



LAWS OF MALAYSIA

Act A1517

LAND ACQUISITION (AMENDMENT) ACT 2016

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LAWS OF MALAYSIA

Act A1517

LAND ACQUISITION (AMENDMENT) ACT 2016

An Act to amend the Land Acquisition Act 1960.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Land Acquisition (Amendment) Act 2016.

(2) This Act comes into operation on a date to be appointed by the Minister, with the approval of the National Land Council, by notification in the *Gazette*, and the Minister may appoint different dates for the coming into operation of different provisions of this Act.

Amendment of section 2

2. The Land Acquisition Act 1960 [*Act 486*], which is referred to as the “principal Act” in this Act, is amended in subsection 2(1)—

(a) by inserting after the definition of “Land Administrator” the following definition:

‘ “lot” has the meaning assigned to it under the National Land Code [*Act 56 of 1965*] and includes any interim identification number allotted by Land Office pending the completion of final survey of any land held under qualified title, as the case may be;’; and

- (b) in the definition of “scheduled land”, by inserting after the words “land or lands” the words “including parcel or provisional block”.

Amendment of section 3

3. Paragraph 3(3)(c) of the principal Act is amended by deleting the word “Government”.

Amendment of section 3c

4. Subparagraph 3c(2)(b)(ii) of the principal Act is amended by substituting for the words “the Under Secretary of the Federal Territory Development and Klang Valley Planning Division, Prime Minister’s Department” the words “a representative from the Ministry or agency responsible for the Federal Territory”.

Amendment of section 3F

5. Section 3F of the principal Act is amended—

- (a) in the shoulder note, by inserting after the words “**Withdrawal from**” the words “**the application of**”;
- (b) in subsection (1), by inserting after the words “withdraw from the” the words “application of”;
- (c) in subsection (2)—
- (i) by inserting after the words “withdraws from any” the words “application of”; and
 - (ii) by substituting for the words “conduct an enquiry to determine the amount of deposit to be forfeited for the payment of compensation to the persons interested” the words “forfeit the amount of deposit as prescribed in the rules”; and
- (d) by deleting subsection (3).

Amendment of section 7

6. Section 7 of the principal Act is amended—

- (a) by renumbering the existing section as subsection (1); and
- (b) by inserting after subsection (1) as renumbered the following subsection:

“(2) Where the acquisition of part of the land refers to underground land, the plan referred to in paragraph (1)(a) shall also describe the extent and area of the underground land to be acquired.”.

Amendment of section 8

7. Section 8 of the principal Act is amended—

- (a) in the shoulder note, by substituting for the words “**required for a public purpose**” the words “**needed under section 3**”; and
- (b) in subsection (2), by substituting for the words “paragraph 7(b)” the words “paragraph 7(1)(b)”.

Amendment of section 9

8. Section 9 of the principal Act is amended—

- (a) in paragraph (1)(b), by deleting the words “or (3)”; and
- (b) in subsection (2), by substituting for paragraph (a) the following paragraph:

“(a) where the scheduled land is held by registered title—

- (i) on the register document of title; and
- (ii) in the case of land with subdivided building or land, on the relevant strata register under section 4 of the Strata Titles Act 1985 [Act 318]; or”.

Amendment of section 9A

9. Section 9A of the principal Act is amended—

(a) in subsection (1), by inserting after the words “the State Director of Town and Country Planning” the words “or from any local planning authority,”;

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

“(2) The State Director of Town and Country Planning or the local planning authority, upon receiving the request for information under subsection (1) shall provide the information required within two weeks from the request being made by the Land Administrator.”;

(c) by deleting subsections (3) and (4);

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

“(5A) The information obtained under subsection (5) shall be disregarded if the acquisition is made under section 37 of the Town and Country Planning Act 1976.”;

(e) in subsection (6), by substituting for the words “subsections (3) and (4)” the words “subsection (2)”; and

(f) in subsection (7), by substituting for the word “(4)” the word “(2)”.

Amendment of section 12

10. Section 12 of the principal Act is amended by inserting after subsection (3) the following subsection:

“(4) The Land Administrator shall record all the evidence during the enquiry.”.

Amendment of section 14

11. Section 14 of the principal Act is amended—

(a) in subsection (1), by deleting the words “under his hand”;
and

(b) in subsection (5)—

(i) by substituting for the words “The Land Administrator” the words “In addition to the award made under subsection 14(1), the Land Administrator”; and

(ii) by substituting for the words “imposed by the valuer” the words “prescribed by rules”.

New section 19A

12. The principal Act is amended by inserting after section 19 the following section:

“Enquiry and award by the Land Administrator pursuant to Certificate of Urgency

19A. (1) Notwithstanding that possession of the land has been taken pursuant to a Certificate of Urgency issued under section 19, the Land Administrator shall continue to make full enquiry and make an award in accordance with the provisions of this Act.

(2) Where the possession of the land has been taken under section 19, subsection 8(4) shall not be applicable if the Land Administrator has not made an award under subsection 14(1) within the said period of two years.”.

Amendment of section 21

13. Paragraph 21(2)(a) of the principal Act is amended by deleting the word “competent”.

Amendment of section 22

14. Subsection 22(3) of the principal Act is amended—

- (a) in paragraph (a), by deleting the word “and” at the end of the paragraph;
- (b) in paragraph (b), by substituting for the full stop at the end of the paragraph the words “; and”; and
- (c) by inserting after paragraph (b) the following paragraph:
 - “(c) the statutory body, person or corporation referred to in paragraph 23(a), and the management corporation in respect of a subdivided building or land.”.

Amendment of section 23

15. Section 23 of the principal Act is amended—

- (a) by deleting the words “or (3)”; and
- (b) in paragraph (a), by substituting for the words “parcel of a subdivided building, in the” the words “parcel of a subdivided building or land, in the statutory body,”.

Amendment of section 26

16. The principal Act is amended by inserting after subsection 26(3) the following subsection:

“(4) Where part of a subdivided building or land is acquired under this Act, the proper registering authority shall take necessary action in accordance with the Strata Titles Act 1985.”.

Amendment of section 28

17. Section 28 of the principal Act is amended—

- (a) by renumbering the existing section as subsection (1); and

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

“(2) For the purpose of subsection (1), the difference specified shall not exceed one quarter of a hectare or one per centum of the area of scheduled land as published in the *Gazette* under subsection 8(1), whichever is the greater, and such difference shall not be necessary for any further declaration to be made and published.”.

Amendment of section 29

18. Subsection 29(1) of the principal Act is amended by inserting after the words “Form H” the words “, Form LC or Form R”.

Amendment of section 29A

19. Section 29A of the principal Act is amended—

- (a) in subsection (1), by substituting for the words “exceeds fifteen thousand ringgit” the words “or compensation in Part VII exceeds thirty thousand ringgit”;
- (b) in paragraph 1(a), by inserting after the word “Form H” the words “, Form LC or Form R”; and
- (c) in subsection (5), by substituting for the word “eight” the word “five”.

Amendment of section 31

20. Section 31 of the principal Act is amended by inserting after the words “in any scheduled land” the words “or under Part VII”.

Amendment of section 32

21. Section 32 of the principal Act is amended—

- (a) in subsection (1), by substituting for the word “eight” the word “five”;

(b) in subsection (1B), by substituting for the word “eight” the word “five”;

(c) by substituting for subsection (1c) the following subsection:

“(1c) In this section “due date” in relation to any land means—

(a) the date of taking possession of the land or a date three months after the service of a notice in Form H referred to in subsection 16(1) in respect of the land, whichever is the earlier; or

(b) a date three months after the service of a notice in Form LC referred to in paragraph 35(2)(c) or Form R referred to in subsection 58(1) or section 59.”; and

(d) in subsection (2), by substituting for the word “eight” the word “five”.

Amendment of section 32A

22. The principal Act is amended by substituting for section 32A the following section:

“**32A.** For the purposes of sections 29A, 32 and 48, “payment” is deemed to have been made—

(a) on the day as notified in writing by the Land Administrator that the payment is available for collection by the person interested;

(b) on the day the payment is sent by registered post to the person interested;

(c) on the day of the delivery of the payment by the Land Administrator to the Court;

- (d) on the date the payment is received by the person interested; or
- (e) on the day the payment is transmitted electronically to the account of the person interested.”.

Amendment of section 35

23. Section 35 of the principal Act is amended—

(a) by substituting for subsection (1A) the following subsection:

“(1A) A notification in Form LA shall be published in the *Gazette* and all proceedings already taken or being taken in consequence of the declaration in subsection 8(1) in respect of the land shall cease to have effect.”;

(b) in subsection (2)—

- (i) by inserting after the words “the Land Administrator” the words “, after notifying the person interested in Form LB,”;
- (ii) in paragraph (a), by deleting the word “and” after the words “to the person injured;”;
- (iii) in paragraph (b), by substituting for the full stop at the end of the paragraph the words “; and”;
and
- (iv) by inserting after paragraph (b) the following paragraph:

“(c) prepare and serve on each person interested a notice in Form LC.”;

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

“(3A) For the purpose of this section, subsection 14(5) shall be applicable if necessary.”; and

(d) in subsection (4), by deleting the words “or (3)”.

Amendment of section 36

24. Subsection 36(4) of the principal Act is amended—

- (a) by inserting after the words “section 14” the words “or compensation made under section 35 or Part VII”; and
- (b) by inserting after the words “to such award” the words “or compensation”.

Amendment of section 37

25. Section 37 of the principal Act is amended—

- (a) in subsection (1), by inserting after the words “section 10 or 11” the words “or any person interested pursuant to any compensation made under section 35 or Part VII who”;
- (b) in subsection (2)—
 - (i) by deleting the words “in respect of any interest in any scheduled land”; and
 - (ii) by substituting for the words “three thousand ringgit” the words “five thousand ringgit.”; and
- (c) in subsection (3)—
 - (i) by substituting for the words “Where the total amount of any award in respect of any scheduled land exceeds fifteen thousand ringgit” the words “Where the total amount of any award exceeds thirty thousand ringgit.”;
 - (ii) by deleting the words “undertaking a work which in the opinion of the State Authority is of public utility, and”;

- (iii) by substituting for the words “pursuant to section 3” the words “or being occupied or used pursuant to Part VII”; and
- (iv) by deleting the words “in any scheduled land under subsection (1),”.

Amendment of section 38

26. Section 38 of the principal Act is amended—

- (a) in subsection (1), by deleting the words “, and a copy thereof shall be forwarded by the Land Administrator to the Registrar of the Court”; and
- (b) in subsection (3)—

- (i) in paragraph (a), by inserting after the words “the Land Administrator’s award under section 14” the words “or compensation made under section 35 or Part VII”; and

- (ii) by substituting for paragraph (b) the following paragraph:

- “(b) in other cases, within six weeks of the receipt of the notice from the Land Administrator under section 16, paragraph 35(2)(c), subsection 58(1) or section 59 or within six months from the date of the Land Administrator’s award under sections 14, 35 or Part VII, whichever period shall first expire.”.

Amendment of section 40B

27. Subsection 40B(5) of the principal Act is amended by deleting the words “who is not a valuation officer employed by the Government”.

Amendment of section 43

28. Section 43 of the principal Act is amended—

- (a) by substituting for the words “Form P” the word “writing”; and
- (b) in paragraph (b), by deleting the words “pursuant to section 3”.

Amendment of section 48

29. Section 48 of the principal Act is amended—

- (a) by substituting for the word “shall” the word “to”; and
- (b) by substituting for the word “eight” the word “five”.

Amendment of section 49

30. Subsection 49(1) of the principal Act is amended by deleting the words “pursuant to section 3”.

Amendment of section 51

31. Paragraph 51(1)(c) of the principal Act is amended by deleting the words “made pursuant to any notice under section 10 or 11”.

Amendment of section 52

32. Section 52 of the principal Act is amended by substituting for the words “mukim or township” the words “town, village or mukim”.

Amendment of section 53

33. Subsection 53(3) of the principal Act is amended by deleting the words “of any scheduled land”.

Amendment of section 55

34. Section 55 of the principal Act is amended—

(a) in paragraph (1)(a)—

(i) by deleting the words “in any scheduled land”;
and

(ii) by deleting the words “pursuant to section 3”;
and

(b) in subsection (2), by substituting for the words “A certificate under the hand of the State Secretary” the words “Any document”.

Amendment of section 57

35. The principal Act is amended by substituting for section 57 the following section:

“**57.** (1) Whenever it appears to the State Authority that the temporary occupation or use of any land is needed—

(a) for any purpose specified in subsection 3(1);

(b) in order to carry out public works on any land; or

(c) as indicated in a development plan under the law applicable to it relating to town and country planning,

the State Authority may direct the Land Administrator to procure the occupation or use of any such land for such term as he shall think fit, not exceeding three years from the date of commencement of such occupation or use, in the manner prescribed by this Part.

(2) The Land Administrator or other registering authority shall make a note of any temporary occupation or use of land as specified under paragraphs 9(2)(a) and (b).”.

Amendment of section 58

36. Section 58 of the principal Act is amended—

(a) in subsection (1), by inserting after the words “shall make such offer of compensation” the words “in Form R”;

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

“(2A) Prior to making an offer for compensation under subsection (1), the Land Administrator may obtain a written opinion on the value of the land from a valuer.”; and

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

“(4) In making any assessment of compensation under subsection (3), the Land Administrator may, whether by way of full or partial substitution for monetary compensation, enter into any arrangement with a person having an interest in such land in such a way as may be equitable, having regard to the interests of the parties concerned.

(5) Whenever the Land Administrator enters into any arrangement under subsection (4), he shall make an entry of the particulars thereof in the appropriate register.

(6) All the evidence during the enquiry and the amount of compensation offered shall be recorded by the Land Administrator.

(7) Nothing in this section shall prevent the State Authority to occupy or use the land if the person interested is not agreeable to the compensation offered pursuant to subsection (1).

(8) For the purpose of this section, subsection 14(5) shall be applicable if necessary.”.

Amendment of section 59

37. Section 59 of the principal Act is amended by inserting after the words “referred to in section 57” the words “, the Land Administrator shall make an enquiry to ensure that”.

Amendment of section 60

38. Section 60 of the principal Act is amended by substituting for the words “ Where the Land Administrator is unable to agree with the persons interested on the amount of compensation” the words “Where the person interested is unable to agree on the amount of compensation offered by the Land Administrator”.

Amendment of section 65

39. Section 65 of the principal Act is amended by inserting after the words “pursuant to section 3” the words “or Part VII”.

Amendment of section 66

40. Section 66 of the principal Act is amended by substituting for the words “a subdivided building, in the person” the words “a subdivided building or land, in the person, statutory body”.

Amendment of section 69

41. Section 69 of the principal Act is amended—

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

“(ba) prescribe any Form in the Second Schedule in electronic form;” and

(b) in paragraph (d), by substituting for the words “the application for acquisition of land under paragraph 3(1) (b) or (c)” the words “any matter under this Act”.

Amendment of First Schedule

42. The First Schedule to the principal Act is amended—

- (a) in the heading, by substituting for the words “[Sections 12, 35, 46 and 47]” the words “[Sections 12, 35 and 47]”; and
- (b) in subparagraph (1)(2D), by substituting for the words “within the meaning of section 214A of the National Land Code [*Act 56 of 1965*], the market value shall not in any way be affected by the fact that it can be sold to one person” the words “, the market value of such land shall be determined taking into consideration section 214A of the National Land Code”.

Saving and transitional

43. All proceedings, actions or other matters required to be done under sections 3F and 28, subsections 37(2) and (3) of the principal Act which are still pending or if already in progress, immediately before the coming into operation of this Act, shall be continued or concluded as if the principal Act had not been amended by this Act.