

NATIONAL LAND CODE (AMENDMENT) ACT 2001

AMENDING ACT A1104

Preamble:

An Act to amend the National Land Code.

WHEREAS it is expedient for the purposes only of ensuring uniformity of law and policy that the National Land Code be amended:

NOW, THEREFORE pursuant to Clause (4) of Article 76 of the Federal Constitution, IT IS ENACTED by the Parliament of Malaysia as follows:

1. Short title and commencement.

(1) This Act may be cited as the National Land Code (Amendment) Act 2001.

(2) Subject to subsection (4), this Act comes into operation in each State on a date to be appointed by the Minister, with the approval of the National Land Council, by notification in the Gazette of the Federation.

(3) Subject to subsection (4), this Act comes into operation in the Federal Territory of Kuala Lumpur on a date to be appointed by the Minister by notification in the Gazette of the Federation.

(4) Sections 7 and 41 shall be deemed to have come into operation on 1 March 1998.

2. Amendment of long title.

The National Land Code [Act 56/65], which in this Act is referred to as the "Code", is amended in the long title by substituting for the words "Selangor and Trengganu" the words "Selangor, Terengganu and the Federal Territory of Kuala Lumpur".

3. Amendment of preamble.

The Code is amended in the preamble by substituting for the words "Selangor and Trengganu" the words "Selangor, Terengganu and the Federal Territory of Kuala Lumpur".

4. Amendments throughout the Code.

The Code is amended-

(a) by substituting for the words "Director of Survey", "Deputy Director of Survey", "Deputy Directors of Survey" and "Survey Department" respectively the words "Director of Survey and Mapping", "Deputy Director of Survey and Mapping", "Deputy Directors of Survey and Mapping" and "Survey and Mapping Department" wherever they appear in the Code; and

(b) by substituting for the words "dollars" and "\$" respectively the words "ringgit" and "RM" wherever they appear in the Code.

5. Amendment of section 5.

Section 5 of the Code is amended-

(a) by inserting after the definition of the word "entry" the following definition:

' "estate land" has the meaning assigned to it by sub-sections (11) and (12) of section 214A;'; and

(b) by inserting after the definition of "tenancy exempt from registration" the following definition:

' "territorial waters" has the meaning assigned to it in sub-section (2) of section 4 of the Emergency (Essential Powers) Ordinance, No. 7/1969;'.

6. Amendment of section 14.

Section 14 of the Code is amended-

(a) in subsection (1) -

(i) by inserting after paragraph (a) the following paragraphs:

"(aa) the exemption of any disposal of **land**, or any dealing or other act with regard to alienated **land** or any interest in **land** from the requirement in sub-section (1) of section 433B or sub-section (1) of section 433E, as the case may be;

(ab) the exemption of any non-citizen or foreign company or class of non-citizen or foreign company from Part Thirty-Three (A) and the circumstances in which the exemption may be given;"; and

(ii) by inserting after paragraph (g) the following paragraph:

"(ga) the remission in whole or in part of any levy to be paid under paragraph (g) or the exemption of any non-citizen or foreign company from the payment of such levy or any part thereof;"; and

(b) by inserting after subsection (1) the following subsection:

"(1A) Notwithstanding paragraphs (aa) , (ab) , (g) and (ga) of sub-section (1) , the State Authority shall not make rules under paragraph (aa) , or (ab) , or under paragraph (g) with respect to any levy to be paid under this Act, or under paragraph (ga) , except in accordance with the directions given by the National **Land** Council. "

7. Amendment of section 15.

Paragraph 15(1) (e) of the Code is amended-

(a) in subparagraph (i) by substituting for the word ", or" a semicolon;

(b) in subparagraph (ii) by substituting for the colon at the end of that paragraph the word "; or"; and

(c) by inserting after subparagraph (ii) the following subparagraph:

"(iii) to produce the issue document of title for the purpose of standardization of the express conditions and restrictions in interest under section 381A:".

8. Amendment of section 79.

Subsection 79(2) of the Code is amended by deleting paragraph (ba) .

9. Amendment of section 92E.

Section 92E of the Code is amended by inserting after subsection (3) the following subsections:

"(4) The provisions of this Act relating to reservation of land shall apply mutatis mutandis to underground reserved land subject to such modifications as the Minister, with the approval of the National Land Council, may, by order notified in the Gazette of the Federation, make thereto in order to facilitate their application to underground land or to remove any difficulty, and, in particular, he may make modifications to the provisions relating to survey of boundaries, land use, and forms of lease of reserved land.

(5) In this section, "modifications" includes amendments, additions, deletions, substitutions, adaptations, and non-application of any provision. "

10. Amendment of section 124.

Section 124 of the Code is amended by inserting after subsection (1) the following subsection:

"(1A) Where the application relates to estate land-

(a) the Land Administrator shall refer it to the Estate Land Board established under section 214A for its recommendations; and

(b) the Secretary of the Estate Land Board shall convey its recommendations as expeditiously as possible to the Land Administrator. "

11. Amendment of section 124A.

Section 124A of the Code is amended by inserting after subsection (1) the following subsection:

"(1A) Where the application relates to estate land-

(a) the Land Administrator shall refer it to the Estate Land Board established under section 214A for its recommendations; and

(b) the Secretary of the Estate Land Board shall convey its recommendations as expeditiously as possible to the Land Administrator. "

12. Amendment of section 135.

Subsection 135(1) of the Code is amended by deleting the words "or qualified title in continuation of final title".

13. Amendment of section 137.

Section 137 of the Code is amended by inserting after subsection (2) the following subsection:

"(3) Where the application relates to estate land-

(a) the Land Administrator shall refer it to the Estate Land Board established under section 214A; and

(b) the Secretary of the Estate Land Board shall convey its recommendations as expeditiously as possible to the Land Administrator. "

14. Amendment of section 140.

Subsection 140(1) of the Code is amended by deleting the words "or qualified title in continuation of final title".

15. Amendment of section 146.

Subsection 146(1) of the Code is amended by deleting the words "or qualified titles in continuation of final titles".

16. Amendment of title to Chapter 3 of Part Eleven.

The title to Chapter 3 of Part Eleven of the Code is amended by inserting before the word "QUALIFIED" the words "FINAL TITLE AND".

17. New section 183A.

The Code is amended by inserting after section 183 the following section:

"183A. Power of Registrar or Land Administrator relating to the issuance of final title upon subdivision.

Notwithstanding that an application made under sub-section (1) of section 183 is for the issue of qualified title in continuation of existing final title, the Registrar or the Land Administrator, as the case may be, may, where it appears just and expedient, prepare, register and issue final title in respect of the sub-divisional portion. "

18. New section 184A.

The Code is amended by inserting after section 184 the following section:

"184A. Power of Registrar or Land Administrator relating to the issuance of final title upon partition.

Notwithstanding that an application made under section 184 is for qualified title, the Registrar or the Land Administrator, as the case may be, may, where it appears just and expedient, prepare, register and issue final title in respect of the individual portion. "

19. New section 185A.

The Code is amended by inserting after section 185 the following section:

"185A. Power of Registrar or Land Administrator relating to the issuance of final title upon amalgamation.

Notwithstanding that an application made under sub-section (1) of section 185 is for qualified title, the Registrar or the Land Administrator, as the case may be, may, where it appears just and expedient, prepare, register and issue final title in respect of the combined area. "

20. Amendment of section 197.

Section 197 of the Code is amended by inserting after subsection (3) the following subsection:

"(4) Where the application relates to estate land-

(a) the Land Administrator shall refer it to the Estate Land Board established under section 214A for its recommendations; and

(b) the Secretary of the Estate Land Board shall convey its recommendations as expeditiously as possible to the Land Administrator. "

21. Amendment of section 204B.

Section 204B of the Code is amended by substituting for the words "any lot or any two or more contiguous lots" the words "any one or more contiguous alienated lands held under final title or qualified title or a combination thereof".

22. New section 204GA.

The Code is amended by inserting after section 204G the following section:

204GA. Land subject to charge.

(1) Notwithstanding paragraph (d) of sub-section (1) of section 204C, any person or body having a charge over the land may give his consent in writing to the making of the application under sub-section (1) of section 204D and the Land Administrator shall endorse or cause to be endorsed, a note thereof on the register documents of title to the land.

(2) Upon the approval of the application by the State Authority under sub-section (3) of section 204E and the acceptance of the approval by the proprietor under sub-section (4) of section 204E, a like memorial shall be endorsed on the register documents of title to the land. "

23. Amendment of section 214A.

Section 214A of the Code is amended-

(a) in subsection (1) by deleting the words ", to two or more persons";

(b) in subsection (3) -

(i) in paragraph (a) by deleting the word "and" appearing at the end of that paragraph; and

(ii) by inserting after paragraph (a) the following paragraph:

"(aa) the State Director, who shall be the Secretary; and";

(c) by substituting for subsection (4) the following subsection:

"(4) The proprietor or any co-proprietor of any estate land desiring to transfer, convey or dispose of in any manner whatsoever such land shall, together with the person or persons to whom the land is to be transferred, conveyed or disposed of, jointly submit an application to the Secretary of the Board in Form 14D. ";

(d) by inserting after subsection (7) the following subsection:

"(7A) The decision of the Board shall be conveyed by the Secretary of the Board to the applicants referred to in sub-section (4) as expeditiously as possible. ";

(e) in paragraph (10A) (b) by substituting for the words "this sub-section" the words "this section";

(f) in subsection (11) by substituting for the word "section" the word "Act" and the word "lots" the words "alienated lands" respectively; and

(g) by substituting for subsection (12) the following subsection:

"(12) For the purpose of this Act, alienated lands held under final title or qualified title or a combination thereof, shall be taken to be contiguous notwithstanding that they are separated from each other only by such land as is used, required or reserved for roads, railways or waterways. ".

24. Amendment of section 253.

Section 253 of the Code is amended by inserting after subsection (2) the following subsections:

"(3) In this Chapter-

"bidder" means only one natural person, one corporation or one single body and does not include the chargor;

"chargee" includes a financial institution;

"financial institution" means any licensed bank, licensed finance company or licensed merchant bank as defined in the Banking and Financial Institutions Act 1989 [Act 372], a bank under the Islamic Banking Act 1983 [Act 276], any co-operative society carrying on the business of financing and any statutory body established under any Federal or State law acting as chargee under this Act; and

"purchaser" means the successful bidder.

(4) For the purposes of this Chapter, the chargor or chargee may appoint any person or body to perform his duties or take action on his behalf and notice of any such appointment shall be given in writing to the Registrar of the Court or the Land Administrator, as the case may be. "

25. Amendment of section 257.

Subsection 257(1) of the Code is amended-

(a) by inserting after the word "shall" the words "be in Form 16H and shall";

(b) in paragraph (c) by deleting the word "; and" appearing at the end of that paragraph;

(c) in paragraph (d) by substituting for the full stop a semicolon; and

(d) by inserting after paragraph (d) the following new paragraphs:

"(e) specify that no bidder shall be allowed to bid in the sale unless the officer of the Court is satisfied that the bidder possesses, at the time of the sale, the sum equivalent to ten per centum of the reserve price specified under paragraph (d) ;

(f) specify that where the full amount of the purchase price is not paid after the fall of the hammer by the successful bidder, the sum specified in paragraph (e) shall be paid as deposit to the chargee and forthwith credited into the account of the chargor pending the settlement of the balance of the purchase price;

(g) specify that the balance of the purchase price shall be settled on a date not later than one hundred and twenty days from the date of the sale and that there shall be no extension of the period so specified; and

(h) specify that where the balance of the purchase price is not settled on a date specified under paragraph (g), the sum paid as deposit under paragraph (f) to the chargee shall be forfeited and disposed of in the manner specified under section 267A. "

26. Amendment of section 259.

Section 259 of the Code is amended-

(a) in paragraph (2) (c) by substituting for the word "reduced" the word "new";

(b) by inserting after subsection (3) the following subsections:

"(3A) Notwithstanding sub-section (3) , where the chargee is a financial institution, the purchaser at the sale shall, upon payment of the full amount of the purchase price to the chargee and upon receipt of the certification in writing from the chargee not later than fourteen days following the payment of such sum, that the balance or the full amount of the purchase price has been paid, shall be entitled to receive from the said officer of the Court-

(a) a certificate in Form 16F that the land or lease in question has been sold to him under the authority of this Act (which certificate shall, as provided by section 267, be registrable by the purchaser as if it were an instrument of dealing) ; and

(b) if deposited with the Court pursuant to paragraph (b) of sub-section (2) of section 258, the issue document of title to the land or, as the case may be, duplicate lease.

(4) Where the order for sale under sub-section (1) of section 257 requires the payment of any deposit by the successful bidder in any public auction and the balance to be settled on a date not later than one hundred and twenty days from the date of the sale, the provisions of section 267A shall apply. "

27. Amendment of section 262.

Section 262 of the Code is amended by substituting for subsection (1) the following subsection:

"(1) No persons or bodies other than the chargor or chargee or in his or their absence a person or body appointed by the chargor or chargee under sub-section (4) of section 253, shall be entitled to be heard, or to adduce evidence, at any enquiry under section 261 (and accordingly, the chargor and the chargee or the person or body appointed, as the case may be, shall be entitled to apply for a postponement or change of venue under sub-section (2) of section 28, or to receive notice under sub-section (4) of that section of any cancellation, postponement or change of venue) . "

28. Amendment of section 263.

Subsection 263(2) of the Code is amended-

(a) in paragraph (c) by deleting the word "and" appearing at the end of that paragraph;

(b) in paragraph (d) by substituting for the full stop a semicolon; and

(c) by inserting after paragraph (d) the following paragraphs:

"(e) specify that no bidder shall be allowed to bid in the sale unless the Land Administrator is satisfied that the bidder possesses, at the time of the sale, the sum equivalent to ten per centum of the reserve price specified under paragraph (d);

(f) specify that where the full amount of the purchase price is not paid after the fall of the hammer by the successful bidder, the sum specified in paragraph (e) shall be paid to the chargee and forthwith credited into the account of the chargor pending the settlement of the balance of the purchase price;

(g) specify that the balance of the purchase price shall be settled on any date not later than one hundred and twenty days from the date of the sale and that there shall be no extension of the period so specified; and

(h) specify that where the balance of the purchase price is not settled on a date specified under paragraph (g), the sum paid as deposit under paragraph (f) to the chargee shall be forfeited and disposed of in the manner specified under section 267A. "

29. New section 264A.

The Code is amended by inserting after section 264 the following section:

"264A. Postponement or cancellation of an order for sale by Land Administrator.

(1) An order for sale made under section 263 may be postponed only once for a period not exceeding three months or cancelled by the Land Administrator upon an application of the chargee with the concurrence of the chargor in Form 16P and shall be accompanied by such fee as may be prescribed:

Provided that such application shall be submitted to the Land Administrator not less than seven days before the date of the sale.

(2) Upon receiving an application made under sub-section (1) , the Land Administrator may approve or reject the application.

(3) Where the Land Administrator approves an application made under sub-section (1) , he shall give an order in Form 16P to each of the persons or bodies on whom a copy of the order for sale was served pursuant to paragraph (a) of sub-section (1) of section 264 and give public notice in such manner as he may consider appropriate.

(4) The rejection of any application made under sub-section (1) shall be without prejudice to the making of a fresh application by the chargee. "

30. Amendment of section 265.

Section 265 of the Code is amended-

(a) in subsection (2) by substituting for the word "reduced" wherever it appears the word "new";

(b) by substituting for subsection (3) the following subsection:

"(3) If at the subsequent sale no bid is received at or above the reserve price, the Land Administrator may-

(a) direct that it be put up for auction at a subsequent date, either at the same or a new reserve price and shall give such notice of the subsequent sale as he may consider appropriate; or

(b) withdraw it from the sale and refer the matter to the Court. ";

(c) by inserting after subsection (3) the following subsection:

"(3A) The Court may substitute for the order of the Land Administrator an order for sale under section 256 or make such other order as it may think just:

Provided that the Court shall not make any order to the Land Administrator to carry out the sale.
"; and

(d) by inserting after subsection (4) the following subsections:

"(4A) Notwithstanding sub-section (4) , where the chargee is a financial institution, the purchaser at the sale shall, upon payment of the full amount of the purchase price to the chargee and upon receipt of the certification in writing from the chargee not later than fourteen days following the payment of such sum, that the balance or the full amount of the purchase price has been paid, shall be entitled to receive from the Land Administrator-

(a) a certificate in Form 16I that the land or lease in question has been sold to him under the authority of this Act (which certificate shall, as provided by section 267, be registrable by the purchaser as if it were an instrument of dealing) ; and

(b) if deposited with the Land Administrator pursuant to paragraph (b) of sub-section (2) of section 264, the issue document of title to the land or, as the case may be, duplicate lease.

(5) Where the order for sale under sub-section (2) of section 263 requires the payment of any deposit by the successful bidder in any public auction and the balance to be settled on a date not later than one hundred and twenty days from the date of the sale, the provisions of section 267A shall apply. ".

31. New section 266A.

The Code is amended by inserting after section 266 the following section:

"266A. Statement of payment due.

(1) The chargee shall prepare a statement of all payments due in Form 16Q, up to the date of the sale by public auction, as follows:

(a) any rent payable to the State Authority;

(b) any other outgoings payable to the State Authority;

(c) any rate payable to the local authority; and

(d) all expenses incurred in connection with the sale by the Registrar of the Court or Land Administrator, as the case may be.

(2) The chargor and the Registrar of the Court or the Land Administrator, as the case may be, shall be notified in Form 16Q of the payments due under sub-section (1) on or after the date of the sale by public auction. "

32. New section 267A.

The Code is amended by inserting after section 267 the following section:

"267A. Application of deposit upon failure to settle purchase price etc..

Where the purchaser fails to settle the balance of the purchase price within the period specified in the order for sale under section 257 or 263, the deposit shall be forfeited and shall be applied by the chargee as follows:

(a) firstly, in the payment of all moneys due specified in paragraphs (a) and (b) of sub-section (1) of section 268; and

(b) secondly, in the payment of the balance if any, retained in the account of the chargor for the purpose of reducing the amount due to the chargee in the order of priority specified in paragraphs (c) , (d) and (e) of sub-section (1) of section 268. "

33. New section 268A.

The Code is amended by inserting after section 268 the following section:

"268A. Application of purchase money by chargee who is a financial institution.

(1) Upon receipt of the full payment of the purchase money of the sale, the chargee who is a financial institution shall immediately certify in writing to the Registrar of the Court or the Land Administrator, as the case may be, that the full payment has been received.

(2) The chargee shall apply the purchase money in the manner specified as follows:

(a) firstly, in the payment of the moneys due specified in paragraphs (a) and (b) of sub-section (1) of section 268 not later than fourteen days from the date of the receipt of the full purchase money of the sale; and

(b) secondly, in the payment of moneys due to the persons or bodies in the order of priority specified in paragraphs (c) , (d) and (e) of sub-section (1) of section 268 not later than twenty-one days after receipt of the full amount of the purchase money.

(3) A statement of accounts of the payments received and paid out as specified in sub-section (2) shall be submitted not later than thirty days after the receipt of the full purchase money to the Registrar of the Court or the Land Administrator, as the case may be. "

34. Amendment of section 269.

Section 269 of the Code is amended-

(a) in subsection (1) -

(i) by inserting after the words "any officer of the Court or **Land** Administrator" the words "or in the case of a financial institution, chargee"; and

(ii) by inserting after the words "section 268" the words "or 268A, as the case may be"; and

(b) by inserting after subsection (2) the following subsection:

"(3) Notwithstanding anything contained in this Act or any other written law, the State Authority, any local authority, any chargor or purchaser who suffers any loss or damage by reason of any act, omission, neglect, error or default arising under this Chapter shall be entitled to such compensation as may be determined by the Court. "

35. Amendment of section 301.

Section 301 of the Code is amended-

(a) in paragraph (e) by substituting for the full stop at the end of that paragraph a colon; and

(b) by inserting the following proviso to the section:

"Provided that where a certificate of sale has been given to a purchaser in respect of any charged land or lease under sub-section (3) of section 259 or sub-section (4) of section 265, any requirement to obtain the consent of the State Authority relating to the restriction in interest to such land or lease in question shall not be applicable. "

36. Amendment of section 321.

Section 321 of the Code is amended-

(a) in subsection (2) by inserting after the word "land" the words "and any person or body having a registered interest in the land"; and

(b) in paragraph (4) (a) by inserting after the word "land" the words "and any person or body having a registered interest in the land".

37. Amendment of section 322.

Section 322 of the Code is amended-

(a) in subsection (1) -

(i) by inserting after the words "land itself" the words "or an undivided share in the land" and by substituting for the colon at the end of paragraph (b) a full stop; and

(ii) by deleting the proviso;

(b) in subsection (2) -

(i) by inserting after the words "land itself" the words "or an undivided share in the land"; and

(ii) by substituting for the full stop at the end of paragraph (c) a colon and inserting the following proviso to subsection (2) :

"Provided that where the claim is in respect of a part of the land, the caveat binds the whole land and where the claim is in respect of an undivided share in the land, the caveat binds the whole of the undivided share in the land."; and

(c) by inserting after subsection (5) the following subsection:

"(5A) No consent of the person or body at whose instance a private caveat has been entered on a part of the land, an undivided share in the land or a particular interest therein is necessary to effect any registration, endorsement or entry of any instrument on the register document of title not affecting the claim relating to that part of the land, undivided share in the land or interest therein. "

38. Amendment of section 323.

Section 323 of the Code is amended-

(a) in paragraph (1) (a) by inserting after the words "alienated land" the words "or undivided share in any alienated land";

(b) in subsection (2) by inserting after the words "land itself" the words "or an undivided share in the land"; and

(c) by substituting for subsection (3) the following subsection:

"(3) Any application under this section shall be accompanied by-

(a) the prescribed fee;

(b) the grounds giving rise to the claim thereto, verified by a statutory declaration by the applicant or his advocate and solicitor; and

(c) if relating to a part of the land, a description or a plan of the land affected, and if relating to an undivided share in the land or a part thereof, a description, which is sufficient for identification. "

39. Amendment of section 324.

Section 324 of the Code is amended-

(a) in paragraph (2) (a) by inserting after the words "land itself," the words "or an undivided share in the land"; and

(b) in subsection (3) by inserting after the word "land" the words "or an undivided share in the land".

40. Amendment of section 325.

Subsection 325(2) of the Code is amended by inserting after the word "land" the words "or an undivided share in the land".

41. New section 381A.

The Code is amended by inserting after section 381 the following section:

"381A. Power of Land Administrator to standardize express conditions and restrictions in interest.

(1) The Registrar or the Land Administrator, as the case may be, may from time to time, of his own accord, for the purpose of uniformity, standardize the format of the express conditions and restrictions in interest of any alienated land on the register and issue documents of title.

(2) Any standardization made under sub-section (1) shall not affect the rights of the proprietor.

(3) The Registrar or Land Administrator, as the case may be, shall serve a notice in Form 2b on the proprietor or any chargee, lien-holder or any other person or body whom he may have reason to believe to be in possession or control of the issue document of title, to produce the issue document of title to the land in question.

(4) Every standardization made under this section shall be signed and sealed by the Registrar or the Land Administrator, as the case may be. "

42. Amendment of section 433A.

Section 433A of the Code is amended in the definition of "foreign company" by substituting for the word "thirty" wherever it appears the word "fifty".

43. Amendment of section 433B.

Section 433B of the Code is amended-

(a) in subsection (1) by substituting for the provisos to that subsection the following proviso:

"Provided that no such approval shall be required in respect of-

(aa) any land or any interest in land which is subject to the category "industry" or to any condition requiring its use for industrial purposes;

(ab) any dealing effected pursuant to a sale and purchase agreement for which an approval has been granted under section 433E and executed by the same parties in such agreement; and

(ac) any dealing or act with regard to alienated land or any interest in land exempted by rules made under paragraph (aa) of sub-section (1) of section 14. "; and

(b) by inserting after subsection (2) the following subsection:

"(2A) The State Authority may, where its approval under sub-section (1) is given subject to the payment of such levy as may be prescribed, remit to any non-citizen or foreign company, or exempt any non-citizen or foreign company from the payment of, any part of such levy:

Provided that the State Authority shall not remit to any non-citizen or foreign company, or exempt any non-citizen or foreign company from the payment of, such levy except in accordance with the directions of the National Land Council. "

44. Amendment of section 433E.

Section 433E of the Code is amended-

(a) in subsection (1) by substituting for the proviso to that subsection the following proviso:

"Provided that no such approval shall be required in respect of-

(a) any alienated land or any interest in land which is subject to the category "industry" or to any condition requiring its use for industrial purposes; and

(b) any conveyance or disposal or act with regard to alienated land or any interest in land exempted by rules made under paragraph (aa) of sub-section (1) of section 14. "; and

(b) by inserting after subsection (2) the following subsection:

"(2A) The State Authority may, where its approval under sub-section (1) is given subject to the payment of such levy as may be prescribed, remit to any non-citizen or foreign company, or exempt any non-citizen or foreign company from the payment of, any part of such levy:

Provided that the State Authority shall not remit to any non-citizen or foreign company, or exempt any non-citizen or foreign company from the payment of, such levy except in accordance with the directions of the National Land Council. "

45. Amendment of section 433F.

Subsection 433F(1) of the Code is amended by substituting for the words "Subject to sections 433B and 433E" the words "Unless approval is not required under section 433B or 433E or unless a disposal of land or dealing or other act with regard to alienated land or any interest in land has been exempted under rules made under section 14".

46. Amendment of First Schedule.

The First Schedule to the Code is amended-

(a) in Form 2B-

(i) in paragraph (c) by substituting for the full stop at the end of that paragraph a semicolon; and

(ii) by inserting after paragraph (c) the following paragraph:

"*(d) to standardize the * express conditions/restrictions in interest. ";

(b) in Form 12D-

(i) by substituting for the word "lots" wherever it appears the word "lands"; and

(ii) by deleting the words "under qualified titles";

(c) in Form 14D by substituting for the word "Chairman" the word "Secretary";

(d) by substituting for Form 16H the following form:

"National Land Code

FORM 16H

(Sections 257 and 263)

ORDER FOR SALE AT INSTANCE OF THE CHARGEE

I,
..... *Registrar of the High Court/Land Administrator in exercise of the powers conferred by *section 257/263 of the National Land Code, hereby order the sale of the *land/undivided share in the *land/lease/sub-lease described in the schedule below;

And I further order-

(a) that the sale shall be by public auction, to be held on the

..... day of (year) at

*forenoon/afternoon in-.....
.....
.....
.....

(State the place of the auction) (b) that the reserve price for the purpose of the sale shall be

RM.

(In words - Ringgit) .

2. I find that the amount due to the *chargee/chargees at this date is RM:

*(a) RM Name of chargee

(b) RM Name of chargee

(c) RM Name of chargee

3. The sale shall be subject to the following conditions:

(a) the bidder possesses, the sum equivalent to ten per centum of the reserve price specified under paragraph 1(b) above:

RM (in words

.....
. Ringgit) ;

(b) the full amount of the purchase price may be paid immediately after the fall of the hammer by the successful bidder to the chargee;

(c) where the full amount of the purchase price is not paid after the fall of the hammer by the successful bidder-

(i) then the sum specified in paragraph (a) shall be paid to the chargee and it shall be retained as a deposit until the full purchase price has been paid; and

(ii) pending the settlement of the balance of the purchase price, the sum specified in subparagraph (i) shall be credited into the account of the chargor for the purpose of reducing the amount due to the chargee;

(d) the balance of the purchase price shall be settled within a date not later than one hundred and twenty days from the date of the sale, that is, not later than the day

of (year) and there shall be no extension of the period so specified; and

(e) where the full purchase price is not settled on or by the date specified in paragraph (d) , the sum paid as deposit under paragraph (c) to the chargee shall be forfeited and disposed of in the manner specified under section 267.

Dated this day of (year)

.....

*Registrar of the Court/

Land Administrator

District of

State of";

(e) by inserting after Form 16N the following forms:

"National Land Code

FORM 16O

(Section 264a) APPLICATION FOR POSTPONEMENT OR CANCELLATION OF AN ORDER FOR SALE BY PUBLIC AUCTION To the

Land Administrator,

.....

*I/We
... chargee under the charge described in the Schedule below of the *land /undivided share in
the land/lease/sub-lease so described, hereby make an application for an order for the
*postponement/

cancellation, of the Order for Sale dated

2. As required, *I/We now submit the prescribed fee of RM

Dated this day of (year)

.....

Signature (or other form of execution)

by or on behalf of the chargee

*I/We, of
.. agree to the application of the *postponement / cancellation of the Order for Sale stated above.

Dated this day of (year)

.....

Signature (or other form of execution)

by or on behalf of the chargor

SCHEDULE OF LAND * AND INTEREST

[as in Form 13A]

For Official Use Only

Received on day of (year)

*Approved / Rejected on day of (year)

Land Administrator

District of

State of

* Delete as appropriate

National Land Code

Form 16P

(Section 264A)

NOTICE OF *POSTPONEMENT/CANCELLATION OF A SALE BY PUBLIC AUCTION

Pursuant to an application of the chargee, with the concurrence

of the chargor, under Charge Registered No.

made on the day of (year) I hereby

declare that the said sale is hereby *postponed/cancelled.

*And I order that the sale by public auction shall be held at
. on

the day of (year) at hours

in the *forenoon/afternoon.

Dated this day of (year)

Land Administrator

District

SCHEDULE OF LAND * AND INTEREST

[as in Form 13A] *Delete as appropriate

National Land Code

FORM 16Q

(Section 266A)

STATEMENT OF PAYMENT DUE IN CONNECTION WITH A SALE BY PUBLIC AUCTION

To the *Registrar of the Court,

...../

Land Administrator,

District of

State of

Pursuant to an order of sale dated day of

(year) made on the application of the chargee under Charge

Registered No. and sale by public auction

on the day of (year), take notice that the sum due are as follows:

(a) rent payable to the State AuthorityRM.

(b) other outgoings to the State AuthorityRM.

(c) rate payable to the local authorityRM.

(d) expenses incurred in connection withRM.

the sale by the * Court / Land

Administrator

.....

Total RM.

Dated this day of (year)

.....

Signature (or other form of execution)

by or on behalf of the chargee

*Delete as appropriate

SCHEDULE OF LAND * AND INTEREST

[as in Form 13A]"; (f) in Form 19A by substituting for the words "*the land itself / the particular interest described in the said schedule" the words "* the whole of the land/the undivided share in the land/the particular interest described in the said schedule";

(g) in Form 19B-

(i) by substituting for the full stop at the end of subparagraph 3(b) the word "; and"; and

(ii) by inserting after subparagraph (b) the following subparagraph:

"(c) if relating to a part of the land, a description or a plan of the land affected, or if relating to an undivided share in the land or part thereof, a description thereof";

(h) in Form 19C by substituting for the words "**the land itself / the particular interest described in the said schedule" the words "** the whole of the land/the undivided share in the land/the particular interest described in the said schedule";

(i) in Form 19G by inserting after the word "land/" the words "undivided share in the land/ . "; and

(j) in Form 19H by inserting after the word "land/" the words "undivided share in the land/ . ".

47. Savings and transitional provisions relating to remedies of chargee in Part Sixteen and applications relating to land held under qualified title in continuation of final title.

(1) Any order of sale by the Court or Land Administrator, as the case may be, made before the date of coming into operation of this Act relating to remedies of chargees in Part Sixteen shall continue to be in force:

Provided that any chargee, with the concurrence of the chargor, may apply in writing to the Registrar of the Court or the Land Administrator, as the case may be, to apply the amended provisions of Part Sixteen and the Registrar of the Court or Land Administrator, as the case may be, shall make such orders as are expedient and necessary to give effect to the application.

(2) Any application made under sections 137, 142 and 148 of the Code before the coming into operation of this Act shall continue to be processed notwithstanding the amendments made to sections 135, 140 and 146 of the Code by this Act but such application shall be subject to section 183A, 184A or 185a of the Code introduced by this Act.

48. Validation.

Any execution of a deed of assignment in relation to alienated land or any interest therein by a non-citizen or foreign company under a power of attorney pursuant to a loan agreement, or any execution of a deed in relation to alienated land or any interest therein by a non-citizen or foreign company under a power of attorney done on or after 16 February 1996 and before the commencement of this Act, and which would have been void under section 433F, is hereby declared to be valid notwithstanding that rules have not been made under section 14 within that period to exempt such execution.