition Act 1960 for the purpose of in the Town/Village/Mukim of District of the State of.

SCHEDULE

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

I in exercise of the powers conferred by subsection 3A(7) of the Land Acquisition Act 1960, refer the following application to the Committee for its consideration.

2. My recommendation regarding the application is as follows :

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.....
.....

3. The grounds of my recommendation are as follows :

..... Here set out in full the grounds on which recommendation is made.
.....
.....

4. I attach herewith the following documents for your perusal:

Appendix A — Project proposal;

Appendix B — Layout and land acquisition plans;

Appendix C — Preliminary Government valuation report of the land to be acquired; and

Appendix D — Memorandum and Articles of Association.

Dated this day of 19.

Director

State Economic Planning Unit.

** Delete as appropriate.*

FORM 5

(Subrule 10(1))

NOTICE OF APPROVAL

To:

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Application for Land Acquisition under paragraph 3(1)(b) (c)⁵ of the Land Acquisition Act 1960 for the purpose of in the Town/Village/Mukim of District of the State of

Pursuant to subsection **3E(3)** of the Land Acquisition Act 1960, you are hereby notified that the above application has been approved by the State Authority on the following terms and conditions ;

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2. Take notice that if you agree with the terms and conditions, you are required to pay the balance of the deposit of RM (equivalent to seventy-five per centum of the deposit) in the form of a bank draft as required by paragraph 5(1)(b) of the Land Acquisition Rules 1998 within thirty days of the acceptance of the terms and conditions of approval.

3. Take notice that if you do not reply to the Land Administrator within thirty days of the receipt of this notice to confirm your acceptance of the terms and conditions, your application shall be deemed to have been withdrawn by virtue of the provisions of subsection 3a(4) of the Land Acquisition Act 1960.

Dated this day of 19.

Land Administrator

I/We *, the undersigned hereby acknowledge receipt of the above notice dated. 19. . . .
..

2. I/We* accept/do not accept* the terms and conditions imposed.

Dated this day of. 19.

Signature (or other form of execution)

By or on behalf of the applicant

*** Delete as appropriate.**

FORM 6

(Subrule 10(2))

NOTICE OF REJECTION

To;

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.....

Application for Land Acquisition under paragraph 3(1)(b)!(c)* of the Land Acquisition Act 1960
for the purpose of in the Town/Village/ Mukim of
.District ofthe State of.
.....

Pursuant to subsection **3E(5)** of the Land Acquisition Act 1960, you are hereby notified that the
above application has been rejected by the State Authority.

Dated this day of. 19.

Land Administrator

*** Delete as appropriate.**

FORM 7

(Subrule 11(2))

NOTICE OF FORFEITURE OF DEPOSIT

To;

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.....

Application for Land Acquisition under paragraph 3(1)(b)/(c)* of the Land Acquisition Act 1960 for the purpose of in the Town/Village/Mukim of District of the State of.

IN exercise of the powers conferred by subsection 3F(2) of the Land Acquisition Act 1960,

you are hereby notified that the sum of RM (Ringgit.) from the deposit paid to the Land Administrator by virtue of the provisions of paragraph 3(3)(d) of the Land Acquisition Act 1960, is forfeited.

2. Take notice that if you do not make any objection within thirty days of the receipt of this notice, you shall be deemed to have accepted the decision of the Land Administrator.

Dated this day of. 19.....

Land Administrator

I/We* the undersigned hereby acknowledge receipt of the above noticed dated 19.....

Dated this day of. 19.....

Signature (or other form of execution)

By or on behalf of the applicant

*** Delete as appropriate.**

FORM 8

(Subrule 11(4))

APPLICATION THAT AN OBJECTION BE REFERRED TO THE STATE AUTHORITY

To:

The Land Administrator

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Application for Land Acquisition under paragraph 3(1)(b)/(c)* of the Land Acquisition Act 1960 for the purpose of in the Town/Village/Mukim of District of the State of.

I/We* of. of.....

hereby make an objection on the amount forfeited by the Land Administrator dated
.....

2. The grounds of my objection are as follows:

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.....
.....
3. In accordance with subrule 11(5) of the Land Acquisition Rules 1998, I hereby require you to refer the matter to the State Authority for its determination.

Dated this day of 19

Signature (or other form of execution) By or on behalf of the applicant

SECOND SCHEDULE

FEE

(Rule 4)

<i>Item.</i>	<i>Additional fee for each person.</i>	<i>Fee.</i>
1. Every application for land acquisition comprising not more than 10 persons interested as in the scheduled land.		RM10,000.00.
(a) On the next additional person up to 15.	RM1,000.00.	
(b) On the next additional person up to 20.	RM2,000.00.	
(c) On the next additional person.	RM3,000.00.	