



**STATE OF SABAH**

I assent,



**TUN DATUK SERI PANGLIMA HAJI SAKARAN BIN DANDAI,**  
*Yang di-Pertua Negeri.*

**24TH DECEMBER 1997.**

**No. 4 of 1997**

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 1997 and shall come into operation on the date of its publication in the *Gazette*.

Short title  
and  
commence-  
ment.

Amendment  
of section 6.  
Cap.68.

**2.** Section 6 of the Land Ordinance, which in this Enactment is referred to as "the principal Ordinance", is amended—

- (a) by inserting, immediately after the words "Notwithstanding anything to the contrary contained" in line 1, the words "in this Ordinance or";
- (b) by renumbering the existing section as subsection (1); and
- (c) by inserting, immediately after subsection (1), the following new subsection (2):

"(2) Adverse possession of land for any length of time whatsoever shall not constitute a bar to the bringing of any action for the recovery thereof by the owner or any person entitled to an interest therein, and accordingly, any written law relating to the limitation of suits in force in Sabah shall in no circumstances operate to extinguish any title to, or interest in, land."

Amendment  
of section  
16.

**3.** Section 16 of the principal Ordinance is amended—

- (a) by renumbering the existing section as subsection (1); and
- (b) by inserting, immediately after subsection (1), the following new subsection (2):

"(2) Where the Collector decides that native customary rights established under section 15 shall be dealt with by money compensation, the affected land together with all buildings, erections and crops thereon shall vest in the Government free from all encumbrances and shall be deemed to have been surrendered by the lawful claimant thereof upon such decision being made."

Amendment  
of section  
17(4).

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

(a) by inserting, immediately after the words "the Banking and Financial Institutions Act 1989" in lines 7 to 8, the words ", any Islamic bank licensed under the provisions of the Islamic Banking Act 1983"; and

(b) by inserting in the marginal note the words "Act 276."

5. Section 27 of the principal Ordinance is amended by inserting, immediately after the word "sections" in line 1, the figure and comma "16,". Amendment  
of section  
27.

6. Subsection (1) of section 31 of the principal Ordinance is amended in paragraph (d) by inserting, immediately after the words "permission to construct a" in line 7, the words "pipeline,". Amendment  
of section  
31(1)(d).

7. Subsection (1) of section 97 of the principal Ordinance is amended by inserting, immediately after the words "a Malaysian Consular Officer" in line 2 of paragraph (c), the words "or a Notary Public". Amendment  
of section  
97(1).

8. Section 100 of the principal Ordinance is amended by inserting, immediately after the words "except in cases of" in line 8, the words "discharge of charge,". Amendment  
of section  
100.

9. Section 104 of the principal Ordinance is amended by inserting, immediately after the words "When any land" in line 1, the words "or interest therein". Amendment  
of section  
104.

10. Section 105 of the principal Ordinance is amended by renumbering the existing section as subsection (1) and by inserting immediately thereafter the following new subsection (2): Amendment  
of section  
105.

"(2) Any sublease registered under this Ordinance may, with the agreement of the person for the time being entitled to the reversion expectant thereon, be surrendered to that person by a memorandum in the form of Schedule XVIII A and the interest of the sublease shall determine as from the date on which the memorandum is registered: Provided that a sublease which has been charged shall only be surrendered with the consent thereto in writing of the chargee."

New section  
109A. **11.** The principal Ordinance is amended by inserting, immediately after section 109, the following new section 109A:

"Satisfaction  
of charge  
without full  
payment. **109A.** Notwithstanding the provisions of section 109, any chargee may without receiving full satisfaction of payment for his charge, by a memorandum in the form of Schedule XVIIIA, discharge the land or sublease to which his charge relates (or, if it relates to more than one title or sublease, all or any of them) from further liability thereunder, and the discharge shall take effect as from the date on which the memorandum is registered."

Amendment  
of section  
114(2). **12.** Subsection (2) section 114 of the principal Ordinance is amended by substituting for the full-stop at the end thereof a colon and by inserting immediately thereafter the following proviso:

"Provided that no land, share or interest shall vest in the trustee in bankruptcy or receiver of an insolvent estate or any other person above-mentioned until it has become registered in his name pursuant to this provision."

Amendment  
of section  
116. **13.** Section 116 of the principal Ordinance is amended—

- (a) in subsection (1), by substituting for the words "twelve months" in the last line of the proviso thereto the words "three years"; and
- (b) by inserting, immediately after subsection (3), the following new subsection (3A):

"With-  
drawal of  
caveat.

(3A)(a) A caveat may be withdrawn at any time by a notice in the form of Schedule XXA accompanied by the prescribed fee and presented to the Registrar by the person at whose instance it was entered.

(b) On receiving any notice of withdrawal, the Registrar shall—

- (i) cancel the entry of the caveat on the document of title, noting thereon for the cancellation and the date thereof; and

- (ii) give notice of the withdrawal to the person in whom the land or interest formerly bound by the caveat is for the time being vested.
- (c) Every cancellation under sub-paragraph (i) of paragraph (b) shall be signed and sealed. "

14. The principal Ordinance is amended by inserting, immediately after section 171B, the following new section 171C:

New section  
171C.

"Com-  
pounding  
of  
offences.

**171C.** (1) The Minister may compound any offence under this Ordinance or rules made thereunder by making a written offer to such person to compound the offence upon payment to the Government of such amount not exceeding the maximum fine for that offence within such time as may be specified in the offer.

(2) The offence which may be compounded under subsection (1) shall only be in respect of an offence committed for the first time.

(3) An offer under subsection (1) may be made at any time after the offence has been committed but before any prosecution for it has been instituted, and where the amount specified in the offer is not paid within the time specified in the offer or within such extended period as may be granted by the Minister, prosecution for the offence may be instituted at any time thereafter against the person to whom the offer was made.

(4) Where the amount specified in the offer is paid up within the time specified in the offer or within such extended period as may be granted by the Minister, no prosecution shall thereafter be instituted in respect of such offence against the person to whom the offer to compound was made."

15. Schedule XV to the principal Ordinance is amended—

Amendment  
of the  
Schedule  
XV.

- (a) by substituting for the word "land" in line 2 of clauses 1 and 6, the words "\*\*land/sublease";

- (b) by substituting for the word "co/owner(s)" in line 2 of clause 1 and the word "owner(s)" in the attestation clause respectively the words "\*\*\*owner(s)/sublessee(s)";
- (c) by substituting for the word "Owner(s)" immediately below the testimonium clause the words "\*\*\*Owner(s)/Sublessee(s)"; and
- (d) by inserting, immediately below the words "\*This clause may be deleted by consent of both parties.", the words "\*\*\* Delete as appropriate."

New  
Schedules  
XVIIA and  
XVIII.

**16. The principal Ordinance is amended—**

- (a) by inserting, immediately after Schedule XVII, the following new Schedule XVIIA:

"SCHEDULE XVIIA

(Section 109A)

DISCHARGE OF CHARGE

I, ....., the undersigned, of  
....., being chargee described in the Sched-  
ule below of the \*land/sublease so described, hereby discharge from all further  
liability under the charge —

- \* the whole of the land/sublease.
- \* such of the land/sublease as is marked "Discharged" in the last column of the Schedule.

Schedule of \*Land/Interest

(1)	(2)	(3)	(4)
		Memorial	Note of Discharge
<u>District</u>	<u>Title No.</u>	<u>No. of Charge</u>	<u>(where appropriate)</u>

Dated this .....day of ..... 19.....

.....  
Signature of chargee

Signed in the presence  
of person qualified under  
section 97 attesting the  
signature of chargee

.....  
(Block Letters)

.....  
Signature of witness

\*Delete as appropriate.

"; and

(b) by inserting, immediately after Schedule XVIII, the following new Schedule XVIIIA:

**"SCHEDULE XVIIIA**  
**(Section 105(2))**

**SURRENDER OF SUBLEASE**

I, ....., the undersigned, of  
....., being the registered sublessee under the  
sublease described in the Schedule below of the land so described, hereby  
surrender the same to the person entitled to the reversion thereof as named below.

Schedule

Dated this ..... day of ....., 19....

.....  
Signature of sublessee

Signed in the presence  
of person qualified under  
section 97 attesting the  
signature of sublessee

.....  
(Block Letters)

.....  
Signature of witness

I, ....., the undersigned, of  
....., being entitled to the reversion on the sublease  
above referred to accept this surrender.

Dated this ..... day of ....., 19.....

.....  
Signature of owner

Signed in the presence  
of person qualified under  
section 97 attesting the  
signature of owner

.....  
(Block Letters) Signature of witness "

Amendment  
of Schedule  
XIX.

**17.** Schedule XIX to the principal Ordinance is amended by inserting, immediately after the words "Commissioner for Oaths" at the bottom of the form, the words "or Advocate or Justice of the Peace".

New  
Schedule  
XXA.

**18.** The principal Ordinance is amended by inserting, immediately after Schedule XX, the following new Schedule XXA:

#### SCHEDULE XXA

(Section 116(3A))

#### NOTICE TO WITHDRAW CAVEAT

To the Registrar,

I, ....., the undersigned, of  
....., being the person who entered caveat  
Memorial No. .... against the \*land/interest described in the  
Schedule below, hereby give notice that I wish to withdraw the said caveat under  
section 116(3A) of the Land Ordinance (Cap.68).

2. As required, I submit herewith the prescribed fee of RM.....



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Schedule of \*Land/Interest

Dated this .....day of ....., 19....

.....  
Signature of caveator

Signed in the presence  
of person qualified under  
section 97 attesting the  
signature of caveator

.....  
(Block Letters)

.....  
Signature of witness

\*Delete as appropriate.

CERTIFIED by me to be a true copy of the Bill passed by the  
Legislative Assembly on Tuesday, the 18th day of November  
1997.

DATUK FRANCIS T.N. YAP,  
*Deputy Speaker,*  
*State Legislative Assembly.*