



# LAWS OF MALAYSIA

REPRINT

Act 172

## TOWN AND COUNTRY PLANNING ACT 1976

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**TOWN AND COUNTRY PLANNING ACT 1976**

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**LAWS OF MALAYSIA****Act 172****TOWN AND COUNTRY PLANNING ACT 1976**

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**LAWS OF MALAYSIA****Act 172****TOWN AND COUNTRY PLANNING ACT 1976**

An Act for the proper control and regulation of town and country planning in Peninsular Malaysia and for purposes connected therewith or ancillary thereto.

[See Appendix]

WHEREAS it is expedient for the purpose of ensuring uniformity of law and policy to make a law for the proper control and regulation of town and country planning in Peninsular Malaysia:

AND WHEREAS it is also expedient that provisions be made to confer executive authority on the Federation over certain matters in relation to the control and regulation of town and country planning:

NOW, THEREFORE, pursuant to Clause (1) of Article 74, Clause (4) of Article 76 and Clause (2) of Article 80 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, application and commencement**

1. (1) This Act may be cited as the Town and Country Planning Act 1976 and shall apply in Peninsular Malaysia.

(2) Subject to subsection (3), this Act shall come into operation in a State on a date to be appointed by the State Authority, with the concurrence of the Minister, by notification in the State *Gazette*\*.

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\*NOTE—See Appendix.

(3) The State Authority may bring this Act into operation in any manner the State Authority thinks most advantageous, convenient, expedient, or practicable, whether by appointing different dates for different provisions of this Act, by appointing different dates for different local authority areas or parts thereof, by bringing a provision into operation generally in the State and at the same time declaring that, for or until such time as may be specified, the provision shall or shall not apply to or in relation to a local planning authority or the area or any part of the area of a local planning authority to such extent only as may be specified, or in any other manner.

## **Interpretation**

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

“agriculture” includes horticulture, farming, the growing of crops, fruits, vegetables, or trees, the growing of plants for use as fodder, dairy farming, the breeding and keeping of livestock, fish, or bees, and the use of land for purposes ancillary to any of those activities or to any other agricultural activities; but does not include the use of land as a garden to be enjoyed together with a building attached to the land; and “agricultural” shall be construed accordingly;

“amenities” means such quality or condition of a place or area as contributes to its pleasantness, harmony and better enjoyment, and includes open spaces, parks, recreation grounds, and playgrounds;

“Appeal Board” means the Appeal Board constituted under section 36;

“authorized person”, in relation to any provision, means a person designated in writing by the local planning authority to be an authorized person for the purposes of that provision;

“building” includes any house, hut, shed, or roofed enclosure, whether or not used as a human habitation, and any wall, fence, platform, staging, gate, post, pillar, paling, frame, hoarding, slip, dock, wharf, pier, jetty, landing-stage, or bridge, and any structure, support, or foundation connected to or with any of those structures;



“building operation” means the demolition, erection, re-erection, or extension of a building or part thereof and includes—

- (a) any increasing of the height or floor area of a building;
- (b) the roofing or re-roofing of a building or part thereof;
- (c) any addition to or alteration of a building that affects or is likely to affect its drainage or sanitary arrangements or its soundness;
- (d) any addition to or alteration of a building, whether done before or after completion of the building, that departs in any manner from any plan or specification in respect of the building approved at any time by any authority empowered under any written law to approve the plan or specification;
- (e) any addition to or alteration of a building that materially affects or is likely to materially affect the building in any manner; and
- (f) any other operation normally undertaken by a person carrying on the business of building construction;

“Committee” means the State Planning Committee established under section 4;

“Council” means the National Physical Planning Council established under section 2A;

“density” means the intensity of use of land reckoned or expressed in terms of the number of persons, dwelling units, or habitable rooms, or any combination of those factors, per unit area of land; and for the purpose of this definition, “habitable room” does not include a kitchen, storeroom, utility room, lavatory, bathroom, or garage;

“development” means the carrying out of any building, engineering, mining, industrial, or other similar operation in, on, over, or under land, the making of any material change in the use of any land or building or any part thereof, or the subdivision or amalgamation of lands; and “develop” shall be construed accordingly;

“development area” means a development area declared under subsection 38(1);

“development charge” means the development charge referred to in section 32;

“development plan”, in relation to an area, means—

- (a) the local plan for the area; or
- (b) if there is no local plan for the area, the structure plan for the area,

and, in relation to any land or building, means the development plan, as so defined, for the area in which the land or building is situated;

“development proposal report” means the report required to be submitted by an applicant for planning permission under subsection 21A(1);

“Director General of Town and Country Planning” means the Director General of Town and Country Planning whose functions are set out primarily in section 2B;

“earthworks” includes any act of excavation, levelling, filling with any material, or felling of trees on any land, or any act of dealing with or disturbing any land;

“engineering operation” includes the formation or levelling of land, the formation or laying out of means of access to a road, and the laying out of cables, mains, or means of water supply or drainage;

“felling a tree” includes cutting down, topping, lopping, uprooting, damaging or destroying a tree;

“floor area” means the total area of floor space within a building, as measured between the external sides of walls or, in the case of party walls, between the centres of such walls;

“land” includes—

- (a) the surface, and all substances forming the surface, of the earth;
- (b) all substances below the surface of the earth;

- (c) all vegetation and other natural products, whether or not requiring periodical application of labour to their production, and whether on or below the surface of the earth;
- (d) all things, whether on or below the surface of the earth, that are attached to the earth or permanently fastened to any thing attached to the earth;
- (e) land covered by water; and
- (f) any estate or interest in, or right over, land;

“local authority” means any city council, municipal council, municipality, district council, town council, town board, local council, rural board, or other similar authority established by or under any written law;

“local plan”, in relation to an area, means the local plan for the area, and any alteration of the plan, for the time being having effect in the area by virtue of subsection 15(1); and, in relation to any land or building, means the local plan, as so defined, for the area in which the land or building is situated; and “draft local plan” shall be construed as the context requires;

“local planning authority”, in relation to an area, shall be construed as provided in section 5 and, in relation to any land or building, means the local planning authority, as so construed, for the area in which the land or building is situated;

“Minister” means the Minister responsible for town and country planning;

“national physical plan” means the physical plan covering Peninsular Malaysia prepared and approved under section 6B;

“occupier”, in relation to any land or building, includes—

- (a) a tenant of the land or building;
- (b) an owner of the land or building occupying or otherwise using the land or building;
- (c) a person in actual occupation of the land or building or having the charge, management, or control thereof, whether on his own account or as an agent of another person,

but does not include a lodger;

“open space” means any land whether enclosed or not which is laid out or reserved for laying out wholly or partly as a public garden, park, sports and recreation ground, pleasure ground, walk or as a public place;

“owner”, in relation to any land or building, means—

- (a) the registered proprietor of the land;
- (b) if, in the opinion of the local planning authority, the registered proprietor of the land cannot be traced, his agent or trustee;
- (c) if the registered proprietor of the land is dead, his legal personal representative;
- (d) if none of the persons mentioned in paragraphs (a), (b), and (c) exists, the person who for the time being is receiving the rent of the land or building, whether on his own account or as an agent or trustee of another person or as a receiver, or who would be receiving the rent if the land or building were let;

“plan” includes reports, drawings, maps and models;

“planning permission” means permission granted, with or without condition, to carry out development;

“plinth area” means the proportion to be covered by building of the area of any lot;

“plot ratio” means the ratio of the total floor area of a building to the area of the building plot as measured between the survey boundary lines or, if there are no survey boundary lines, between the provisional boundary lines;

“prescribe” means prescribe by rules;

“purchase notice” means a purchase notice referred to in section 37;

“regional planning committee”, in relation to an area, means the regional planning committee established for that area under section 6A;

“requisition notice” means a requisition notice referred to in section 30;

“road” means any public or private road, and includes any street, square, court, alley, lane, bridge, footway, track, bridle-path, passage, or highway, whether a thoroughfare or not, over which the public have a right of way;

“rules” means rules made under this Act;

“special area” means the area designated under section 16B;

“State Director”, in relation to a State, means the Director of Town and Country Planning Department of that State;

“structure plan”, in relation to an area, means the structure plan for the area, and any alteration of the plan, having effect in the area by virtue of subsection 10(6); and, in relation to any land or building, means the structure plan, as so defined, for the area in which the land or building is situated; and “draft structure plan” shall be construed as the context requires;

“tree preservation order” means a tree preservation order made under section 35A;

“use”, in relation to any land, means any use of the land other than merely for the keeping or storage of materials and equipment intended to be employed in the construction or erection of a building on the land, or as a site for temporary buildings for the accommodation of workers involved in the construction or erection of the building;

“utilities” includes roads, water and electricity supplies, street lighting, sewerage, drainage, public works, and other similar public services and conveniences.

(2) For the avoidance of doubt in determining, for the purposes of this Act, what constitutes a material change in the use of land, it is declared that—

- (a) the use of land as a place for depositing refuse or waste materials involves a material change in the use of the land, notwithstanding that the land is comprised in a site already used for that purpose, if the superficial area or the height of the deposit is thereby materially extended;

- (b) any use of land or part thereof that contravenes or is inconsistent with or contrary to any provision of the development plan involves a material change in the use of the land.

(3) For the avoidance of doubt in determining, for the purposes of this Act, what constitutes a material change in the use of a building, it is declared that—

- (a) any increase in the number of units in a building to more than the number originally approved by any authority empowered under any written law to give the approval involves a material change in the use of the building;
- (b) the use as a dwelling-house of a building not originally constructed for human habitation involves a material change in the use of the building;
- (c) any alteration or addition to that part of the building, whether in the interior or attached to the exterior of the building, that abuts upon any regular line of street as prescribed by or defined in any written law relating to buildings involves a material change in the use of the building;
- (d) any use of a building or part thereof that contravenes or is inconsistent with or contrary to any provision of the development plan involves a material change in the use of the building;
- (e) the use for other purposes of a building or part thereof originally constructed as a dwelling-house involves a material change in the use of the building.

## PART II

### POLICY AND ADMINISTRATION

#### **National Physical Planning Council**

**2A.** (1) There shall be established a National Physical Planning Council consisting of—

- (a) a Chairman, being the Prime Minister;
- (b) a Deputy Chairman, being the Deputy Prime Minister;

- (c) the Minister;
- (d) the Minister responsible for housing and local government, if he is not also the Minister responsible for town and country planning;
- (e) the Minister of Finance;
- (f) the Minister responsible for land;
- (g) the Menteri Besar or Chief Minister of every State;
- (h) the Minister responsible for the Federal Territory; and
- (i) not more than seven other members to be appointed by the Chairman.

(2) The functions of the National Physical Planning Council shall be—

- (a) to promote in the country, within the framework of the national policy, town and country planning as an effective and efficient instrument for the improvement of the physical environment and towards the achievement of sustainable development in the country;
- (b) to advise the Federal Government or the Government of any State, on matters relating to the town and country planning required under this Act; and
- (c) to perform any other functions conferred upon the Council under this Act.

(3) The Council may from time to time give the Director General of Town and Country Planning directions which are consistent with the provisions of this Act, and the Director General of Town and Country Planning shall give effect to such directions.

(4) The Council may perform any other functions that are incidental or consequential to any of the functions specified in subsection (2) and do all such things as may be necessary or expedient for carrying out its functions under this Act.

(5) The Council shall meet once during every four months in a year and shall, in addition, meet as and when a meeting is convened by the Chairman.

(6) The Council shall determine its own procedure.

### **Director General of Town and Country Planning**

**2B.** (1) There shall be a Director General of Town and Country Planning whose functions shall be—

- (a) to conduct, promote and co-ordinate research in relation to any aspect of town and country planning;
- (b) to publish reports, bulletins, statistics, monographs and other publications relating to town and country planning and its methodology;
- (c) to provide information and education to the public regarding town and country planning;
- (d) to report to and advise the Council upon matters concerning the use of town and country planning in the conservation, use and development of lands in the country and upon any amendments he thinks desirable to any law affecting town and country planning and upon any matters referred to him by the Council;
- (e) to establish and maintain liaison and co-operation with each of the State Authorities with respect to town and country planning.

(2) The Director General of Town and Country Planning shall be the Secretary of the Council.

### **General planning policy**

**3.** Subject to Clauses (5) and (6) of Article 91 of the Constitution, the State Authority shall be responsible for the general policy in respect of the planning of the development and use of all lands and buildings within the area of every local authority in the State; and the State Authority may, in or for the purpose of discharging the responsibility of the State Authority under this section, from time to time give to the Committee or any local planning authority directions of a general character not inconsistent with the provision of this Act, and the Committee or local planning authority shall give effect to such directions.



**The State Planning Committee and its functions**

**4.** (1) There shall be established for the State a State Planning Committee consisting of—

- (a) a Chairman, being the Menteri Besar or Chief Minister of the State;
- (b) a Deputy Chairman, being a member of the State Executive Council, to be appointed by the State Authority;
- (ba) not more than three members to be appointed by the State Authority from amongst the members of the State Executive Council, at least one of whom shall be the member responsible for and whose portfolio is related to town and country planning in the State;
- (c) the State Secretary;
- (d) the State Director, who shall be the Secretary of the Committee;
- (e) the State Director of Lands and Mines;
- (f) the Director of the State Economic Planning Unit or an officer responsible for such affairs in the State;
- (g) the State Director of Public Works;
- (h) the State Legal Adviser;
- (ha) the State Financial Officer;
- (hb) the State Development Officer or an officer responsible for such affairs in the State;
- (hc) the State Director of Environment or an officer responsible for such affairs in the State; and
- (i) not more than four other members to be appointed by the State Authority.

(2) A member of the Committee appointed under paragraph (1)(b) or (i) shall, unless he sooner resigns his office or his appointment is sooner revoked, hold office for such period as may be specified in his instrument of appointment but shall be eligible for reappointment.

(3) A member of the Committee who is not a member of the public service may be paid such allowances as the State Authority may approve.

(4) The functions of the Committee shall be—

(a) to promote in the State, within the framework of the national policy, the conservation, use and development of all lands in the State;

(aa) to regulate, control, plan and co-ordinate all development activities in the State;

(b) to advise the State Government, either on its own initiative or in response to a request by the State Government, on matters relating to the conservation, use and development of land in the State; and

(c) to undertake, assist in and encourage the collection, maintenance and publication of statistics, bulletins and monographs and other publications relating to town and country planning and its methodology.

(5) The Committee may from time to time give to any local planning authority directions not inconsistent with the provisions of this Act and the local planning authority shall give effect to such directions.

(6) The Committee may perform any other functions that are supplemental, incidental, or consequential to any of the functions specified in subsection (4) and do all such things as may be necessary or expedient for carrying out its functions under this Act.

(7) The Committee may cause a local inquiry or hearing to be held in or for the purpose of exercising any of its functions under this Act.

(8) The State Director of Town and Country Planning shall be the principal adviser to the Committee on matters relating to town and country planning and, as Secretary of the Committee, shall be responsible for carrying out the decisions and implementing the policies of the Committee; and in or for the purpose of discharging his functions under this subsection, he may draw upon the financial, manpower and other resources of his department.

### **Local planning authorities**

**\*5.** (1) Every local authority shall be the local planning authority for the area of the local authority.

**\*\***(2) For any area in the State that does not form part of the area of any local authority, the State Director shall be the local planning authority, and references to the “local planning authority” in this Act shall be deemed to include the State Director whenever he performs the functions of the local planning authority in relation to that area.

(3) (*Deleted by Act A1129*).

(4) A local planning authority shall furnish the Committee with such returns and information relating to its activities as the Committee may from time to time require.

### **Functions of local planning authorities**

**6.** (1) The functions of a local planning authority shall be—

- (a) to regulate, control and plan the development and use of all lands and buildings within its area;
- (b) to undertake, assist in, and encourage the collection, maintenance, and publication of statistics, bulletins, and monographs, and other publications relating to town and country planning and its methodology; and
- (c) to perform such other functions as the State Authority or the Committee may from time to time assign to it.

(2) A local planning authority may perform any other functions that are supplemental, incidental, or consequential to any of the functions specified in subsection (1) and do all such things as may be necessary or expedient for carrying out its functions under this Act.

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*\*NOTE*—The amendment of this section *vide* Act A1129 shall not affect any pending application for planning permission in respect of a development or any appeal against the refusal of the local planning authority to grant planning permission or against any condition imposed under subsection 22(3) of this Act—*see* section 38 of Act A1129.

*\*\*NOTE*—This subsection does not apply to the States of Kelantan and Terengganu—*see* Kn. P.U. 34/2003 and Tr. G.N. 54/2003.

## PART IIA

## REGIONAL PLANNING COMMITTEE

**Regional planning committee**

**\*6A.** (1) The Council may from time to time, after consultation with the State Authorities concerned, establish a regional planning committee for a region which consists of an area situated in two or more States.

(2) For the purpose of subsection (1), the Minister shall cause the fact of the establishment of a regional planning committee to be published in the *Gazette* together with the marking by which the boundary of the region for which the committee is established may be identified.

(3) The regional planning committee shall consist of—

- (a) a Chairman, who is appointed by the Prime Minister;
- (b) six persons representing the Federal Government, at least four of whom shall be public officers, appointed by the Minister;
- (c) not more than four persons representing the Government of each of the States within the region, appointed by the State Authority, one of whom shall be the State Director; and
- (d) the President of every local planning authority within the region if such authority is a local authority.

(4) There shall be a Secretary for the regional planning committee to be appointed by the Director General of Town and Country Planning.

(5) The functions of the regional planning committee shall be—

- (a) to advise and assist the State Planning Committees and the local planning authorities within the region pertaining to the development plans appropriate for the region, in accordance with the national policy;

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\*NOTE—This section does not apply to the State of Terengganu—see Tr. G.N. 54/2003.

- (b) to establish policies and to devise a comprehensive regional plan to guide and co-ordinate development of the region;
- (c) to plan and co-ordinate the provision of infrastructure and facilities for the region;
- (d) to establish uniform process and procedures to be used by the Federal Government and the State Governments and local authorities concerned for the region;
- (e) to monitor the implementation of standards, guidelines and procedures in facilitating the development of the region; and
- (f) to conduct research required for the planning of the region.

(6) The regional planning committee shall furnish the Council or Committee with such returns, reports and information relating to its activities as the Council or Committee may from time to time require.

(7) The regional planning committee shall determine its own procedure.

## PART II B

### NATIONAL PHYSICAL PLAN

#### **National physical plan**

**6B.** (1) The Director General of Town and Country Planning shall, upon the direction of the Council, prepare and submit to the Council for its approval a draft national physical plan which covers Peninsular Malaysia.

- (2) The draft national physical plan shall—
  - (a) be a written statement formulating strategic policies for the purpose of determining the general directions and trends of the physical development of the nation;
  - (b) be accompanied by such indicative plans as may be required to clarify the strategic policies; and
  - (c) contain such other matters as may be prescribed or as the Council may in any particular case specify.

(3) When preparing the draft national physical plan and determining its contents for submission to the Council, the Director General of Town and Country Planning shall take into consideration the current national urbanization policy or other similar policies and shall consult with every State Authority and such other authorities or bodies as the Council may direct.

(4) The national physical plan shall be reviewed every five years in tandem with the review of the National Five Year Development Plans, or as and when directed by the Council.

(5) It shall be the general duty of the Federal Government and the Government of every State to assist in ensuring that the objectives of the national physical plan are achieved.

(6) The Director General of Town and Country Planning shall periodically report to the Council on the implementation of the national physical plan, or as and when directed by the Council.

### PART III

#### DEVELOPMENT PLANS

##### **Survey of planning areas**

7. (1) The State Director shall, in so far as he has not already done so, institute a survey of the State, examining the matters that may be expected to affect the development, or the planning of the development, of the State, and shall in any event keep all those matters under review.

(2) Notwithstanding that the State Director has carried out his duty under subsection (1), he may, if he thinks fit, and shall, if directed to do so by the Council or Committee, institute a fresh survey of the whole State, examining the matters mentioned in that subsection.

(3) Without prejudice to the generality of subsections (1) and (2), the matters to be examined and kept under review under those subsections shall include—

- (a) the principal physical, economic, environmental, and social characteristics, including the principal land uses, of the State and, so far as they may be expected to affect the State, those of the neighbouring areas;

- (aa) the national physical plan and other principal economic, social, physical and environmental management and conservation policies of the nation;
- (b) the size, composition, and distribution of the population of the State, whether resident or not;
- (c) without prejudice to paragraph (a), the communications, transport system, and traffic of the State and, so far as they may be expected to affect the State, those of the neighbouring areas;
- (d) any matters not mentioned in any of the preceding paragraphs that may be expected to affect any matters so mentioned;
- (e) such other matters as may be prescribed or as the Council or Committee may in any particular case specify; and
- (f) any changes already projected in any of the matters mentioned in any of the preceding paragraphs and the effect that those changes are likely to have on the development, or the planning of the development, of the State.

(4) The State Director shall, for the purpose of discharging his functions under this section, consult with the State Director of any other State about matters relating to the area of that other State that may be expected to affect the development or the planning of the development of the State in respect of which the survey is instituted under this section.

(5) Subsection (1) shall, as respects any period during which this section is in operation in part only of the State, be construed as requiring the State Director to institute a survey of, and to keep under review, matters affecting that part of the State only; and subsection (2) shall, whether or not this section is in operation in the whole of the State, have effect as if the power thereby conferred included power for the State Director to institute, and for the Council or Committee to direct him to institute, a fresh survey of part of the State only; and references in subsection (3) to the State or the neighbouring areas shall be construed accordingly.

**Preparation of draft structure plans**

**8.** (1) The State Director shall, within such period as the Council or Committee may specify, prepare and submit to the Committee a report of his survey under section 7 and at the same time prepare and submit to the Committee for its approval a draft structure plan complying with subsection (3) for the State.

(2) The report shall include an estimate of any changes likely to occur, during such period as the Council or Committee may specify, in the matters mentioned in subsection 7(3); and different periods may be specified in relation to different matters.

(3) The draft structure plan for the State shall be a written statement—

- (a) formulating the policy and general proposals of the State Authority in respect of the development and use of land in that State, including measures for the improvement of the physical living environment, the improvement of communications, the management of traffic, the improvement of socio-economic well-being and the promotion of economic growth, and for facilitating sustainable development;
- (b) stating the relationship of those proposals to general proposals for the development and use of land in the neighbouring areas that may be expected to affect that area; and
- (c) containing such other matters as may be prescribed or as the Council or Committee may in any particular case specify.

(4) In formulating the policy and general proposals under paragraph (3)(a), the State Director shall secure that the policy and proposals are justified by the results of his survey under section 7 and by any other information that he may obtain, and shall have regard—

- (a) to current policies in respect of the social and economic planning and development and the environmental protection of the State and the nation;
- (b) to the resources likely to be available for the carrying out of the proposals of the structure plan; and



(c) to such other matters as the Council or Committee may direct him to take into account.

(5) (*Deleted by Act A1129*).

(6) A draft structure plan for an area shall contain or be accompanied by such diagrams, illustrations, and descriptive matter as the State Director thinks appropriate for the purpose of explaining or illustrating the proposals in the plan, or as may be prescribed, or as may in any particular case be specified in directions given by the Council or Committee; and the diagrams, illustrations, and descriptive matter shall be treated as forming part of the plan.

(7) At any time before the Committee has under section 10 approved a structure plan in respect of the whole of the area of the State, the State Director may, with the consent of the Committee, and shall, if so directed by it, prepare and submit to the Committee for its approval a draft structure plan relating to part of that area; and where the Committee has given consent or direction for the preparation of a draft structure plan for part of that area, references in this Part to that area shall, in relation to a draft structure plan, be construed as including references to part of that area.

### **Publicity in connection with preparation of draft structure plans**

9. (1) When preparing a draft structure plan for the State and finally determining its content for submission to the Committee, the State Director shall take such steps as will in his opinion secure—

(a) that publicity is given in the State to the report of the survey under section 7 and to the matters that he proposes to include in the plan; and

(b) that persons who may be expected to desire an opportunity of making representations to the State Director in respect of those matters are made aware that they are entitled to, and are given, an opportunity of doing so,

and the State Director shall consider every representation made within the prescribed period to him.

(2) As soon as practicable after a draft structure plan has been submitted to the Committee, the State Director shall—

- (a) publish, in three issues of at least two local newspapers, one of which being in the national language, a notice stating that copies of the plan are available for inspection at the office of the State Director and at such other places as he may determine and the time within which objections to the plan may be made to the Committee; and
- (b) make copies of the plan available for inspection at the places stated in the notice; and each copy shall be accompanied by a statement of the time, as stated in the notice, within which objections to the plan may be made to the Committee.

(3) The time within which objections to the draft structure plan may be made shall be not less than one month from the date of the first appearance of the notice under paragraph (2)(a) in a local newspaper in the national language, and any time stated in the notice may be extended once by the State Director by not more than one month in favour of any particular objector.

(4) A draft structure plan submitted by the State Director to the Committee for its approval shall be accompanied by a statement containing such particulars, if any, as may be prescribed—

- (a) of the steps that the State Director's has taken to comply with subsection (1); and
- (b) of the State Director's consultations with, and consideration of the views of, other persons in respect of the matters included, or originally proposed to be included, in the plan.

(5) If, after considering the statement submitted with, and the matters included in, the draft structure plan and any other information provided by the State Director, the Committee is satisfied that the purposes of paragraphs (1)(a) and (b) have been adequately achieved by the steps taken by the State Director in compliance with that paragraph, it shall proceed to consider whether to approve the structure plan; and if it is not so satisfied, it shall return the plan to the State Director and direct him—

- (a) to take such further action as the Committee may specify in order better to achieve those purposes; and

- (b) after doing so, to resubmit the plan with such modifications, if any, as the State Director then considers appropriate and, if so required by the direction, to do so within a specified period,

but the Committee shall not return the plan or give such direction if three months have elapsed since the State Director submitted the plan to the Committee.

(6) If the Committee returns the draft structure plan to the State Director under subsection (5), it shall inform the State Director of its reasons for doing so and, if any person has made to the Committee any objection to the plan, it shall also inform that person that it has returned the plan.

(7) If the State Director is given directions by the Committee under subsection (5), he shall forthwith withdraw the copies of the plan made available for inspection as required by subsection (2) and shall publish the fact of withdrawal in three issues of at least two local newspapers, one of which being in the national language.

(8) Subsections (2) to (7) shall apply, with the necessary modifications, in relation to a draft structure plan resubmitted to the Committee in accordance with directions given by it under subsection (5) as they apply in relation to the plan as originally submitted.

### **Approval or rejection of draft structure plans by Committee**

**10.** (1) The Committee may, after considering a draft structure plan submitted or resubmitted to it, either approve it, in whole or in part and with or without modifications or reservations, or reject it.

(2) In considering the draft structure plan, the Committee may take into account any matters that it thinks are relevant, whether or not they were taken into account in the plan as submitted or resubmitted to it.

(3) If, on taking the draft structure plan into consideration, the Committee does not determine then to reject it, it shall, before determining whether or not to approve it—

- (a) consider any objections to the plan, so far as they are made in accordance with rules made under section 17;

- (b) afford to the persons whose objections so made are not withdrawn, an opportunity of appearing before, and being heard by, a subcommittee appointed by the Committee, and consisting of four members of the Committee, one of whom shall be appointed chairman of the subcommittee; and
- (c) if a local inquiry or other hearing is held, also afford the like opportunity to the State Director and such other persons as the Committee thinks fit.

(4) Without prejudice to subsection (3), in considering a draft structure plan, the Committee—

- (a) shall consult with the Council for its direction and advice; and
- (b) may consult with, or consider the views of, any other authority or any other persons but shall not be under any obligation to consult with, or consider the views of, any other authority or any other persons or, except as provided by that subsection, to afford an opportunity for the making of any objections or other representations, or to cause a local inquiry or other hearing to be held.

(5) If the Committee has failed or neglected to approve or reject a draft structure plan within six months of its submission to the Committee, the State Director may refer the draft structure plan to the Council for decision thereon.

(6) Upon approving a draft structure plan, the Committee shall submit it to the State Authority for the assent of the State Authority to the plan, and upon the assent being given, the plan shall come into effect.

(7) The Committee shall cause the fact of assent of the State Authority to a draft structure plan to be published in the State *Gazette* and in at least two local newspapers, one of which being in the national language, together with the marking by which the plan may be identified and a statement of the place where the plan may be inspected.

**Review or alteration of structure plans**

**11.** (1) A structure plan that has come into effect shall be subjected to review every five years in tandem with the preparation of the State's five-year development plans, and the review shall relate to the whole of the State.

(2) Notwithstanding subsection (1), after a structure plan for a State has come into effect, the State Director may submit to the Committee and shall, if so directed by the Committee, submit to it, within a period specified in the direction, proposals for such review or alterations to the plan as appear to the State Director to be expedient or as the Committee may direct, as the case may be, and the proposals may relate to the whole or to part of the State.

**Procedure for review of structure plan**

**11A.** If it is decided under section 11 that a review of the structure plan for a State is to be held, the State Director shall submit to the Committee a report of the results of his review of the relevant matters under section 7 together with any other information on which the proposals are based, and sections 9 and 10 shall apply, with the necessary modifications, in relation to the proposals as they apply in relation to the structure plan.

**Procedure for alteration of structure plan**

**11B.** (1) If it is decided under section 11 that an alteration is to be made on the structure plan for the State, the State Director shall prepare and submit to the Committee proposals for such alterations.

(2) In formulating the proposals for such alterations, the State Director shall have regard to such matters as the Council or Committee may direct.

(3) The State Director shall submit the structure plan in which the proposed alterations have been incorporated to the Committee and at the same time publish a notice in at least two local newspapers, one of which being in the national language, stating that copies of the plan are available for inspection and that objections may be made within a period of one month from the date of such publication.

(4) The Committee shall appoint a subcommittee consisting of four members of the Committee, one of whom shall be appointed chairman of the subcommittee, and the sub-committee shall hear every objection made in accordance with the rules made under section 17.

(5) The Committee shall then consider the proposed alteration to the structure plan, and either approve it, in whole or in part and with or without modifications, or reject it.

(6) The Committee shall submit the approved altered structure plan to the State Authority for the assent of the State Authority to the plan, and upon the assent being given, the altered structure plan shall come into effect.

(7) The Committee shall cause the fact of the assent of the State Authority to the altered structure plan to be published in the *State Gazette*.

### **Preparation of draft local plans**

**12.** (1) The local planning authority, while a draft structure plan is being prepared, or before the State Authority gives assent to a draft structure plan that has been prepared, may, if it thinks desirable, prepare a draft local plan for any part of its area.

(2) Where a structure plan for the State has come into effect, the local planning authority shall as soon as practicable prepare a draft local plan for the whole of its area.

(3) A draft local plan shall consist of a map and a written statement and shall—

- (a) formulate, in such details as the local planning authority thinks appropriate, its proposals for—
  - (i) the development of;
  - (ii) the use of land in;
  - (iii) the protection and improvement of the physical environment of;
  - (iv) the preservation of the natural topography of;
  - (v) the improvement of the landscape of;

- (vi) the preservation and planting of trees in;
  - (vii) the making up of open spaces in;
  - (viii) the preservation and enhancement of character and appearance of buildings in;
  - (ix) the improvement of communications in; and
  - (x) the management of traffic in,
- the area of the local plan; and

(b) contain such matters as may be prescribed or as the Committee may in any particular case specify.

(4) A draft local plan for an area shall contain, or be accompanied by, such diagrams, illustrations, and descriptive matter as the local planning authority thinks appropriate for the purpose of explaining or illustrating the proposals in the plan, or as may be prescribed by the Committee, or as may in any particular case be specified in directions given by the Committee; and the diagrams, illustrations, and descriptive matter shall be treated as forming part of the plan.

(5) *(Deleted by Act A1129).*

(6) Without prejudice to the preceding provisions of this section, the local planning authority shall, if the Committee gives it a direction in that behalf in respect of a part of the area of the local planning authority for which a draft structure plan has been, or is in the course of being, prepared, as soon as practicable prepare for that part a draft local plan of such nature as may be specified in the direction.

(7) Directions under subsection (6) may be given by the Committee either before or after the draft structure plan comes into effect.

(8) In formulating its proposals in a draft local plan, the local planning authority shall secure that the proposals conform generally to the structure plan for the State as it stands for the time being, whether or not it has come into effect, and shall have regard to any information and other considerations that appear to it to be relevant, or that may be prescribed, or that the Committee may in any particular case direct it to take into account.

(9) Before giving any direction under subsection (8) to a local planning authority, the Committee shall consult the local planning authority about the proposed direction.

**Publicity in connection with preparation of draft local plan**

**12A.** Before commencing the preparation of a local plan, the local planning authority shall take such steps as will in its opinion secure—

- (a) that publicity is given in its area to the draft local plan that will be prepared, its objectives and the purpose for its preparation, and matters that the local planning authority proposes to include in the plan;
- (b) that persons who may be expected to desire an opportunity of making representations to the local planning authority in respect of those matters are made aware that they are entitled to, and are given, an opportunity of doing so.

**Publicity in connection with draft local plans**

**13.** (1) When the local planning authority has prepared a draft local plan, it shall, before adopting it under subsection 15(1), but not before the structure plan, so far as it applies to the area of the draft local plan, comes into effect, and subject to subsection (2), make copies of the draft local plan available for inspection at its office and at such other places as it may determine; and each copy made available for inspection shall be accompanied by a statement of the time, as stated in the notice published under subsection (2), within which objections to or representations in respect of the draft local plan may be made to the local planning authority.

(2) Before making copies of a draft local plan available for inspection under subsection (1), the local planning authority shall publish, in three issues of at least two local newspapers, one of which being in the national language, a notice stating the date on which copies of the draft local plan will begin to be available for inspection, the places where they will be available for inspection, and the time, which shall not be less than four weeks from the date on which copies of the draft local plan begin to be available for inspection, within which objections to or representations in respect of the draft local plan may be made to the local planning authority.

(3) The time stated in the notice under subsection (2) for the making of objections to or representations in respect of the draft local plan may be extended once by the local planning authority by not more than four weeks on the application of any person.



### **Inquiries and hearings in respect of draft local plans**

**14.** (1) For the purpose of considering objections to and representations in respect of a draft local plan, the local planning authority may cause a local inquiry or other hearing to be held by a committee of three persons appointed by the State Planning Committee.

(2) The State Authority may by rules—

(a) make provision in respect of the appointment and qualifications for appointment of persons to hold a local inquiry or other hearing under subsection (1);

(b) make provision in respect of the remuneration and allowances of persons appointed to hold a local inquiry or other hearing under that subsection.

### **Approval or rejection of draft local plans**

**15.** (1) After the expiry of the period afforded for making objections to or representations in respect of a draft local plan or, if such objections or representations have been duly made during that period, after considering the objections or representations, the local planning authority shall submit the draft local plan or the draft local plan as modified so as to take account of the objections or representations or of any matters arising therefrom, to the Committee for its approval.

(1A) The Committee may, after considering a draft local plan submitted to it, either approve it, in whole or in part and with or without modifications, or reject it.

(1B) In considering the draft local plan, the Committee may take into account any matters that it thinks are relevant, whether or not they were taken into account in the plan as submitted or resubmitted to it.

(1C) The Committee shall submit the approved draft local plan to the State Authority for the assent of the State Authority, and upon the assent being given the plan shall come into effect.

(2) (*Deleted by Act A1129*).

(3) (*Deleted by Act A1129*).

(4) The local planning authority shall cause the assent of the State Authority to a draft local plan to be published in the *State Gazette* and in at least two local newspapers, one of which being in the national language, together with the marking by which the plan may be identified and a statement of the place where the plan may be inspected.

(5) A local plan shall conform to the structure plan but if at any time after a local plan has come into effect there exists a difference in the provision between the local plan and the structure plan for the State, and the Committee is satisfied that this is due to the structure plan for the State being out of date, the Committee shall refer the difference to the State Authority for its decision.

(6) If the State Authority is satisfied that the difference is in fact due to the structure plan of the State being out of date, the State Authority shall, by notification in the *State Gazette*, declare that the local plan shall prevail over the structure plan as regards to that particular provision.

### **Alteration, revocation and replacement of local plans**

**16.** (1) The local planning authority may at any time make proposals for the alteration, revocation, or replacement of a local plan.

(2) Without prejudice to subsection (1), the local planning authority shall, if the Committee gives it a direction in that behalf in respect of a local plan, as soon as practicable prepare proposals of a kind specified in the direction, being proposals for the alteration, revocation, or replacement of the plan.

(3) Subsections 12(8) and (9), and sections 13, 14 and 15, shall apply in relation to the making of proposals for the alteration, revocation, or replacement of a local plan under this section and to any consequent alteration, revocation, or replacement of the plan, as they apply in relation to the preparation of a draft local plan under section 12 and to a draft local plan prepared thereunder.

**Preparation, etc., of local plan by State Director**

**16A.** (1) If the Committee is satisfied that a local planning authority has failed to take steps to prepare a local plan or proposals for the alteration, revocation or replacement of a local plan, the Committee may direct the State Director to prepare the plan or proposals and the expenses incurred in connection with such preparations shall be payable by the local planning authority to the State Director.

(2) Sections 12, 13, 14, 15 and 16 shall apply in relation to the preparation of a local plan or the making of proposals for the alteration, revocation or replacement of a local plan under this section.

**Special area plan**

**16B.** (1) At any time during the preparation or upon the coming into effect of a structure plan or a local plan, a State Director or a local planning authority, on his or its own initiative or as directed by the Committee, may submit to the Committee a proposal for the designation of a special area for special and detailed treatment by development, redevelopment, improvement, conservation or management practice, or partly by one and partly by another method, of the whole or part of such special area, and the nature of the treatment proposed.

(2) For the purposes of subsection (1), the Committee shall determine whether it is the State Director or the local planning authority who shall have the responsibility of preparing a plan for the special area.

(3) For the purposes of subsection (2), the plan for a special area shall be prepared in the same manner as the preparation of a local plan, but there shall be incorporated in such plan detailed guidance for its implementation and management, and the plan shall have the effect of a local plan.

**Power to make rules**

**17.** The State Authority may make rules for the better carrying out of the purposes of this Part or for prescribing anything that may be, or is required to be, prescribed under this Part.

## PART IV

## PLANNING CONTROL

**Use of land and buildings**

**18.** (1) No person shall use or permit to be used any land or building otherwise than in conformity with the local plan.

(2) Subsection (1) shall not apply to the use of any land or building for the purposes described in paragraph 19(2)(d).

(3) Subsection (1) shall not affect the continuance of the use of any land or building for the purposes for which and to the extent to which it was lawfully being used prior to the date when a local plan first came into effect in the area concerned or, where there has been a change of local plans or in a local plan, the date when the change became effective.

**Prohibition of development without planning permission**

**19.** (1) No person, other than a local authority, shall commence, undertake, or carry out any development unless planning permission in respect of the development has been granted to him under section 22 or extended under subsection 24(3).

(2) Notwithstanding subsection (1), no planning permission shall be necessary—

- (a) for the carrying out of such works as are necessary for the maintenance, improvement, or other alteration of a building, being works that affect only the interior of the building and do not—
  - (i) involve any change in the use of the building or the land to which it is attached;
  - (ii) materially affect the external appearance of the building;
  - (iii) involve any increase in the height or floor area of the building;
  - (iv) involve any addition to or alteration of a building that affects or is likely to affect its drainage, sanitary arrangements, or its soundness; or

- (v) contravene or involve or result in any inconsistency with any provision in the local plan;
- (b) for the carrying out by any authority established by law to provide utilities of any works for the purpose of laying, inspecting, repairing, or renewing any drains, sewers, mains, pipes, cables, or other apparatus, or for the purpose of maintaining or repairing roads, including the breaking open of any road or ground for those purposes;
- (c) for any excavation, including excavation of or for wells, made in the ordinary course of agricultural operations in areas zoned for agriculture;
- (d) for the use of any land or building for a period not exceeding one month or such further period as the local planning authority may allow for purposes of—
  - (i) a temporary or mobile cinema, theatre, or show;
  - (ii) a temporary amusement park, fair, or exhibition; or
  - (iii) a temporary ceremony or festivity of a religious, social, or other character,and for any development necessary to give effect to such use;
- (e) for the construction or erection on any land of temporary buildings for the accommodation of workers involved in the construction or erection of a building on the land, for which planning permission has been granted;
- (f) for the use of any land or building within the curtilage of a dwelling-house for any purpose incidental to the enjoyment of the dwelling-house as such; or
- (g) for the making of such material change in the use of land or building as the State Authority may prescribe to be a material change for which no planning permission is necessary.

### **Prohibition of development contrary to planning permission**

**20.** No person shall commence, undertake, or carry out any development otherwise than in conformity with the planning permission granted to him under section 22 in respect of the development or with the conditions of the planning permission.

**Duty to consult**

**20A.** It shall be the duty of every Federal and State Government department or agency to consult the Committee on any development activity that it proposes to carry out within the State.

**Application for planning permission**

**21.** (1) An application for planning permission in respect of a development shall be made to the local planning authority and shall be in such form and shall contain such particulars and be accompanied by such documents, plans, and fees as may be prescribed.

(2) If the applicant is not the owner of the land on which the development is to be carried out, the written consent of the owner thereof to the proposed development shall be obtained and endorsed on the application.

(3) Where the development involves the erection of a building, the local planning authority may give written directions to the applicant in respect of any of the following matters, that is to say:

- (a) the level of the site of the building;
- (b) the line of frontage with neighbouring buildings;
- (c) the elevations of the building;
- (d) the class, design, and appearance of the building;
- (e) the setting back of the building to a building line;
- (f) access to the land on which the building is to be erected;  
and
- (g) any other matter that the local planning authority considers necessary for purposes of planning.

(4) The applicant to whom any written directions are given under subsection (3) shall amend the plan submitted with his application accordingly and resubmit the plan within such period or extended period as the local planning authority may specify.

(5) If the plan is not resubmitted within the specified period or extended period, the application for planning permission shall be deemed to have been withdrawn but the applicant may submit a fresh application.

(6) If the proposed development is located in an area in respect of which no local plan exists for the time being, then, upon receipt of an application for planning permission, or, where directions have been given under subsection (3), upon compliance with the directions, the local planning authority shall, by notice in writing served on the owners of the neighbouring lands inform them of their right to object to the application and to state their grounds of objection within twenty-one days of the date of service of the notice.

(7) If objections are received pursuant to subsection (6), the local planning authority shall, within thirty days after the expiry of the period within which objections may be made, hear—

- (a) the applicant for planning permission; and
- (b) any person who has lodged an objection pursuant to subsection (6) and who, in lodging the objection, has requested a hearing.

(8) In this section, “neighbouring lands” means—

- (a) lands adjoining the land to which an application under this section relates;
- (b) lands separated from the land to which an application made under this section relate by any road, lane, drain or reserved land the width of which does not exceed 20 metres and which would be adjoining the land to which the application relates had they not been separated by such road, lane, drain or reserved land;
- (c) lands located within a distance of 200 metres from the boundary of the land to which an application under this section relates if the access road to the land to which the application relates is a *cul-de-sac* used by the owners of the lands and owners of the land to which the application relates.

### **Development proposal report**

**21A.** (1) In addition to the documents and plans required to be submitted under subsection 21(1) for planning permission, the applicant shall submit a development proposal report which shall contain the following:

- (a) the development concept and justification;

- (b) a location map and a site plan;
- (c) particulars of land ownership and restrictions, if any;
- (d)
  - (i) a description of the land including its physical environment, topography, landscape, geology, contours, drainage, water bodies and catchments and natural features thereon;
  - (ii) a survey of the trees and all forms of vegetation; and
  - (iii) particulars of a building,

which may be affected by the development;

- (e) a land use analysis and its effect on the adjoining land;
- (f) layout plans, the details of which are specified in section 21B; and
- (g) such other matters as may be prescribed by the local planning authority.

(1A) The State Authority may specify that the development proposal report submitted under subsection (1) in respect of certain categories of development shall include an analysis of the social implications of the development for the area which is the subject of the application for planning permission.

(2) The State Authority may, by rules, exempt any development or class, type or category of development from submitting—

- (a) a development proposal report under subsection (1); or
- (b) a development proposal report containing any of the matters specified in paragraphs (1)(a) to (g).

### **Layout plans**

**21B.** (1) The layout plans under paragraph 21A(1)(f) shall show the proposed development and in particular—

- (a) where the development is in respect of any land—
  - (i) measures for the protection and improvement of its physical environment;
  - (ii) measures for the preservation of its natural topography;



- (iii) measures for the improvement of its landscape;
  - (iv) measures for the preservation and planting of trees thereon;
  - (v) the location and species of trees with a girth exceeding 0.8 metre and other vegetation thereon;
  - (vi) the making up of open spaces;
  - (vii) the proposed earthworks, if any; and
  - (viii) a description of the works to be carried out; and
- (b) where the development is in respect of a building with special architecture or historical interest, particulars to identify the building including its use and condition, and its special character, appearance, make and feature and measures for its protection, preservation and enhancement; and
- (c) where the development involves a building operation, particulars of the character and appearance of buildings located in the surrounding area.

(2) The local planning authority may give directions to an applicant for planning permission in respect of matters concerning his layout plans as the local planning authority considers necessary.

(3) The applicant to whom directions are given under subsection (2) shall amend the layout plans accordingly, and resubmit the layout plans within such period or extended period as the local planning authority may specify.

(4) If the layout plans are not resubmitted within the specified period or extended period, the application for planning permission shall be deemed to have been withdrawn but the applicant may submit a fresh application.

### **Preparation of plan, etc., by a qualified person**

**21c.** All plans, particulars, layout plans and other documents required to be submitted under this Act shall be prepared by—

- (a) a person whose qualifications are prescribed under paragraph 58(2)(h); or
- (b) a person who is entitled to do so under any other written law.

### Treatment of applications

**22.** (1) As soon as possible after the receipt of an application for planning permission, or, if the application is one to which subsection 21(6) applies, as soon as possible after the expiry of the period within which objections may be made or, if objections have been made, as soon as possible after the objections have been dealt with under subsection 21(7), the local planning authority shall decide on the application for planning permission.

(2) In dealing with an application for planning permission, the local planning authority shall take into consideration such matters as are in its opinion expedient or necessary for proper planning and in particular—

- (a) the provisions of the development plan, if any;
- (aa) the direction given by the Committee, if any;
- (b) the provisions that it thinks are likely to be made in any development plan under preparation or to be prepared, or the proposals relating to those provisions;
- (ba) the provisions of the Sewerage Services Act 1993 [Act 508];
- (bb) the development proposal report; and
- (c) the objections, if any, made under section 21.

\*(2A) Where an application submitted under this section involves—

- (a) the development of a new township for a population exceeding ten thousand, or covering an area of more than one hundred hectares, or both;
- (b) a development for the construction of any major infrastructure or utility; or
- (c) a development affecting hill tops or hill slopes, in an area designated as environmentally sensitive in a development plan,

the Committee shall request from the Council its advice on the application submitted.

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\*NOTE—This subsection does not apply to the State of Terengganu—see Tr. G.N. 54/2003.

\*(2B) For the purposes of subsection (2A), development for the construction of major infrastructure or utility shall include—

- (a) national infrastructure works such as airports, seaports, railway lines and highways; and
- (b) national utility works such as the erection of dams, main power stations and toxic waste disposal sites.

(3) After taking into consideration the matters specified in subsection (2), the local planning authority may, subject to subsection (4), grant planning permission either absolutely or subject to such conditions as it thinks fit to impose, or refuse to grant planning permission.

(4) The local planning authority shall not grant planning permission if—

- (a) the development in respect of which the permission is applied for would contravene any provision of the development plan;
- (aa) the development in respect of which the permission is applied for would contravene the provision of paragraph (2)(aa); or
- (b) the applicant for planning permission has neither paid the development charge payable in respect of the development nor obtained the permission of the local planning authority under subsection 34(1) to pay the development charge by instalments.

(5) Conditions imposed under subsection (3) may include any or all of the following conditions, that is to say, conditions—

- (a) to the effect that planning permission granted in respect of any change of use of land or building is only for a limited period and that, after the expiry of that period, the use of the land or building as authorized by the planning permission shall cease and the land or building shall be reverted to its original use;

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\*NOTE—This subsection does not apply to the State of Terengganu—see Tr. G.N. 54/2003.

- (b) to regulate—
- (i) the development and use of any other land under the control of the applicant that adjoins the land in respect of which the planning permission is granted; and
  - (ii) as may appear to the local planning authority to be expedient for the development for which planning permission is granted, the works that may be carried out on such other land and the manner in which and the extent to which such works may be carried out;
- (c) for securing the development of the land in accordance with the approved layout plans;
- (d) prohibiting damage to the land, its physical environment, natural topography and landscape;
- (e) prohibiting the removal or alteration of any of the natural features of the land;
- (f) prohibiting the felling of trees of a certain size, age, type or species at any particular location, unless it is to comply with any written law;
- (g) for securing the planting or replanting of trees of a certain size, age, type or species at any particular location in such manner as may be determined by the local planning authority;
- (h) for securing the making up of open spaces in accordance with the approved layout plans;
- (i) where the development involves the erection of a new building, or the re-erection or extension of a building or part thereof, conditions to ensure its compatibility with the architecture, character or appearance depicted in the buildings located in the surrounding area, which the local planning authority intends to protect, preserve or enhance;
- (j) where the development involves any addition or alteration to an existing building with special architecture or historical interest, conditions to ensure that the facade and other external character of the building is retained; and

- (k) where the development involves the re-erection of a building with special architecture or historical interest or the demolition thereof and the erection of a new building in its place, conditions to ensure that the facade and other external character of the demolished building is retained.

(5A) It shall be the duty of the local planning authority to ensure where planning permission is granted that a tree preservation order, if any, is complied with.

(6) If planning permission is granted, whether with or without conditions, it shall be conveyed to the applicant in the prescribed form and at the same time a notice of the grant thereof shall be given to any person who has made any objection pursuant to subsection 21(6).

### **Appeal against decision of local planning authority**

**23.** (1) An appeal against the decision of the local planning authority made under subsection 22(3) may be made to the Appeal Board within one month from the date of the communication of such decision to him, by—

- (a) an applicant for planning permission aggrieved by the decision of the local planning authority to refuse planning permission or by any condition imposed by the local planning authority in granting planning permission; and
- (b) a person who has lodged an objection pursuant to subsection 21(6) and is aggrieved by the decision of the local planning authority in relation to his objection.

(2) In considering an appeal, the Appeal Board shall hear the appellant and the local planning authority.

(3) After hearing the appeal, the Appeal Board may make an order—

- (a) confirming the decision of the local planning authority and dismissing the appeal;
- (b) allowing the appeal by directing the local planning authority to grant planning permission absolutely or subject to such conditions as the Appeal Board thinks fit;

- (c) allowing the appeal by setting aside any planning permission granted; or
- (d) allowing the appeal by directing the local planning authority to remove or modify any condition subject to which planning permission has been granted or to replace the condition with such other condition as the Appeal Board thinks fit.

### **Lapse of planning permission**

**24.** (1) A planning permission granted under subsection 22(3) shall, unless extended, lapse twelve months after the date of the grant thereof if, within that time, the development had not commenced in the manner specified in the planning permission.

(2) Subsection (1) shall not apply to a planning permission that expressly states that the development for which the planning permission is granted does not involve any building operation.

(3) On an application being made in that behalf in the prescribed manner before the planning permission lapses, the local planning authority may, on payment of the prescribed fee, grant an extension or further extension of the planning permission.

(4) A planning permission extended under subsection (3) shall, unless further extended, lapse twelve months after the date of the extension thereof if, within that time, the development had not commenced in the manner specified in the planning permission.

(5) In granting an extension or further extension of a planning permission under subsection (3), the local planning authority may impose such conditions on the planning permission as it thinks fit or vary the conditions originally imposed; and section 23 shall apply with the necessary modifications to the imposition or variation of conditions under this section as it applies to the imposition of conditions under subsection 22(3).

### **Revocation and modification of planning permission and approval of building plans**

**25.** (1) If it appears to the local planning authority to be in the public interest that a planning permission granted under subsection 22(3) or an approval of a building plan given under any of the

previous local government laws should be revoked or modified, the local planning authority may order the permission or approval to be revoked or modified to such extent as appears to it to be necessary.

(2) No revocation or modification under subsection (1) shall have effect until confirmed by the Committee.

(3) An order revoking a planning permission or an approval of a building plan shall state the period within which the person to whom the permission or approval was granted is required to demolish any building erected pursuant to the permission or approval and the maximum amount that the local planning authority is prepared to reimburse the person in respect of costs incurred by him in carrying out the demolition.

(4) If, within the period stated in the revocation order or such longer period as the local planning authority may allow, demolition has not been carried out or completed, the local planning authority may itself and at its own expense carry out or complete the demolition.

(5) If demolition has been completed by the person to whom the planning permission or approval of the building plan was granted, the local planning authority shall reimburse the person the costs actually and reasonably incurred by him in carrying out the demolition, but not exceeding the amount stated in the revocation order.

(6) If demolition has been partially carried out by the person to whom the planning permission or approval of the building plan was granted, but completed by the local planning authority, the local planning authority shall assess the amount that the demolition would have cost had it been carried out entirely by the local planning authority, and determine the amount of the costs actually and reasonably incurred by it in completing the demolition, and shall pay the person by way of reimbursement of his costs the difference between the two amounts or the costs actually and reasonably incurred by the person in carrying out his part of the demolition, whichever is the lesser amount, but in no case shall the local planning authority be bound to pay any amount beyond the amount stated in the revocation order.

(7) If a planning permission or an approval of a building plan is revoked under subsection (1) and the person to whom the permission or approval was granted claims from the local planning authority, within the time and in the manner prescribed, compensation for any expenditure incurred by him in carrying out works to implement the permission or approval prior to its revocation or modification, the local planning authority shall, after giving the person a reasonable opportunity to be heard, offer such compensation to him as the local planning authority thinks adequate.

(8) Where a planning permission or an approval of a building plan is modified under subsection (1), the local planning authority shall reimburse the person to whom the permission or approval was granted the costs actually and reasonably incurred by him in implementing the modification, being costs that he would not have incurred had the modification not been ordered, and shall compensate him for any loss suffered as a result of the modification.

(9) If any person is aggrieved by the amount of any reimbursement or compensation offered or paid to him under this section, he may, within the time and in the manner prescribed, appeal to the Appeal Board and the Appeal Board shall assess the amount of reimbursement or compensation to be paid.

(10) In subsection (1), “previous local government laws” means the Town Boards Enactments of the Federated Malay States [*F.M.S. Cap. 137*] and of the States of Johore [*Johore En. No. 118*] and Terengganu [*Terengganu En. 12 of 1355 A.H.*], the Municipal Ordinance of the Straits Settlements [*S.S. Cap. 133*], the Municipal Enactment of the State of Kelantan [*Kelantan En. 20 of 1938*], the Local Councils Ordinance 1952 [*Ord. 36 of 1952*], and any other written law replacing any or any part of those laws.

### **Offences relating to unauthorized development**

**26.** (1) A person who, whether at his own instance or at the instance of another person—

- (a) uses or permits to be used any land or building in contravention of section 18;
- (b) commences, undertakes, or carries out, or permits to be commenced, undertaken, or carried out, any development in contravention of section 19 or 20;



- (c) commences, undertakes, or carries out, or permits to be commenced, undertaken, or carried out, any development where the planning permission or the approval of the building plan, as the case may be, in respect of the development has been revoked pursuant to section 25; or
- (d) commences, undertakes, or carries out, or permits to be commenced, undertaken, or carried out, any development after the planning permission or the approval of the building plan, as the case may be, in respect of the development has been modified pursuant to section 25 and the development so commenced, undertaken, or carried out is inconsistent with the modified permission or approval,

commits an offence and is liable, on conviction, to a fine not exceeding \*five hundred thousand ringgit or to imprisonment for a term not exceeding two years or to both and, in the case of a continuing offence, to a further fine which may extend to \*\*five thousand ringgit for each day during which the offence continues after the first conviction for the offence.

(2) Unless the contrary is proved, the owner of the land in respect of which any act that constitutes an offence under subsection (1) is done shall be deemed to have permitted the doing of that act.

### **Enforcement in the case of contravention of section 19**

**27.** (1) This section shall apply where it appears to the local planning authority that any development has been or is being undertaken or carried out in contravention of section 19.

(2) If the local planning authority is satisfied that, had an application for planning permission or extension of planning permission in respect of the development been made under section 22 or subsection 24(3) before the development was commenced, undertaken, or carried out, it would have, in the proper exercise of its powers under those sections, refused to grant planning permission for the development, then the local planning authority shall—

- (a) if the development has been completed, serve on both the owner and occupier of the land a notice in the prescribed form requiring both of them to comply, within the period

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\*NOTE—Previously “five hundred ringgit”—see the Town and Country Planning (Amendment) Act 1995 [Act A933].

\*\*NOTE—Previously “one hundred ringgit”—see Act A933.

specified in the notice or within such further period as the local planning authority may allow, with such requirements, to be specified in the notice, as the local planning authority thinks fit in order that the land be restored as far as possible to the condition it was in before the development was commenced;

- (b) if the development has not been completed, serve on the owner of the land and the person who, in the opinion of the local planning authority, is carrying out the development, a notice in the prescribed form requiring both of them to discontinue the development forthwith and to comply, within the period specified in the notice or within such further period as the local planning authority may allow, with such requirements, to be specified in the notice, as the local planning authority thinks fit in order that the land be restored as far as possible to the condition it was in before the development was commenced.

(3) If the local planning authority is not satisfied as provided in subsection (2), it shall serve on the owner, occupier, or the person who, in the opinion of the local planning authority, is carrying out the development, as the case may be, a notice informing him of the contravention and calling on him to apply for planning permission within the period specified in the notice or within such further period as the local planning authority may allow.

(4) In any case falling under subsection (3), the local planning authority shall also, if the development has not been completed, serve on both the owner and the person who, in the opinion of the local planning authority, is carrying out the development, a notice in the prescribed form requiring them to discontinue the development forthwith.

(5) The giving of a notice under subsection (3) shall not be construed as an indication of willingness to grant planning permission and shall be without prejudice to the power of the local planning authority to refuse planning permission, and the notice shall contain a statement to that effect.

(6) Any person who continues to carry out any development after being required to discontinue it by a notice served on him under paragraph (2)(b) or subsection (4) commits an offence and is liable, on conviction, to a fine not exceeding \*one hundred thousand ringgit or to imprisonment for a term not exceeding six

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\*NOTE—Previously “five hundred ringgit”—see the Town and Country Planning (Amendment) Act 1995 [Act A933].

months or to both and to a further fine which may extend to \*five thousand ringgit for each day during which the development is carried out after the first conviction for the offence.

(7) Sections 21 and 22 shall apply to an application for planning permission under subsection (3), but in addition to any fees prescribed for the purposes of section 21, such further fees as may be prescribed shall be payable in respect of the application.

(8) If no application is made under subsection (3) within the time allowed or if the application is refused, the local planning authority shall serve on the owner, occupier, or the person who, in the opinion of the local planning authority, is carrying out the development, a notice in the prescribed form requiring any or all of them to comply, within the period specified in the notice or within such further period as the local planning authority may allow, with such requirements, to be specified in the notice, as the local planning authority thinks fit in order that the land be restored as far as possible to the condition it was in before the development was commenced.

(9) Subject to subsection (10), any person who fails to comply with any requirement of a notice under subsection (2) or (8) within the period allowed commits an offence and is liable, on conviction, to a fine not exceeding \*\*one hundred thousand ringgit or to imprisonment for a term not exceeding six months or to both and to a further fine which may extend to \*\*\*five thousand ringgit for each day during which the failure is continued after the first conviction for the offence.

(10) No occupier of any land to which a notice under subsection (2) or (8) relates, who is not also the owner of the land, shall be liable to be convicted for an offence under subsection (9) if he proves that the development to which the notice relates was not commenced, undertaken, or carried out, or permitted to be commenced, undertaken, or carried out, by him.

(11) In this section, “development” includes any part or feature of a development.

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\*NOTE—Previously “one thousand ringgit”—see the Town and Country Planning (Amendment) Act 1995 [Act A933].

\*\*NOTE—Previously “five hundred ringgit”—see Act A933.

\*\*\*NOTE—Previously “one thousand ringgit”—see Act A933.

**Enforcement in the case of contravention of section 20**

**28.** (1) This section shall apply where it appears to the local planning authority that any development has been or is being undertaken or carried out in contravention of section 20.

(2) If the local planning authority is satisfied that, had the application for planning permission indicated that the development was to take or result in its present form or state, it would have, in the proper exercise of its powers under section 22, refused to grant planning permission for the development, then the local planning authority shall—

- (a) if the development has been completed, serve on both the owner and occupier of the land a notice in the prescribed form requiring both of them to comply, within the period specified in the notice or within such further period as the local planning authority may allow, with such requirements, to be specified in the notice, as the local planning authority thinks fit in order that the development is brought into conformity with the planning permission and the conditions thereof or, where this is not possible, in order that the land be restored as far as possible to the condition it was in before the development was commenced;
- (b) if the development has not been completed, serve on the owner of the land and the person who, in the opinion of the local planning authority, is carrying out the development, a notice in the prescribed form requiring both of them to discontinue the development forthwith and to comply, within the period specified in the notice or within such further period as the local planning authority may allow, with such requirements, to be specified in the notice, as the local planning authority thinks fit in order that the development is brought into conformity with the planning permission and the conditions thereof or, where this is not possible, in order that the land be restored as far as possible to the condition it was in before the development was commenced.

(3) If the local planning authority is not satisfied as provided in subsection (2), it shall serve on the owner, occupier, or the person who, in the opinion of the local planning authority, is carrying out the development, as the case may be, a notice informing him of the contravention and calling on him to apply for a fresh planning permission in respect of the development, as it is in its present form or state, within the period specified in the notice or within such further period as the local planning authority may allow.

(4) In any case falling under subsection (3), the local planning authority shall also, if the development has not been completed, serve on both the owner and the person who, in the opinion of the local planning authority, is carrying out the development, a notice in the prescribed form requiring them to discontinue the development forthwith.

(5) The giving of a notice under subsection (3) shall not be construed as an indication of willingness to grant planning permission and shall be without prejudice to the power of the local planning authority to refuse planning permission, and the notice shall contain a statement to that effect.

(6) Any person who continues to carry out any development after being required to discontinue it by a notice served on him under paragraph (2)(b) or subsection (4) commits an offence and is liable, on conviction, to a fine not exceeding \*one hundred thousand ringgit or to imprisonment for a term not exceeding six months or to both and to a further fine which may extend to \*\*five thousand ringgit for each day during which the development is carried out after the first conviction for the offence.

(7) Sections 21 and 22 shall apply to an application for planning permission under subsection (3), but in addition to any fees prescribed for the purposes of section 21, such further fees as may be prescribed shall be payable in respect of the application.

(8) If no application is made under subsection (3) within the time allowed or if the application is refused, the local planning authority shall serve on the owner, occupier, or the person who, in the opinion of the local planning authority, is carrying out the development, a notice in the prescribed form requiring any or all of them to comply, within the period specified in the notice or within such further period as the local planning authority may allow, with such requirements, to be specified in the notice, as the local planning authority thinks fit in order that the development is brought into conformity with the planning permission and the conditions thereof or, where this is not possible, in order that the land be restored as far as possible to the condition it was in before the development was commenced.

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\*NOTE—Previously “five hundred ringgit”—see the Town and Country Planning (Amendment) Act 1995 [Act A933].

\*\*NOTE—Previously “one thousand ringgit”—see Act A933.

(9) Subject to subsection (10), any person who fails to comply with any requirement of a notice under subsection (2) or (8) within the period allowed commits an offence and is liable, on conviction, to a fine not exceeding \*one hundred thousand ringgit or to imprisonment for a term not exceeding six months or to both and to a further fine which may extend to \*\*five thousand ringgit for each day during which the failure is continued after the first conviction for the offence.

(10) No occupier of any land to which a notice under subsection (2) or (8) relates, who is not also the owner of the land, shall be liable to be convicted for an offence under subsection (9) if he proves that the development to which the notice relates was not commenced, undertaken, or carried out, or permitted to be commenced, undertaken, or carried out, by him.

(11) In this section, “development” includes any part or feature of a development.

### **Enforcement in the case of development that is inconsistent with modified planning permission or approval of building plan**

**29.** (1) This section shall apply where it appears to the local planning authority that any development has been or is being undertaken or carried out after the planning permission or the approval of the building plan, as the case may be, in respect of the development has been modified pursuant to section 25 and the development so undertaken or carried out is inconsistent with the modified permission or approval.

(2) If the local planning authority is satisfied that any part, aspect, or feature of the development that is inconsistent with the modified planning permission or approval of building plan is capable of being modified, added to, or demolished so as to bring about consistency with the modified permission or approval, then the local planning authority shall—

- (a) if the development has been completed, serve on both the owner and occupier of the land a notice in the prescribed form requiring both of them to comply, within the period specified in the notice or within such further period as the local planning authority may allow, with such requirements, to be specified in the notice, as the local planning authority thinks fit in order to bring about consistency with the modified permission or approval;

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\*NOTE—Previously “five hundred ringgit”—see the Town and Country Planning (Amendment) Act 1995 [Act A933].

\*\*NOTE—Previously “one thousand ringgit”—see Act A933.

- (b) if the development has not been completed, serve on the owner of the land and the person who, in the opinion of the local planning authority, is carrying out the development, a notice in the prescribed form requiring them—
- (i) to discontinue all activities forthwith, except those activities that are necessary for complying with the requirements of the local planning authority under subparagraph (ii) and such other activities as may be specified by the local planning authority, until the local planning authority is satisfied that those requirements have been complied with; and
  - (ii) to comply, within the period specified in the notice or within such further period as the local planning authority may allow, with such requirements, to be specified in the notice, as the local planning authority thinks fit in order to bring about consistency with the modified permission or approval.

(3) If the local planning authority is not satisfied as provided in subsection (2), then the local planning authority shall serve on the owner of the land and, if the development has not been completed, on the person who, in the opinion of the local planning authority, is carrying out the development, a notice in the prescribed form requiring them to comply, within the period specified in the notice or within such further period as the local planning authority may allow, with such requirements, to be specified in the notice, as the local planning authority thinks fit in order that the land be restored as far as possible to the condition it was in before the development was commenced.

(4) Subject to subsection (5), any person who fails to comply with any requirement of a notice under paragraph (2)(a), subparagraph (2)(b)(ii), or subsection (3) within the period allowed commits an offence and is liable, on conviction, to a fine not exceeding \*one hundred thousand ringgit or to imprisonment for a term not exceeding six months or to both and to a further fine which may extend to \*\*five thousand ringgit for each day during which the failure is continued after the first conviction for the offence.

(5) No occupier of any land to which a notice under paragraph (2)(a) relates, who is not also the owner of the land, shall be liable to be convicted for an offence under subsection (4) if he proves

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\*NOTE—Previously “five hundred ringgit”—see the Town and Country Planning (Amendment) Act 1995 [Act A933].

\*\*NOTE—Previously “one thousand ringgit”—see Act A933.

that the development to which the notice relates was not commenced, undertaken, or carried out, or permitted to be commenced, undertaken, or carried out, by him.

(6) Any person who continues to carry out any activity after being required to discontinue it by a notice served on him under subparagraph (2)(b)(i) commits an offence and is liable, on conviction, to a fine not exceeding \*one hundred thousand ringgit or to imprisonment for a term not exceeding six months or to both and to a further fine which may extend to \*\*five thousand ringgit for each day during which the activity is so continued after the first conviction for the offence.

### Requisition notice

30. (1) If the local planning authority is satisfied—

- (a) that any use of land should be discontinued; or
- (b) that conditions should be imposed on the continued use thereof; or
- (c) that any building or works on any land should be altered or removed,

the local planning authority may, with the approval of the State Authority, by a requisition notice served on the owner of the land—

- (i) require the discontinuance of that use;
- (ii) impose such conditions for the continued use of the land as may be specified in the requisition notice; or
- (iii) require such steps as may be specified in the requisition notice to be taken for the alteration or removal of the building or works;

and the owner shall, within such period as may be specified in the requisition notice, not being less than one month from the date of service of the notice, comply with such requirements or condition.

(2) A person aggrieved by a requisition notice may, within the period stated therein and in the manner prescribed, appeal to the Appeal Board.

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\*NOTE—Previously “five hundred ringgit”—see the Town and Country Planning (Amendment) Act 1995 [Act A933].

\*\*NOTE—Previously “one thousand ringgit”—see Act A933.



(3) If an appeal is filed under subsection (2), the requisition notice shall be suspended until the determination or withdrawal of the appeal.

(4) In considering an appeal under subsection (2), the Appeal Board shall hear the appellant and the local planning authority.

(5) If the owner of the land to which the requisition notice relates has, in consequence of compliance with the notice, suffered damage in the form of a depreciation in the value of the land or incurred expenses or costs in carrying out works in compliance with the notice, he may claim from the local planning authority, within the time and in the manner prescribed, compensation for the damage, expenses, or costs.

(6) If a claim is made under subsection (5), the local planning authority shall, after giving the person making the claim an opportunity to be heard, offer him such compensation as the local planning authority considers adequate.

(7) If the person to whom compensation is offered under subsection (6) is aggrieved by the amount thereof, he may, within the time and in the manner prescribed, appeal to the Appeal Board and the Appeal Board shall assess the amount of compensation to be paid.

(8) A person who fails to comply with a requisition notice served on him under subsection (1) within the period specified therein or, where an appeal has been made under subsection (2), within such period after the determination or withdrawal of the appeal as may be specified by the local planning authority commits an offence and is liable, on conviction, to a fine not exceeding \*one hundred thousand ringgit or to imprisonment for a term not exceeding six months or to both and, in the case of a continuing offence, to a further fine which may extend to \*\*five thousand ringgit for each day during which the offence is continued after the first conviction for the offence.

### **Execution by authorized person**

**31.** (1) If any requirement of any notice served under any of the provisions of sections 27, 28, 29 and 30, other than a requirement to discontinue any development or activity, is not complied with within the period specified in the notice or within any further period that may have been allowed by the respective local planning

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\*NOTE—Previously “fifty thousand ringgit”—see the Town and Country Planning (Amendment) Act 2001 [Act A1129].

\*\*NOTE—Previously “one thousand ringgit”—see Act A1129.

authority, an authorized person may, with or without workmen, enter upon the land to which the notice relates and take such steps as may be necessary to execute the notice, including the demolishing or altering of any building or works and the removal of any goods, vehicles, or things from any building or from the land.

(2) The local planning authority may request the officer in charge of the police district in which the area of the local planning authority is situated to provide police officers to render assistance to an authorized person in taking any action by virtue of subsection (1) and it shall be the duty of the officer in charge of the police district to comply with the request and of the police officers provided in compliance therewith to render such assistance.

(3) The local planning authority may recover the expenses and costs incurred in executing a notice under subsection (1) from the owner of the land to which the notice relates in the manner in which rates are recovered under any written law relating to local government.

### **Inconsistency between building by-laws and development plan**

**31A.** Where an inconsistency exists between any building by-laws and a development plan in relation to any policies in that plan—

- (a) the development plan shall prevail over the by-laws; and
- (b) the approving authority shall apply the provisions of the building by-laws in such manner and to such extent as may be necessary to avoid the inconsistency, but so as to ensure that the standards of building soundness for the safety of the occupants and amenity achieved in respect of the development are as good as can reasonably be achieved in the circumstances.

## PART V

### DEVELOPMENT CHARGE

#### **Development charge and liability thereto**

**32.** (1) Where a local plan or an alteration of a local plan effects a change of use, density, or floor area in respect of any land so

as to enhance the value of the land, a development charge shall be levied in respect of any development of the land commenced, undertaken, or carried out in accordance with the change.

(2) The rate of the development charge or the method of calculating the amount of development charge payable shall be as prescribed by rules made under section 35.

(3) The State Authority may, by rules made under section 35, exempt any person or class of persons or any development or class, type, or category of development from liability to the development charge, subject to such conditions as the State Authority may specify in the rules.

### **Determination of development charge**

**33.** (1) Before granting planning permission for any development, the local planning authority shall determine whether a development charge is payable in respect of the development and, if payable, the amount thereof, and shall serve on the applicant for planning permission a notice in the prescribed form demanding payment of the amount.

(2) The determination by the local planning authority of the amount of the development charge shall be final and shall not be subject to appeal or review in any court.

### **Payment of development charge**

**34.** (1) The development charge shall be payable in a lump sum, but the local planning authority may, on application by the applicant for planning permission, permit the development charge to be paid by such number of instalments as the local planning authority considers just, with interest at the rate, not being a preferential rate, imposed by the Federation of Banks Malaysia-Singapore on loans secured on immovable property.

(2) If any due instalment of the development charge is not paid, the local planning authority shall give to the person to whom planning permission has been granted a notice informing him of the default and demanding that payment be made within a reasonable time to be specified in the notice.

(3) If the amount due remains unpaid after the time allowed under subsection (2) has lapsed, the whole balance of the development charge shall become due and payable and may be recovered in the manner in which rates are recovered under any written law relating to local government.

(4) All sums received on account of the development charge shall be paid into the fund of the appropriate local authority.

### **Power to make rules**

**35.** The State Authority may make rules for the purpose of giving effect to and carrying out the provisions of this Part or of prescribing anything that may be, or is required to be, prescribed under this Part.

## PART VA

### TREE PRESERVATION ORDER

#### **Tree preservation order**

**35A.** (1) If it appears to the local planning authority that it is expedient in the interest of amenity to preserve any tree, trees or group of trees in its area, it may make a tree preservation order with respect to such tree, trees, or group of trees.

(2) A tree preservation order may, in particular, make provisions—

- (a) for prohibiting the felling of trees except with the written permission of and subject to conditions, if any, imposed by the local planning authority; and
- (b) for securing the planting of trees or the replacement of trees by replanting in such manner as may be determined by the local planning authority.

(3) Paragraph (2)(a) shall not apply to the felling of a tree—

- (a) which is dying or dead;
- (b) for the prevention of an imminent danger; or
- (c) if it is to comply with any written law.

(4) Any person who contravenes any provision in the tree preservation order commits an offence and is liable, on conviction, to a fine not exceeding \*one hundred thousand ringgit or to imprisonment for a term not exceeding six months or to both.

(5) Where in any proceeding for an offence under this section it is proved that a tree was felled, it shall be presumed, until the contrary is proved, that the tree had been felled by the occupier of the land on which the tree was growing.

### **Tree preservation order not to be made if tree is already subjected to conditions**

**35B.** Notwithstanding section 35A, a tree preservation order shall not be made in respect of a tree which has or trees or group of trees which have already been subjected to conditions imposed under paragraphs 22(5)(f) and (g).

### **Appeal against tree preservation order, etc.**

**35c.** Any person aggrieved by—

- (a) a tree preservation order;
- (b) any of the provisions of a tree preservation order;
- (c) (i) the refusal of a written permission; or  
(ii) any of the conditions imposed on a grant of a written permission,  
under paragraph 35A(2)(a); or
- (d) an order to plant or replace trees under paragraph 35A(2)(b),

may, within one month from the date of the communication of such order, refusal or imposition of conditions, appeal to the Appeal Board.

### **Compensation under a tree preservation order**

**35D.** (1) If the owner of the land to which a tree preservation order relates proves that he has, in complying with paragraphs 35c(1)(a) to (d), suffered damages in the form of depreciation in the value of the land, he may claim compensation from the local planning authority.

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\*NOTE—Previously “fifty thousand ringgit”—see the Town and Country Planning (Amendment) Act 2001 [Act A1129].

(2) A claim for compensation under subsection (1) shall be served on the local planning authority—

- (a) within six months from the date on which—
  - (i) the tree preservation order;
  - (ii) the refusal of a written permission or the imposition of conditions under paragraph 35A(2)(a); or
  - (iii) the order to replace a tree under paragraph 35A(2)(b), was communicated to the owner of the land; or
- (b) where an appeal is made under subsection 35C(1), within six months from the date of the decision of the Appeal Board confirming the order, refusal or imposition of conditions appealed against.

(3) If the owner of such land is dissatisfied with the amount of compensation awarded, he may, within one month from the date of such award, appeal to the Appeal Board which shall have the power to confirm or vary the amount of compensation awarded.

### **Replacement of trees**

**35E.** (1) It shall be the duty of the person who is found guilty under subsection 35A(4) for felling any tree in respect of which a tree preservation order is for the time being in force, in contravention of the tree preservation order, to replace such tree by planting another tree—

- (a) of an appropriate size and species;
- (b) at or near the same place or such other place;
- (c) within the time; and
- (d) subject to such terms and conditions,

as may be specified by the local planning authority unless on his application or the application of any other person or at its own discretion the local planning authority dispenses with this requirement.

(2) The time specified by the local planning authority under paragraph (1)(c) for the replacement of a tree may be extended once on the application of the person whose duty it is to replace such tree.

- (3) Any person who is aggrieved by—
- (a) the refusal to dispense with the requirement for replacement of a tree under subsection (1);
  - (b) any order given under paragraph (1)(a) or (b);
  - (c) any term or condition imposed under paragraph (1)(d);  
or
  - (d) the refusal to extend time under subsection (2),

may, within one month of the date of the communication of such order, refusal or imposition of term and condition, appeal to the Appeal Board.

(4) In relation to any tree replanted under subsection (1), the relevant tree preservation order shall apply to it as it had applied to the original tree.

(5) Where the person whose duty is to replace a tree under subsection (1) fails to do so, he commits an offence and is liable, on conviction, to a fine not exceeding \*one hundred thousand ringgit or to imprisonment for a term not exceeding six months or to both.

### **Local planning authority to replace tree if the person whose duty it is to replace fails to do so**

**35F.** In the event of a failure to replace a tree under subsection 35E(1), the local planning authority may proceed to replace the tree and, notwithstanding payment of a fine under subsection 35E(5), all costs and expenses reasonably incurred thereby by it shall be reimbursed by the person in default of such replacement.

### **Revocation of a tree preservation order**

**35G.** The local planning authority may amend or revoke a tree preservation order including for the purpose of granting planning permission under subsection 22(3) in respect of an area where a tree preservation order is for the time being in force.

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\*NOTE—Previously “fifty thousand ringgit”—see the Town and Country Planning (Amendment) Act 2001 [Act A1129].

**Prohibition to fell, etc., tree with girth exceeding 0.8 metre**

**35H.** (1) No person shall, without the written permission of the local planning authority, fell a tree with a girth exceeding 0.8 metre which is not subjected to a tree preservation order unless the felling—

- (a) is in respect of such tree which is dying or dead;
- (b) is for the prevention of an imminent danger; or
- (c) is to comply with any written law.

(2) For the purpose of subsection (1), the girth of a tree shall be measured half a metre from the ground provided that the girth of a tree with buttress shall be measured above the buttress.

(3) Any person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding \*ten thousand ringgit or to imprisonment for a term not exceeding three months or to both.

**PART VI****THE APPEAL BOARD****The Appeal Board**

**36.** (1) For the purposes of this Act, there shall be constituted an Appeal Board in and for the State.

(2) The State Authority shall, by notification in the State *Gazette*, appoint—

- (a) with the concurrence of the Minister, a Chairman and a Deputy Chairman of the Appeal Board, being persons who are or have been judges or advocates and solicitors of the High Court or members of the Judicial and Legal Service of Malaysia or who have had judicial experience or other suitable qualifications and experience; and
- (b) such number of fit persons, not exceeding twelve, as the State Authority considers adequate to be additional members of the Appeal Board.

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\*NOTE—Previously “five thousand ringgit”—see the Town and Country Planning (Amendment) Act 2001 [Act A1129].



(3) A person appointed under subsection (2) shall, unless he sooner resigns his office or his appointment is sooner revoked, hold office for such period not exceeding three years as the State Authority shall specify in the notification of appointment, but shall be eligible for reappointment.

(4) The State Authority may revoke the appointment of a member of the Appeal Board without assigning any reason therefor.

(5) When the Chairman is unable to exercise his functions owing to illness, absence from Malaysia, or any other cause, the Deputy Chairman shall exercise the functions of the Chairman; and in exercising those functions, the Deputy Chairman shall, for the purposes of this Act, be deemed to be the Chairman of the Appeal Board.

(6) Whenever a need arises for the Appeal Board to be convened, the Chairman shall call upon any two of the members appointed under paragraph (2)(b) to serve with him on the Appeal Board; and it shall be the duty of every member so called upon, to serve on the Appeal Board, unless he is excused by the Chairman, on such grounds as the Chairman considers reasonable, from so serving.

(7) A member of the Appeal Board having an interest in any matter before it shall, as soon as he is aware of his interest, disclose the fact and nature thereof to the Chairman and shall take no part or further part in the proceedings of the Appeal Board relating to the matter.

(8) Every disclosure of interest made under subsection (7) shall be recorded.

(9) Every decision of the Appeal Board shall be made by the Chairman after considering the opinions of the other two members, but in making the decision the Chairman shall not be bound to conform to the opinions of the other two members or either of them, but if the Chairman dissents therefrom, he shall record his reasons for dissenting.

(10) In respect of an appeal before it, the Appeal Board—

(a) shall hear the appellant and the local planning authority;

(b) may summon and examine witnesses;

- (c) may require any person to bind himself by an oath to state the truth;
- (d) may compel the production and delivery of any document that it considers relevant or material to the appeal;
- (e) may confirm, vary or reverse the order or decision appealed against;
- (f) may award costs; and
- (g) may make any order whether or not provided for by, and not inconsistent with, this Act.

(11) Every person summoned by the Appeal Board to attend its proceedings is legally bound to attend at the place and time specified in the summons, and every person required by the Appeal Board to produce or deliver any document to the Appeal Board or to any public servant is legally bound to so produce or deliver the document.

(12) All summonses, notices, awards, and orders issued, made, or given under the hand of the Chairman shall be deemed to be issued, made, or given by the Appeal Board.

(13) An order made by the Appeal Board on an appeal before it shall be final, shall not be called into question in any court, and shall be binding on all parties to the appeal or involved in the matter.

(14) For the purposes of the Penal Code [*Act 574*], the Appeal Board shall be deemed to be a court and every member thereof shall be deemed to be a public servant.

(15) The State Authority may make rules to prescribe the procedure of appeals to the Appeal Board and the fees payable in respect thereof, and to regulate the proceedings of the Appeal Board but, until such rules are made and in operation, the Appeal Board shall, for the purpose of its proceedings, as far as practicable follow the Subordinate Courts Rules 1980 [*P.U. (A) 328/1980*].

(16) Members of the Appeal Board shall be paid, from State funds, such allowances as the State Authority may determine.

PART VII

PURCHASE NOTICE AND ACQUISITION OF LAND

**Notice requiring purchase of land in certain cases**

**37.** (1) Without prejudice to the operation of any written law for the time being in force relating to the acquisition of land, a registered proprietor of land—

- (a) for the development of whose land planning permission has been refused under subsection 22(3) on the grounds that the land is indicated in the development plan, whether expressly or by implication, as land intended for a public purpose and who claims that, by reason of the refusal, the land is incapable of reasonable beneficial use; or
- (b) who claims that, by reason of compliance with a requisition notice in respect of his land served on him under section 30, the land is incapable of reasonable beneficial use,

may, in the prescribed manner, serve on the local planning authority a purchase notice in the prescribed form, requiring his interest in the land to be purchased in accordance with this section.

(2) There shall be served with the purchase notice a statement of the facts and reasons to justify the claims in the notice, together with copies of any available documents, including affidavits, that may furnish proof of the facts and reasons.

(3) The local planning authority shall investigate the claim made in every purchase notice served under subsection (1) and, if it is satisfied that the notice is in the prescribed form and has been prepared and served in the prescribed manner, shall submit the notice to the State Authority together with the statement and any other documents served with the notice and—

- (a) in the case of a purchase notice of a person claiming under paragraph (1)(a), a detailed report concerning the refusal of planning permission giving rise to the claim, a statement of the specific purpose for which the land is intended, and a statement of the opinion of the local planning authority as to whether the land is capable of reasonable beneficial use; and

(b) in the case of a purchase notice of a person claiming under paragraph (1)(b), details of the requisition notice giving rise to the claim and a statement of the opinion of the local planning authority as to whether the land is capable of reasonable beneficial use.

(4) If the local planning authority is not satisfied that the purchase notice is in the prescribed form or has been prepared or served in the prescribed manner, it shall reject the purchase notice, but without prejudice to the service of another purchase notice.

(5) The State Authority, after considering the purchase notice and all other matters submitted by the local planning authority under subsection (3), shall—

(a) if the State Authority is satisfied that the land to which the purchase notice relates is capable of reasonable beneficial use, reject the purchase notice; or

(b) if the State Authority is not satisfied that the land to which the purchase notice relates is capable of reasonable beneficial use or is satisfied that the land is not capable of such use, direct the local planning authority to initiate steps towards the acquisition of the land in accordance with the provisions of the Land Acquisition Act 1960 [Act 486].

(6) For the purposes of the Land Acquisition Act 1960—

(a) any land intended to be acquired pursuant to this section shall be deemed to be needed by the local planning authority;

(b) the local planning authority shall be deemed to be a corporation undertaking a work that is of public utility; and

(c) the land shall be deemed to be needed for the purpose referred to in paragraph 3(1)(b) of the Act.

(7) Notwithstanding any law to the contrary, in assessing the amount of compensation to be paid for the acquisition of any land pursuant to subsection (5), the land shall be treated as if it had not been indicated in the development plan as land intended for a public purpose and was not in fact so intended or, as the case may

be, as if the requisition notice served under section 30 in respect of the land had not been served and there had been no compliance with the notice.

## PART VIII

### DEVELOPMENT AREAS

#### **Declaration of development areas**

**38.** (1) At any time after the local planning authority has adopted a local plan for a special area, the local planning authority may, by notification in the State *Gazette*, declare the area or any part thereof to be a development area.

(2) Upon an area being declared to be a development area, it shall be the duty of the local planning authority to acquire, by purchase or by compulsory acquisition under the Land Acquisition Act 1960, all alienated lands situated within the area, and to develop the area in accordance with the local plan.

#### **Effect of declaration**

**39.** (1) Every declaration under section 38 shall have effect as a declaration of intended acquisition under the Land Acquisition Act 1960 of all alienated lands situated within the area to which the declaration relates and any such lands may, if the local planning authority is unsuccessful in negotiating its purchase of the lands on terms acceptable to the local planning authority, be acquired and paid for in accordance with the said Act, but subject to section 40.

(2) For the purposes of the said Act—

- (a) any land intended to be acquired pursuant to this Part shall be deemed to be needed by the local planning authority;
- (b) the local planning authority shall be deemed to be a corporation undertaking a work that is of public utility; and
- (c) the land shall be deemed to be needed for the purpose referred to in paragraph 3(1)(b) of the Act.

**Special provisions for compensation**

**40.** (1) In assessing the compensation payable in respect of any land or building or any interest therein proposed to be acquired compulsorily pursuant to this Part—

- (a) the estimate of the value of the land, building, or interest shall be based upon the fair market value thereof at the date of publication of the declaration under subsection 38(1), due regard being had to the nature and condition of the property, the probable duration of the building in its existing state, and the state of repair thereof, without giving any allowance in respect of the compulsory purchase or other matters; and
- (b) in such estimate any addition to or improvement of the property made after the date of publication of the declaration under subsection 38(1) shall not, unless the addition or improvement was necessary for the maintenance of the property in a proper state of repair, be included nor, in the case of any interest acquired after that date, shall any separate estimate of the value thereof be made so as to increase the amount of compensation to be paid for the land or building.

(2) When assessing the compensation payable in respect of any house or premises, evidence shall be receivable by the court to prove—

- (a) that the rental of the house or premises was enhanced by reason of the house or premises being used for illegal purposes or being so overcrowded as to be dangerous or injurious to the health of the occupants;
- (b) that the house or premises are in such a condition as to constitute a nuisance or are in a state of defective sanitation or are not in reasonably good repair; and
- (c) that the house or premises are unfit and not reasonably capable of being made fit for human habitation,

and, if the court is satisfied by such evidence, then the compensation—

- (d) shall, in the first case, in so far as it is based on rental, be based on the rental that would have been obtainable if the house or premises were occupied for lawful purposes and only by the number of persons whom the house or

premises are, in all circumstances of the case, capable of accommodating without such overcrowding as is dangerous or injurious to the health of the occupants;

- (e) shall, in the second case, be the amount estimated to be the value of the house or premises if the nuisance had been abated or if they had been put into a sanitary condition or into reasonably good repair, after deducting the estimated expenses of abating the nuisance or putting the house or premises into such condition or repair, as the case may be; and
- (f) shall, in the third case, be the value of the land and of the materials of the buildings thereon.

### **Local planning authority may employ agents, enter into arrangements, and establish corporations**

**41.** (1) For the purpose of developing a development area in the discharge of its duty under subsection 38(2), the local planning authority may appoint or employ agents, or, with the approval of the Menteri Besar or Chief Minister, and subject to the rules made under section 44, and to such conditions and restrictions as may be approved, or required by the Menteri Besar or Chief Minister, enter into any arrangement for sharing profits, union of interests, cooperation, joint adventure, or reciprocal concession with any person, company, or body.

(2) The local planning authority may, with the approval of the Menteri Besar or Chief Minister, from time to time by order published in the State *Gazette*, establish a corporation by such name as the local planning authority thinks fit, to carry out, and have the charge, conduct, and management of any project, scheme, or enterprise that has been planned or undertaken by the local planning authority in the discharge of its duty under subsection 38(2) of developing a development area.

(3) Every order made under subsection (2) shall make provision in respect of—

- (a) the purposes and objects for which the corporation is established;
- (b) the constitution of the corporation;
- (c) the duties, powers, and rights of the corporation;

- (d) the system of management of the corporation;
- (e) the financing of the corporation;
- (f) the accounts to be kept by the corporation and the auditing thereof;
- (g) the relations between the corporation and the local planning authority and its right of control over the corporation; and
- (h) the common seal of the corporation.

### **Power to borrow moneys**

**42.** The local planning authority may, with the approval of the Menteri Besar or Chief Minister, but subject to the Public Authorities (Control of Borrowing Powers) Act 1961 [*Act 383*], borrow such sums of money as are necessary for financing the development of a development area.

### **Power to dispose of land and property**

**43.** The local planning authority may, subject to rules made under section 44, sell, let, or otherwise deal with or dispose of any land or property in a development area that it has developed pursuant to subsection 38(2).

### **Power to make rules**

- 44.** The State Authority may make rules—
- (a) to regulate the conduct of negotiations for the purchase of lands in a development area and the terms of purchase;
  - (b) to regulate the making and the terms of any arrangement under subsection 41(1);
  - (c) to secure a just and equitable implementation of section 43; and
  - (d) generally for the better carrying out of the provisions of this Part.



PART IX

MISCELLANEOUS PROVISIONS

**Power of entry**

**45.** (1) An authorized person may, with or without assistants or workmen, enter upon or into any land or building for the purpose of—

- (a) making any inquiry, inspection, measurement, or survey, or taking the levels of the land or building;
- (b) setting out boundaries and intended lines of works;
- (c) indicating such levels, boundaries, and lines by placing or setting up marks and digging trenches;
- (d) digging or boring into the subsoil;
- (e) ascertaining whether any development has been commenced, undertaken, or carried out in contravention of this Act or the rules made thereunder; and
- (f) doing any other acts necessary for the efficient administration of this Act.

(2) No entry shall be made under subsection (1)—

- (a) into a building used solely as a dwelling-house or upon any enclosed part or garden attached to the building, unless the prior consent of the occupier has been obtained, or a notice in writing of the intention to enter has been given to the occupier at least twenty-four hours before the intended entry;
- (b) without due regard, such as is compatible with the exigency of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building; or
- (c) other than between 7 o'clock in the morning and 7 o'clock in the evening.

(3) An authorized person making an entry under subsection (1) shall carry on his person an authority card in the prescribed form; and it shall not be unlawful for any person to refuse entry to an

authorized person or to any of his assistants or workmen if the authorized person fails, when demanded, to produce his authority card.

### **Service of documents**

**46.** (1) All documents required by this Act or the rules made thereunder to be served on any person shall, except where otherwise provided in this Act or the rules, be deemed to be duly served—

- (a) where the document is to be served on a government department, a railway, local, or statutory authority, or a company, corporation, society, or other body, if the document is addressed to the head of the government department, the general manager of the railway authority, or the secretary or any other principal officer of the local authority, statutory authority, company, corporation, society, or other body at the principal, branch, local, or registered office, as the case may be, of the department, authority, company, corporation, or other body, and is either delivered or sent by registered post at or to such office;
- (b) where the document is to be served on a partnership, if the document is addressed to the partnership at its usual place of business, identifying it by the name or style under which its business is carried on, and is either delivered or sent by registered post at or to the said place of business;
- (c) in any other case, if the document is addressed to the person to be served and—
  - (i) is given or tendered to him;
  - (ii) is sent by registered post to him; or
  - (iii) if he cannot be served personally or by registered post, is given or tendered to an adult member of his family or is affixed on a conspicuous part of his last known place of residence or business or of the land or building to which the document relates.

(2) A document that is required or authorized to be served on the owner or occupier of any land or building may be addressed, without any further name or description, to “the owner” or “the occupier”, as the case may be, of the land or building, it being

named or described, and shall be deemed to be duly served if the document so addressed is sent or delivered in accordance with paragraph (1)(c).

(3) If a document is served on a partnership in accordance with paragraph (1)(b), the document shall be deemed to be served on each partner.

(4) A document sent by registered post shall be deemed to be served seven days after the date of registration.

### **Authentication of documents**

**47.** (1) Every plan, map, planning permission, order, permit, or notice prepared, issued, made, or served by the local planning authority under, by virtue, or for the purposes, of this Act shall be sealed with the seal of the local planning authority which shall be authenticated by the signature of the chairman or president of the local planning authority or of an authorized person.

(2) A certificate by the local planning authority certifying that a document referred to in subsection (1) purporting to be prepared, issued, made, or served by the local planning authority was so prepared, issued, made, or served shall be conclusive evidence of the fact so certified.

### **Documentary proof**

**48.** (1) Every document referred to in section 47 and sealed in the manner therein prescribed and every document in the form of a receipt, application, record, or register issued, made, or maintained under, by virtue, or for the purposes, of this Act shall be admissible as proof of the contents thereof.

(2) A copy of any document referred to in subsection (1) or an extract therefrom, if certified by the chairman or president of the local planning authority, shall be admissible as evidence of the matters and transactions therein expressed in any case where, and to the same extent as, the original of the document would if produced have been so admissible.

**Privilege from production of documents and appearing as witness**

**49.** A member, officer, servant, or agent of the local planning authority shall not be required in any legal proceedings to which the local planning authority is not a party, to produce any record, register, or document the contents of which can be proved under subsection 48(2) by a certified copy, or to appear as a witness to prove the matters and transactions recorded in the record, register, or document, except by order of the court made for special cause.

**Prosecution**

**50.** (1) An authorized person or any police officer not below the rank of Inspector may conduct prosecutions for offences under this Act or the rules made thereunder.

(2) The local planning authority may authorize in writing the incurring of such expenses as may be necessary for prosecutions for offences under this Act or the rules made thereunder.

**Jurisdiction of courts**

**51.** Notwithstanding the Subordinate Courts Act 1948 [Act 92], a Magistrate of the First Class shall have jurisdiction to try any offence under this Act or the rules made thereunder and to award the full punishment authorized thereby.

**Penalty for interference with marks**

**52.** Any person who, without the authority of the local planning authority, wilfully destroys, damages, defaces, moves or otherwise interferes with any mark placed or set up for the purpose of indicating any level or direction necessary for the carrying out of the purposes of this Act commits an offence and on conviction—

- (a) is liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both; and
- (b) may, in addition to or in place of that penalty, be ordered to pay to the local planning authority a sum, recoverable as a fine, not exceeding three times the cost of repairing

or re-emplacing the mark and of making any survey rendered necessary by the act in respect of which he is convicted.

### **Offences by body corporate**

**52A.** Where an offence under this Act has been committed by a body corporate, a person who at the time of the commission of the offence is a director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in such capacity shall, as well as the body corporate, be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or that he took reasonable precautions to prevent its commission.

### **Public servants**

**53.** Every member and agent of the local planning authority, every authorized person, and every assistant or workman accompanying or assisting an authorized person in the performance of his functions under this Act shall be deemed to be public servants for the purposes of the Penal Code.

### **Public Authorities Protection Act**

**54.** The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any action, suit, prosecution, or proceeding against the local planning authority and every member and agent thereof, every member of the Appeal Board, every authorized person, and every assistant or workman accompanying or assisting an authorized person in the performance of his functions under this Act, in respect of any act, neglect, or default done or committed by the authority, member, person, assistant, or workman in his capacity as such.

### **Indemnity against claims in respect of damage or loss**

**55.** If the local planning authority, in exercise of its powers under this Act, does anything that a person is required to do under this Act but fails or refuses to do, and in the course or as a result of doing that thing, damage or loss is suffered by another person, and the damage or loss is necessary and unavoidable and is not

due to the negligence of the local planning authority, then the person in default shall indemnify the local planning authority against any claim that may be brought against it in respect of the damage or loss.

### **Application of Act 119 to local inquiry or hearing**

**56.** Sections 8, 9, 11, 12, 13, 14, 19, 21 and 22 of the Commissions of Enquiry Act 1950 [*Act 119*] shall, with the necessary modifications and to such extent as may be applicable, apply to a local inquiry or hearing held under subsection 4(7) or 14(1) and to any person holding the inquiry or hearing as if the inquiry or hearing and the person were respectively an inquiry and a Commissioner under the Act.

### **Exemption from fees and charges**

**57.** (1) All developments intended exclusively for religious, educational, recreational, social, welfare, or charitable purposes and not for pecuniary profit are exempted from the payment of all charges and fees under this Act, other than the further fees payable under subsections 27(7) and 28(7).

(2) The exemption under subsection (1) does not extend to development charges.

### **Power to make rules**

**58.** (1) The State Authority may make rules to carry out the purposes of this Act.

\*(1A) The Council may make rules with respect to any of the matters in this Act.

\*(1B) If any rule made by the State Authority is inconsistent with a rule made by the Council, the rule made by the Council shall prevail over the rule made by the State Authority and the rule made by the State Authority shall, to the extent of the inconsistency, be void.

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\*NOTE—These subsections do not apply to the States of Kelantan and Terengganu—see Kn. P.U. 34/2003 and Tr. G.N. 54/2003.

(2) In particular, and without prejudice to the generality of subsection (1), rules made under that subsection may provide for—

- (a) the regulation of the development of land in accordance with proper planning;
- (b) the classes of use of land and buildings or parts thereof;
- (c) the control of the density, floor area, plot ratio, plinth area, and use of land and buildings;
- (d) the regulation of the height, design, appearance, and siting of buildings, and of the provision of car parks, set backs, and open spaces;
- (e) the control of means of access to lands and buildings;
- (f) the protection of ancient monuments and lands and buildings of historic or architectural interest;
- (g) the details of the forms and contents of the structure plan and local plan, the procedure to be followed in the preparation, submission and approval thereof, the form and manner in which they shall be published, and the form of the notices relating thereto;
- (h) the qualifications of persons who may prepare or submit plans, documents, particulars and layout plans for the purposes of this Act;
- (i) the form in which an application for planning permission shall be made, the particulars to be furnished in, and the plans, documents, particulars and layout plans to be submitted with the application and its form and scale;
- (j) the fees to be paid under this Act;
- (k) the registration of applications and the form of, and particulars to be contained in, the register;
- (l) prescribing anything that may be, or is required to be, prescribed under this Act.

(3) Where any rule made under paragraph (2)(h) does not include a person who is entitled under any other written law to prepare and submit plans, documents, particulars and layout plans relating to town and country planning to any person or authority, the entitlement of such person shall not be affected.

**Repeal of existing planning laws**

**59.** (1) In this section, “existing planning laws” means Part IX of the Town Boards Enactment of the Federated Malay States, Part IX of the Town Boards Enactment of the State of Johore, Part VIA of the Municipal Enactment of the State of Kelantan, and Part IX of the Town Boards Enactment of the State of Terengganu.

(2) Where, pursuant to section 1, this section is brought into operation generally in the State, the existing planning laws in force in the State shall be repealed.

(3) Where, pursuant to section 1, this section is brought into operation in a local authority area or part thereof, the existing planning laws in force in that area or part shall be repealed in their application to that area or part.

(4) If, before the repeal of any existing planning law, there is a conflict or inconsistency between any provisions of that law and this Act, the provisions of this Act shall prevail.

(5) If any difficulty or anomaly arises in consequence of the repeal of any existing planning law, the State Authority may by order make provisions not inconsistent with this Act for the purpose of removing or resolving the difficulty or anomaly.

(6) Notwithstanding the repeal of any existing planning law, any planning permission, approval for development, or approval of a building plan granted under that law in respect of any land, and any instrument or document issued in accordance with that law, shall continue to have force and effect and shall be deemed to have been granted or issued under this Act until amended, modified, revoked, or cancelled under this Act.

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## LAWS OF MALAYSIA

### Act 172

## TOWN AND COUNTRY PLANNING ACT 1976

### APPENDIX

State	State/District	Provisions	In force from	Authority
JOHORE	Johore	Pts. I to III	01-07-1981	J. P.U. 28/1984
	Johore	Pts. IV to IX	01-05-1985	J. P.U. 11/1986
	Johore Bahru	Pts. I to III	01-07-1981	J. P.U. 29/1984
	Johore Bahru Tengah	Pts. I to III	01-01-1983	J. P.U. 30/1984
	Pasir Gudang	Pts. I to III	01-01-1983	J. P.U. 31/1984
	Segamat Utara	Pts. I to III	07-10-1982	J. P.U. 32/1984
	Kluang Utara	Pts. I to III	07-10-1982	J. P.U. 33/1984
	Johore Bahru	Pts. IV to IX	01-04-1987	J. P.U. 6/1987
	Plentong	Pts. IV to IX	01-04-1987	J. P.U. 7/1987
	Pasir Gudang	Pts. IV to IX	01-04-1987	J. P.U. 8/1987
	Batu Pahat Timur	Pts. I to III	01-07-1987	J. P.U. 14/1987
	Muar Utara	Pts. I to III	01-07-1987	J. P.U. 15/1987
	Segamat Selatan	Pts. I to III	01-07-1987	J. P.U. 16/1987
	Pontian	Pts. I to III	01-07-1987	J. P.U. 17/1987

State	State/District	Provisions	In force from	Authority
	Batu Pahat	Pts. I to III	01-07-1987	J. P.U. 18/1987
	Muar	Pts. I to III	01-07-1987	J. P.U. 19/1987
	Segamat	Pts. I to III	01-07-1987	J. P.U. 20/1987
	Kota Tinggi	Pts. I to III	01-11-1995	J. P.U. 60/1996
	Kluang Selatan	Pts. IV to IX	08-07-1998	J. P.U. 50/1999
	Muar Utara	Pts. IV to IX	14-10-1998	J. P.U. 22/2000
	Kota Tinggi	Pts. IV to IX	31-01-2001	J. P.U. 32/2001
	Mersing	Pts. IV to IX	31-01-2001	J. P.U. 33/2001
KEDAH	Kota Setar	Pts. I to III	01-06-1982	K. P.U. 1/1982
	Kedah	Pts. IV to IX	01-01-1990	K. P.U. 414/1990
	All Local Authorities	Pts. I to IX	21-12-2000	K. P.U. 7/2000
KELANTAN	Kelantan	Pts. I to III (except subsection 5(2))	01-03-1982 01-11-2003	Kn. P.U. 19/1987 Kn. P.U. 34/2003)
	Kelantan	Pts. IV to IX (except subsections 58(1A) and (1B))	01-06-1988 01-11-2003	Kn. P.U. 2/1989 Kn. P.U. 34/2003)
	Kota Bharu and all District Councils in the State of Kelantan	Pts. I to III	01-03-1982	Kn. P.U. 1/1986

State	State/District	Provisions	In force from	Authority
	Machang, Pasir Puteh and Tanah Merah	Pts. I to III	15-09-1986	Kn. P.U. 24/1988
	In the Jeli District and areas that do not form part of the areas of Pasir Puteh, Machang and Tanah Merah	Pts. I to III	15-09-1986	Kn. P.U. 25/1988
	Kota Bharu	Pts. IV to IX	01-06-1988	Kn. P.U. 3/1989
	Outside the authority of Machang, Pasir Puteh, Tanah Merah and Jeli	Pts. IV to IX	01-06-1988	Kn. P.U. 26/2002
	In and outside the District Councils of Kota Bharu, Bachok, Pasir Mas, Tumpat, Gua Musang, Kuala Krai, (MDKK(U)) and (MDKK(S))	Pts. I to IX	01-06-1988	Kn. P.U. 27/2002
MALACCA	Malacca	Pts. I to III	01-07-1985	M. G.N. 498/1985
	Malacca	Pts. IV to IX	01-03-1994	M. P.U. 27/1994
	Central Malacca	Pts. I to IX	01-07-1978	M. G.N. 161/1978
NEGERI SEMBILAN	Negeri Sembilan	Pts. I to III	01-03-1979	N.S. P.U. 357/1986
	Seremban	Pts. I to III	01-05-1979	N.S. P.U. 132/1979
	Port Dickson	Pts. I to III	01-01-1980	N.S. P.U. 19/1979

State	State/District	Provisions	In force from	Authority
	Kuala Pilah	Pts. I to III	01-07-1980	N.S. P.U. 335/1980
	Rembau	Pts. I to III	01-07-1980	N.S. P.U. 336/1980
	Tampin	Pts. I to III	01-07-1980	N.S. P.U. 317/1980
	Jempol	Pts. I to III	01-08-1980	N.S. P.U. 14/1980
	Jelebu	Pts. I to III	01-08-1980	N.S. P.U. 15/1980
	All Local Authority Areas	Pts. IV to IX	01-10-1996	N.S. G.N. 792/1996
PAHANG	Pahang	Pts. I and II	01-07-1983	Phg. G.N. 357/1984
	Pahang	Pts. I to III	08-06-1995	Phg. G.N. 723/1995
	Pahang	Pts. IV to IX	01-09-1995	Phg. G.N. 724/1995
	Kuantan	Pt. III	01-07-1983	Phg. G.N. 358/1984
	Raub	Pt. III	01-07-1983	Phg. G.N. 359/1984
	Temerloh	Pt. III	01-07-1983	Phg. G.N. 360/1984
	Jerantut	Pt. III	01-07-1983	Phg. G.N. 361/1984
	Lipis	Pt. III	01-07-1983	Phg. G.N. 362/1984
	Bentong	Pt. III	01-07-1983	Phg. G.N. 363/1984
	Cameron Highlands	Pt. III	01-07-1983	Phg. G.N. 364/1984

State	State/District	Provisions	In force from	Authority
PENANG	Penang	Pts. I to IX	01-01-1985	Pg. P.U. 30/1984
PERAK	Perak	Pts. I to III	01-09-1989	Pk. P.U. 35/1989
	Perak	Pts. IV to IX	01-07-1991	Pk. P.U. 18/1991
	Kinta Barat	Pts. I to III	01-09-1979	Pk. P.U. 42/1979
	Taiping	Pts. I to III	01-09-1979	Pk. P.U. 43/1979
	Krian	Pts. I to III	01-09-1979	Pk. P.U. 48/1979
	Grik	Pts. I to III	01-12-1979	Pk. P.U. 66/1979
	Kroh	Pts. I to III	01-12-1979	Pk. P.U. 69/1979
	Lenggong	Pts. I to III	01-12-1979	Pk. P.U. 72/1979
	Selama	Pts. I to III	01-12-1979	Pk. P.U. 75/1979
	Perak Tengah	Pts. I to III	01-12-1979	Pk. P.U. 78/1979
	Kinta Selatan	Pts. I to III	01-12-1979	Pk. P.U. 81/1979
	Tanjong Malim	Pts. I to III	01-12-1979	Pk. P.U. 84/1979
	Hilir Perak	Pts. I to III	01-12-1979	Pk. P.U. 87/1979
Tapah	Pts. I to III	01-12-1979	Pk. P.U. 90/1979	
	Ipoh, Pengkalan Hulu and Gerik	Pts. IV to IX	01-07-1991	Pk. P.U. 19/1991

State	State/District	Provisions	In force from	Authority
PERLIS	Perlis	Pts. I to III	01-01-1984	Ps. P.U. 6/1983
	Perlis	Pts. IV to IX	29-01-1992	Ps. P.U. 7/1992
SELANGOR	Selangor	Pts. I and II	01-12-1978	Sel. P.U. 21/1978
	Selangor	Pt. III	01-01-1984	Sel. P.U. 25/1986
	Selangor	Pts. IV to IX	01-05-1996	Sel. P.U. 21/1996
	Kawasan Perbadanan Putrajaya	Pts. IV to IX (except s. 36-37)	01-05-1996	Sel. P.U. 33/1996
TERENGGANU	Terengganu	Pts. I to III (except subsection 5(2))	01-01-1980	Tr. P.U. 40/1986
			01-02-2003	Tr. G.N. 54/2003)
	Terengganu	Pts. IV to IX (except subsections 22(2A) and (2B) and subsections 58(1A) and (1B))	01-01-1987	Tr. P.U. 1/1987
			01-02-2003	Tr. G.N. 54/2003)
	Kuala Terengganu	Pts. I to III	01-01-1980	Tr. P.U. 2/1980
	The area marked grey on Plan No. PW 182 deposited in the office of Director of Survey, Terengganu	Pts. I to III	01-01-1980	Tr. P.U. 9/1980
Besut, Kemaman, Dungun, Hulu Terengganu and Marang	Pts. I to III	01-01-1985	Tr. G.N. 1/1985	

# LAWS OF MALAYSIA

## Act 172

### TOWN AND COUNTRY PLANNING ACT 1976

#### LIST OF AMENDMENTS

Amending law	Short title	In force from
Act A866	Town and Country Planning (Amendment) Act 1993	01-03-1994
Act A933	Town and Country Planning (Amendment) Act 1995	01-05-1996 for Selangor ( <i>see</i> Sel. P.U. 20/1996)
		01-06-1996 for Johore ( <i>see</i> J. P.U. 8/1997)
		01-10-1996 for Negeri Sembilan ( <i>see</i> N.S. G.N 791/1996)
		11-10-1996 for Perlis ( <i>see</i> Ps. P.U. 7/1996)
		01-12-1996 for Terengganu ( <i>see</i> Tr. G.N. 1485/1996)
		01-01-1997 for Pahang ( <i>see</i> Phg. G.N. No. 1198/1996)
		01-04-1997 for Penang ( <i>see</i> Pg. P.U. 2/1997)
		24-04-1997 for Perak ( <i>see</i> Pk. G.N. 384/1997)

Amending law	Short title	In force from
		18-06-1998 for Kelantan ( <i>see</i> Kn. P.U. 9/1998)
		23-10-1998 for Kedah ( <i>see</i> K.P.U. 16/1998)
		15-04-2005 for Malacca ( <i>see</i> M.P.U. 7/2005)
Act A1129	Town and Country Planning (Amendment) Act 2001	28-09-2001 for Peninsular Malaysia only for ss. 2, 3, 4 and 5
		25-02-2002 for Malacca ( <i>see</i> M.P.U. 3/2002)
		01-03-2002 for Federal Territory of Kuala Lumpur ( <i>see</i> P.U. (B) 60/2002)
		01-03-2002 for Selangor ( <i>see</i> Sel. P.U. 23/2002)
		01-03-2002 for Pahang ( <i>see</i> Phg. G.N. No. 234/2002)
		06-06-2002 for Negeri Sembilan ( <i>see</i> N.S. G.N. 312/2002)



Amending law	Short title	In force from
		19-07-2002 for Kedah ( <i>see</i> K. P.U. 11/2002)
		01-10-2002 for Penang ( <i>see</i> Pg. G.N. 259/2002)
		11-10-2002 for Perak ( <i>see</i> Pk. G.N. 853/2002)
		01-11-2002 for Johore ( <i>see</i> J.P.U. 45/2002)
		31-01-2003 for Perlis ( <i>see</i> Ps. G.N. 5/2003)
		01-02-2003 for Terengganu— ss. 2 to 8, 9( <i>b</i> ), 10, 11 in so far as it relates to the introduction of new s. 6B in the Town and Country Planning Act 1976; ss.12 to 24; paragraph 25( <i>a</i> ) and 25( <i>c</i> ); ss. 26 to 36 and 38 ( <i>see</i> Tr. G.N. 54/2003)
		01-11-2003 for Kelantan except paragraph 9( <i>a</i> ) and s. 37 ( <i>see</i> Kn. P.U. 34/2003)

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**LAWS OF MALAYSIA**

**Act 172**

**TOWN AND COUNTRY PLANNING ACT 1976**

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
Long title	Act A1129	28-09-2001
Preamble	Act A1129	28-09-2001
Enacting clause	Act A1129	28-09-2001
1	Act A1129	28-09-2001
2	Act A933	01-05-1996 for Selangor
		01-06-1996 for Johore
		01-10-1996 for Negeri Sembilan
		11-10-1996 for Perlis
		01-12-1996 for Terengganu
		01-01-1997 for Pahang
		01-04-1997 for Penang
		24-04-1997 for Perak
		18-06-1998 for Kelantan
		23-10-1998 for Kedah
		15-04-2005 for Malacca

Section	Amending authority	In force from
	Act A1129	25-02-2002 for Malacca
		01-03-2002 for Federal Territory of Kuala Lumpur
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah
		01-10-2002 for Penang
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis
		01-02-2003 for Terengganu
		01-11-2003 for Kelantan
2A	Act A1129	25-02-2002 for Malacca
		01-03-2002 for Federal Territory of Kuala Lumpur
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan

Section	Amending authority	In force from
		19-07-2002 for Kedah
		01-10-2002 for Penang
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis
		01-02-2003 for Terengganu
		01-11-2003 for Kelantan
2B	Act A1129	25-02-2002 for Malacca
		01-03-2002 for Federal Territory of Kuala Lumpur
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah
		01-10-2002 for Penang
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis

Section	Amending authority	In force from
		01-02-2003 for Terengganu
		01-11-2003 for Kelantan
4	Act A933	01-05-1996 for Selangor
		01-06-1996 for Johore
		01-10-1996 for Negeri Sembilan
		11-10-1996 for Perlis
		01-12-1996 for Terengganu
		01-01-1997 for Pahang
		01-04-1997 for Penang
		24-04-1997 for Perak
		18-06-1998 for Kelantan
		23-10-1998 for Kedah
		15-04-2005 for Malacca
	Act A1129	25-02-2002 for Malacca
		01-03-2002 for Federal Territory of Kuala Lumpur
		01-03-2002 for Selangor
		01-03-2002 for Pahang

Section	Amending authority	In force from
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah
		01-10-2002 for Penang
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis
		01-02-2003 for Terengganu
		01-11-2003 for Kelantan
5	Act A1129	25-02-2002 for Malacca
		01-03-2002 for Federal Territory of Kuala Lumpur
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah
		01-10-2002 for Penang
		11-10-2002 for Perak
		01-11-2002 for Johore

Section	Amending authority	In force from
		31-01-2003 for Perlis
5(3)	Act A1129	01-02-2003 for Terengganu
		01-11-2003 for Kelantan
6	act A1129	25-02-2002 for Malacca
		01-03-2002 for Federal Territory of Kuala Lumpur
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah
		01-10-2002 for Penang
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis
		01-02-2003 for Terengganu
		01-11-2003 for Kelantan
6A	Act A1129	25-02-2002 for Malacca

Section	Amending authority	In force from
		01-03-2002 for Federal Territory of Kuala Lumpur
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah
		01-10-2002 for Penang
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis
		01-11-2003 for Kelantan
6B	Act A1129	25-02-2002 for Malacca
		01-03-2002 for Federal Territory of Kuala Lumpur
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah



Section	Amending authority	In force from
		01-10-2002 for Penang
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis
		01-02-2003 for Terengganu
		01-11-2003 for Kelantan
7	Act A1129	25-02-2002 for Malacca
		01-03-2002 for Federal Territory of Kuala Lumpur
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah
		01-10-2002 for Penang
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis
		01-02-2003 for Terengganu

Section	Amending authority	In force from
		01-11-2003 for Kelantan
8	Act A1129	25-02-2002 for Malacca
		01-03-2002 for Federal Territory of Kuala Lumpur
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah
		01-10-2002 for Penang
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis
		01-02-2003 for Terengganu
		01-11-2003 for Kelantan
9	Act A1129	25-02-2002 for Malacca
		01-03-2002 for Federal Territory of Kuala Lumpur
		01-03-2002 for Selangor

Section	Amending authority	In force from
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah
		01-10-2002 for Penang
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis
		01-02-2003 for Terengganu
		01-11-2003 for Kelantan
10	Act A933	01-05-1996 for Selangor
		01-06-1996 for Johore
		01-10-1996 for Negeri Sembilan
		11-10-1996 for Perlis
		01-12-1996 for Terengganu
		01-01-1997 for Pahang
		01-04-1997 for Penang
		24-04-1997 for Perak

Section	Amending authority	In force from
		18-06-1998 for Kelantan
		23-10-1998 for Kedah
		15-04-2005 for Malacca
	Act A1129	25-02-2002 for Malacca
		01-03-2002 for Federal Territory of Kuala Lumpur
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah
		01-10-2002 for Penang
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis
		01-02-2003 for Terengganu
		01-11-2003 for Kelantan
11	Act A1129	25-02-2002 for Malacca
		01-03-2002 for Federal Territory of Kuala Lumpur

Section	Amending authority	In force from
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah
		01-10-2002 for Penang
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis
		01-02-2003 for Terengganu
		01-11-2003 for Kelantan
11A	Act A1129	25-02-2002 for Malacca
		01-03-2002 for Federal Territory of Kuala Lumpur
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah
		01-10-2002 for Penang

Section	Amending authority	In force from
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis
		01-02-2003 for Terengganu
		01-11-2003 for Kelantan
11B	Act A1129	25-02-2002 for Malacca
		01-03-2002 for Federal Territory of Kuala Lumpur
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah
		01-10-2002 for Penang
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis
		01-02-2003 for Terengganu
		01-11-2003 for Kelantan

Section	Amending authority	In force from
12	Act A933	01-05-1996 for Selangor
		01-06-1996 for Johore
		01-10-1996 for Negeri Sembilan
		11-10-1996 for Perlis
		01-12-1996 for Terengganu
		01-01-1997 for Pahang
		01-04-1997 for Penang
		24-04-1997 for Perak
		18-06-1998 for Kelantan
		23-10-1998 for Kedah
	Act A1129	15-04-2005 for Malacca
		25-02-2002 for Malacca
		01-03-2002 for Federal Territory of Kuala Lumpur
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah

Section	Amending authority	In force from
		01-10-2002 for Penang
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis
		01-02-2003 for Terengganu
		01-11-2003 for Kelantan
12A	Act A1129	25-02-2002 for Malacca
		01-03-2002 for Federal Territory of Kuala Lumpur
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah
		01-10-2002 for Penang
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis
		01-02-2003 for Terengganu



Section	Amending authority	In force from
		01-11-2003 for Kelantan
13	Act A933	01-05-1996 for Selangor
		01-06-1996 for Johore
		01-10-1996 for Negeri Sembilan
		11-10-1996 for Perlis
		01-12-1996 for Terengganu
		01-01-1997 for Pahang
		01-04-1997 for Penang
		24-04-1997 for Perak
		18-06-1998 for Kelantan
		23-10-1998 for Kedah
		15-04-2005 for Malacca
15	Act A1129	25-02-2002 for Malacca
		01-03-2002 for Federal Territory of Kuala Lumpur
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan

Section	Amending authority	In force from
		19-07-2002 for Kedah
		01-10-2002 for Penang
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis
		01-02-2003 for Terengganu
		01-11-2003 for Kelantan
16A	Act A1129	25-02-2002 for Malacca
		01-03-2002 for Federal Territory of Kuala Lumpur
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah
		01-10-2002 for Penang
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis

Section	Amending authority	In force from
		01-02-2003 for Terengganu
		01-11-2003 for Kelantan
16B	Act A1129	25-02-2002 for Malacca
		01-03-2002 for Federal Territory of Kuala Lumpur
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah
		01-10-2002 for Penang
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis
		01-02-2003 for Terengganu
		01-11-2003 for Kelantan
20A	Act A1129	25-02-2002 for Malacca
		01-03-2002 for Federal Territory of Kuala Lumpur

Section	Amending authority	In force from
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah
		01-10-2002 for Penang
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis
		01-02-2003 for Terengganu
		01-11-2003 for Kelantan
21	Act A933	01-05-1996 for Selangor
		01-06-1996 for Johore
		01-10-1996 for Negeri Sembilan
		11-10-1996 for Perlis
		01-12-1996 for Terengganu
		01-01-1997 for Pahang
		01-04-1997 for Penang

Section	Amending authority	In force from
		24-04-1997 for Perak
		18-06-1998 for Kelantan
		23-10-1998 for Kedah
		15-04-2005 for Malacca
	Act A1129	25-02-2002 for Malacca
		01-03-2002 for Federal Territory of Kuala Lumpur
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah
		01-10-2002 for Penang
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis
		01-02-2003 for Terengganu
		01-11-2003 for Kelantan
21A	Act A933	01-05-1996 for Selangor

Section	Amending authority	In force from
		01-06-1996 for Johore
		01-10-1996 for Negeri Sembilan
		11-10-1996 for Perlis
		01-12-1996 for Terengganu
		01-01-1997 for Pahang
		01-04-1997 for Penang
		24-04-1997 for Perak
		18-06-1998 for Kelantan
		23-10-1998 for Kedah
		15-04-2005 for Malacca
	Act A1129	25-02-2002 for Malacca
		01-03-2002 for Federal Territory of Kuala Lumpur
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah
		01-10-2002 for Perak

Section	Amending authority	In force from
		01-11-2002 for Johore
		31-01-2003 for Terengganu
		01-11-2003 for Kelantan
21B	Act A933	01-05-1996 for Selangor
		01-06-1996 for Johore
		01-10-1996 for Negeri Sembilan
		11-10-1996 for Perlis
		01-12-1996 for Terengganu
		01-01-1997 for Pahang
		01-04-1997 for Penang
		24-04-1997 for Perak
		18-06-1998 for Kelantan
		23-10-1998 for Kedah
		15-04-2005 for Malacca
21c	Act A933	01-05-1996 for Selangor
		01-06-1996 for Johore
		01-10-1996 for Negeri Sembilan

Section	Amending authority	In force from
		11-10-1996 for Perlis
		01-12-1996 for Terengganu
		01-01-1997 for Pahang
		01-04-1997 for Penang
		24-04-1997 for Perak
		18-06-1998 for Kelantan
		23-10-1998 for Kedah
		15-04-2005 for Malacca
22	Act A866	01-03-1994
	Act A933	01-05-1996 for Selangor
		01-06-1996 for Johore
		01-10-1996 for Negeri Sembilan
		11-10-1996 for Perlis
		01-12-1996 for Terengganu
		01-01-1997 for Pahang
		01-04-1997 for Penang
		24-04-1997 for Perak
		18-06-1998 for Kelantan



Section	Amending authority	In force from
		23-10-1998 for Kedah
		15-04-2005 for Malacca
	Act A1129	25-02-2002 for Malacca
		01-03-2002 for Federal Territory of Kuala Lumpur
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah
		01-10-2002 for Penang
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis
		01-11-2003 for Kelantan
22(2)(aa)	Act A1129	01-02-2003 for Terengganu
22(4)	Act A1129	01-02-2003 for Terengganu
26	Act A933	01-05-1996 for Selangor
		01-06-1996 for Johore

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Amending authority

In force from

01-10-1996 for  
Negeri Sembilan11-10-1996 for  
Perlis01-12-1996 for  
Terengganu01-01-1997 for  
Pahang01-04-1997 for  
Penang24-04-1997 for  
Perak18-06-1998 for  
Kelantan23-10-1998 for  
Kedah15-04-2005 for  
Malacca

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25-02-2002 for  
Malacca01-03-2002 for  
Federal Territory  
of Kuala Lumpur01-03-2002 for  
Selangor01-03-2002 for  
Pahang06-06-2002 for  
Negeri Sembilan19-07-2002 for  
Kedah01-10-2002 for  
Penang11-10-2002 for  
Perak

Section	Amending authority	In force from
		01-11-2002 for Johore
		31-01-2003 for Perlis
		01-02-2003 for Terengganu
		01-11-2003 for Kelantan
27	Act A933	01-05-1996 for Selangor
		01-06-1996 for Johore
		01-10-1996 for Negeri Sembilan
		11-10-1996 for Perlis
		01-12-1996 for Terengganu
		01-01-1997 for Pahang
		01-04-1997 for Penang
		24-04-1997 for Perak
		18-06-1998 for Kelantan
		23-10-1998 for Kedah
		15-04-2005 for Malacca
	Act A1129	25-02-2002 for Malacca
		01-03-2002 for Federal Territory of Kuala Lumpur

Section	Amending authority	In force from
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah
		01-10-2002 for Penang
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis
		01-02-2003 for Terengganu
		01-11-2003 for Kelantan
28	Act A933	01-05-1996 for Selangor
		01-06-1996 for Johore
		01-10-1996 for Negeri Sembilan
		11-10-1996 for Perlis
		01-12-1996 for Terengganu
		01-01-1997 for Pahang
		01-04-1997 for Penang

Section	Amending authority	In force from
		24-04-1997 for Perak
		18-06-1998 for Kelantan
		23-10-1998 for Kedah
		15-04-2005 for Malacca
	Act A1129	25-02-2002 for Malacca
		01-03-2002 for Federal Territory of Kuala Lumpur
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah
		01-10-2002 for Penang
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis
		01-02-2003 for Terengganu
		01-11-2003 for Kelantan
29	Act A933	01-05-1996 for Selangor

Section	Amending authority	In force from
		01-06-1996 for Johore
		01-10-1996 for Negeri Sembilan
		11-10-1996 for Perlis
		01-12-1996 for Terengganu
		01-01-1997 for Pahang
		01-04-1997 for Penang
		24-04-1997 for Perak
		18-06-1998 for Kelantan
		23-10-1998 for Kedah
		15-04-2005 for Malacca
	Act A1129	25-02-2002 for Malacca
		01-03-2002 for Federal Territory of Kuala Lumpur
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah
		01-10-2002 for Penang

Section	Amending authority	In force from
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis
		01-02-2003 for Terengganu
		01-11-2003 for Kelantan
30	Act A933	01-05-1996 for Selangor
		01-06-1996 for Johore
		01-10-1996 for Negeri Sembilan
		11-10-1996 for Perlis
		01-12-1996 for Terengganu
		01-01-1997 for Pahang
		01-04-1997 for Penang
		24-04-1997 for Perak
		18-06-1998 for Kelantan
		23-10-1998 for Kedah
		15-04-2005 for Malacca
	Act A1129	25-02-2002 for Malacca

Section	Amending authority	In force from
		01-03-2002 for Federal Territory of Kuala Lumpur
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah
		01-10-2002 for Penang
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis
		01-02-2003 for Terengganu
		01-11-2003 for Kelantan
31A	Act A1129	25-02-2002 for Malacca
		01-03-2002 for Federal Territory of Kuala Lumpur
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah



Section	Amending authority	In force from
		01-10-2002 for Penang
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis
		01-02-2003 for Terengganu
		01-11-2003 for Kelantan
35A	Act A933	01-05-1996 for Selangor
		01-06-1996 for Johore
		01-10-1996 for Negeri Sembilan
		11-10-1996 for Perlis
		01-12-1996 for Terengganu
		01-01-1997 for Pahang
		01-04-1997 for Penang
		24-04-1997 for Perak
		18-06-1998 for Kelantan
		23-10-1998 for Kedah
		15-04-2005 for Malacca

Section	Amending authority	In force from
	Act A1129	25-02-2002 for Malacca
		01-03-2002 for Federal Territory of Kuala Lumpur
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah
		01-10-2002 for Penang
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis
		01-02-2003 for Terengganu
		01-11-2003 for Kelantan
35B	Act A933	01-05-1996 for Selangor
		01-06-1996 for Johore
		01-10-1996 for Negeri Sembilan
		11-10-1996 for Perlis
		01-12-1996 for Terengganu

Section	Amending authority	In force from
		01-01-1997 for Pahang
		01-04-1997 for Penang
		24-04-1997 for Perak
		18-06-1998 for Kelantan
		23-10-1998 for Kedah
		15-04-2005 for Malacca
35c	Act A933	01-05-1996 for Selangor
		01-06-1996 for Johore
		01-10-1996 for Negeri Sembilan
		11-10-1996 for Perlis
		01-12-1996 for Terengganu
		01-01-1997 for Pahang
		01-04-1997 for Penang
		24-04-1997 for Perak
		18-06-1998 for Kelantan
		23-10-1998 for Kedah
		15-04-2005 for Malacca

Section	Amending authority	In force from		
35D	Act A933	01-05-1996 for Selangor		
		01-06-1996 for Johore		
		01-10-1996 for Negeri Sembilan		
		11-10-1996 for Perlis		
		01-12-1996 for Terengganu		
		01-01-1997 for Pahang		
		01-04-1997 for Penang		
		24-04-1997 for Perak		
		18-06-1998 for Kelantan		
		23-10-1998 for Kedah		
		15-04-2005 for Malacca		
		35E	Act A933	01-05-1996 for Selangor
				01-06-1996 for Johore
01-10-1996 for Negeri Sembilan				
11-10-1996 for Perlis				
01-12-1996 for Terengganu				
01-01-1997 for Pahang				

Section	Amending authority	In force from
		01-04-1997 for Penang
		24-04-1997 for Perak
		18-06-1998 for Kelantan
		23-10-1998 for Kedah
		15-04-2005 for Malacca
	Act A1129	25-02-2002 for Malacca
		01-03-2002 for Federal Territory of Kuala Lumpur
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah
		01-10-2002 for Penang
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis
		01-02-2003 for Terengganu
		01-11-2003 for Kelantan

Section	Amending authority	In force from
35F	Act A933	01-05-1996 for Selangor
		01-06-1996 for Johore
		01-10-1996 for Negeri Sembilan
		11-10-1996 for Perlis
		01-12-1996 for Terengganu
		01-01-1997 for Pahang
		01-04-1997 for Penang
		24-04-1997 for Perak
		18-06-1998 for Kelantan
		23-10-1998 for Kedah
35G	Act A933	15-04-2005 for Malacca
		01-05-1996 for Selangor
		01-06-1996 for Johore
		01-10-1996 for Negeri Sembilan
		11-10-1996 for Perlis
		01-12-1996 for Terengganu
		01-01-1997 for Pahang

Section	Amending authority	In force from
		01-04-1997 for Penang
		24-04-1997 for Perak
		18-06-1998 for Kelantan
		23-10-1998 for Kedah
		15-04-2005 for Malacca
35H	Act A933	01-05-1996 for Selangor
		01-06-1996 for Johore
		01-10-1996 for Negeri Sembilan
		11-10-1996 for Perlis
		01-12-1996 for Terengganu
		01-01-1997 for Pahang
		01-04-1997 for Penang
		24-04-1997 for Perak
		18-06-1998 for Kelantan
		23-10-1998 for Kedah
		15-04-2005 for Malacca
	Act A1129	25-02-2002 for Malacca

Section	Amending authority	In force from
		01-03-2002 for Federal Territory of Kuala Lumpur
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah
		01-10-2002 for Penang
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis
		01-02-2003 for Terengganu
		01-11-2003 for Kelantan
36	Act A933	01-05-1996 for Selangor
		01-06-1996 for Johore
		01-10-1996 for Negeri Sembilan
		11-10-1996 for Perlis
		01-12-1996 for Terengganu
		01-01-1997 for Pahang



Section	Amending authority	In force from
		01-04-1997 for Penang
		24-04-1997 for Perak
		18-06-1998 for Kelantan
		23-10-1998 for Kedah
		15-04-2005 for Malacca
	Act A1129	25-02-2002 for Malacca
		01-03-2002 for Federal Territory of Kuala Lumpur
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah
		01-10-2002 for Penang
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis
		01-02-2003 for Terengganu
		01-11-2003 for Kelantan

Section	Amending authority	In force from
38	Act A1129	25-02-2002 for Malacca
		01-03-2002 for Federal Territory of Kuala Lumpur
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah
		01-10-2002 for Penang
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis
		01-02-2003 for Terengganu
		01-11-2003 for Kelantan
52A	Act A933	01-05-1996 for Selangor
		01-06-1996 for Johore
		01-10-1996 for Negeri Sembilan
		11-10-1996 for Perlis
		01-12-1996 for Terengganu

Section	Amending authority	In force from
		01-01-1997 for Pahang
		01-04-1997 for Penang
		24-04-1997 for Perak
		18-06-1998 for Kelantan
		23-10-1998 for Kedah
		15-04-2005 for Malacca
58	Act A933	01-05-1996 for Selangor
		01-06-1996 for Johore
		01-10-1996 for Negeri Sembilan
		11-10-1996 for Perlis
		01-12-1996 for Terengganu
		01-01-1997 for Pahang
		01-04-1997 for Penang
		24-04-1997 for Perak
		18-06-1998 for Kelantan
		23-10-1998 for Kedah
		15-04-2005 for Malacca

Section	Amending authority	In force from
	Act A1129	25-02-2002 for Malacca
		01-03-2002 for Federal Territory of Kuala Lumpur
		01-03-2002 for Selangor
		01-03-2002 for Pahang
		06-06-2002 for Negeri Sembilan
		19-07-2002 for Kedah
		01-10-2002 for Penang
		11-10-2002 for Perak
		01-11-2002 for Johore
		31-01-2003 for Perlis
		01-02-2003 for Terengganu (except ss. 58(1A) and (1B))
		01-11-2003 for Kelantan (except ss. 58(1A) and (1B))

