



PARLIMEN MALAYSIA



**RANG UNDANG-UNDANG
Kawalan Sewa (Pindaan) 1971
DR.50/1971**

D. R. No. 50 71

RANG UNDANG²

bernama

Suatu Akta bagi meminda Akta Kawalan Sewa, 1966.

BAHAWA SA-NYA ada-lah mustahak di-pinda undang² berhubong dengan kawalan sewa dalam Negeri² Tanah Melayu bagi maksud mempastikan persamaan undang² dan dasar:

MAKA OLEH YANG DEMIKIAN menurut peruntukan² Fasal (4) Perkara 76 Perlembagaan INI-LAH DI-PERBUAT UNDANG² oleh Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong dengan nasihat dan persetujuan Dewan Negara dan Dewan Ra'ayat yang bersidang dalam Parlimen, dan dengan kuasa daripada-nya, seperti berikut:

1. Akta ini boleh-lah di-namakan Akta Kawalan Sewa (Pindaan), 1971. Tajok ringkas.
2. Akta Kawalan Sewa, 1966 ada-lah dengan ini di-pinda mengikut chara yang di-nyatakan dalam Jadual bersama ini. Pindaan. 56/66.
3. Ordinan No. 53 (Kuasa² Perlu) Dharurat, 1970 ada-lah dengan ini di-mansokhkan. Peman-sokhan.

JADUAL

1. *Sekshen 12*

Gantikan sekshen-kecil (1) dengan yang berikut—

“(1) Except for the purpose of section 18A of this Act, there shall be established for any particular area or areas in a State a Rent Tribunal (in this Act referred to as ‘the Tribunal’) consisting of a Chairman and two members appointed in the manner provided under the following subsections.”.

2. *Sekshen 16*

Bagi perkataan "section 18" yang terdapat dalam baris pertama dalam sekshen-kecil (1) sekshen itu gantikan dengan perkataan "sections 18 and 18A".

3. *Sekshen 18*

Masokkan sa-lepas sahaja perkataan "premises" yang terdapat dalam baris pertama dalam sekshen-kecil (1) sekshen itu perkataan "other than those within the areas of the Municipality of the Federal Capital of Kuala Lumpur".

4. *Sekshen 18A*

Masokkan sekshen 18A yang baharu saperti berikut—

"Recovery of possession of controlled premises for the purpose of development within the areas of the Municipality of the Federal Capital of Kuala Lumpur.

18A. (1) The landlord of any controlled premises within the areas of the Municipality of the Federal Capital of Kuala Lumpur who desires to effect or cause to be effected thereto any development may apply for the recovery of the possession thereof to the Commissioner, and every such applications shall be accompanied by—

(a) a planning permission which has been granted by the Federal Capital Planning Authority constituted under the law relating to planning for the Federal Capital of Kuala Lumpur;

(b) evidence that funds are or will be available for the purpose of putting into effect such development;

(c) a written undertaking by the landlord that work for the purpose of putting into effect such development will commence within six months of the date when possession of the premises shall have been obtained or within such further period as the Commissioner may determine in any particular case.

(2) The Commissioner shall, as soon as possible but not later than ninety days of receipt of an application made under this section, and after making such enquiries as he thinks fit, consider such application and make an order or refuse to make an order; and when an order is made the Commissioner shall award to the tenant against whom the order is made a compensation—

(a) in the case of a controlled premises or part thereof occupied or used for trade purposes as defined in subsection (13) a total of four years' rental;

(b) in the case of a controlled premises or any part thereof which when originally let consisted of vacant land but there has since been erected thereon a building or buildings of a temporary character, an amount equal to the total of four years' ground rental;

(c) in other cases a total of two years' rental.

(3) Nothing in this section shall entitle either the tenant or the owner of any building erected on a premises which when originally let consisted of vacant land if such tenant or owner does not pay any rent for occupying such premises to claim compensation against him under this section.

(4) Where the Commissioner makes an order under this section, the following provisions shall apply—

- (a) the landlord in whose favour the order is made shall within thirty days of the making of the order deposit with the Commissioner the amount of compensation awarded under subsection (2) and if he fails to deposit the same the order shall, unless the Commissioner otherwise determines, be deemed to have lapsed and be void;
- (b) every tenant against whom the order is made shall vacate the premises in question within six months of the making of the order or within such extended period as may be allowed by the Commissioner; and in vacating the said premises or any part thereof such tenant may remove any building or structure erected by him on the said premises; and
- (c) the Commissioner may subject the order to such conditions as he thinks fit to impose.

(5) Upon vacating the said premises, the compensation awarded under subsection (2) and deposited under subsection (4) shall be paid to the tenant against whom the order was made.

(6) Where the tenant fails to vacate the said premises within the period of six months of the making of such order, the Commissioner may, without any further order, take such measures as are necessary including assistance of the Police to have the tenant or tenants evicted from the premises.

(7) The premises vacated by the tenant or tenants under this section shall not be used by the landlord for any purposes other than the purpose of effecting developments in accordance with the planning permission approved for such purpose and until such developments are effected such premises shall remain locked.

(8) Any tenant who without any cause fails to vacate the premises in contravention of an order made under this section, and any landlord who in contravention of an order made under this section, and any landlord who in contravention of the provisions of subsection (7) uses any premises the possession of which is recovered under this section otherwise than for the purpose of effecting development in accordance with the planning permission approved for such purpose shall be guilty of an offence and shall on conviction be liable to a term of imprisonment not exceeding one year or to a fine not exceeding ten thousand dollars or to both such imprisonment and fine and shall also be liable to a further fine of one hundred dollars a day for every day during which the contravention continues.

(9) Any landlord who fails to put into effect such development of the premises the possession of which is recovered under this section within six months of the date when possession of the premises shall have been obtained or within such further period as the Commissioner may

determine in any particular case shall be guilty of an offence and shall on conviction be liable to a term of imprisonment not exceeding one year or to a fine not exceeding ten thousand dollars or to both such imprisonment and fine and shall also be liable to a further fine of five hundred dollars a day for every day during which the failure to develop continues.

(10) A conviction under this section shall not be a bar to the prosecution of an offence under this section committed after such conviction.

(11) The Minister charged with responsibility for local government may from time to time give the Commissioner directions of a general character, and not inconsistent with this section on the policy to be followed in the exercise of the powers conferred and the duties imposed on the Commissioner by or under that section and the Commissioner shall as soon as possible give effect to all such directions.

(12) Any order made by the Commissioner under this section shall be final and conclusive and shall not be questioned in any Court.

(13) For the purpose of this section, the expression 'Commissioner' means the Commissioner of the Federal Capital of Kuala Lumpur established under the Federal Capital Act, 1960; and the expression 'trade purpose' does not include the occupation or use of any premises or any part thereof as offices, schools, clubs, associations or any other similar purposes; and the total of years' rental shall be calculated with reference to the rent payable at the time when the application is made; and the expression 'tenant' includes a subtenant and a joint tenant."

5. Sekshen 26

Gantikan baris² pertama dan kedua dalam sekshen itu dengan yang berikut—

"The Ruler or the Governor of a State may make rules generally for the better carrying out of the provisions of this Act; and without prejudice to the generality of the foregoing may make rules—".

HURAIAN

Menurut kuasa² dharurat Yang di-Pertuan Agong telah mengishtiharkan Ordinan No. 53 (Kuasa² Perlu) Dharurat, 1970 yang meminda Akta Kawalan Sewa, 1966. Maksud Ordinan itu ia-lah untuk membuat peruntukan² khas supaya premis² terkawal dapat di-ambil milek sa-mula bagi maksud pembangunan dalam kawasan² Perbandaran Kuala Lumpur. Peruntukan ini terkandong dalam sekshen baharu 18A Akta Kawalan Sewa, 1966 yang mula berkuatkuasa pada 22hb Oktober, 1970. Sa-belum pindaan yang tersebut di atas itu di-buat, tuantanah mana² premis terkawal yang hendak mengambil milek sa-mula premis itu bagi maksud pembangunan hendak-lah mematohi peruntukan sekshen 18 Akta itu dan Tribunal Sewa yang di-tubohkan di-bawah sekshen 12

Akta boleh sa-telah menimbangkan permohonan itu membuat suatu perentah atau enggan membuat suatu perentah bagi membenarkan premis itu di-ambil milek sa-mula. Peruntukan baharu sekshen 18A sa-bagaimana yang di-pinda ada-lah bertujuan untuk mengadakan achara yang lebuh segera bagi mendapatkan atau mempunyaï premis² terkawal bagi maksud pembangunan.

2. Rang Undang² ini hanya-lah bertujuan untuk memasukkan pindaan² itu dalam undang² yang kekal dengan satu pengubhsuaian kecil kapada perbahasaan "tenant" yang terdapat dalam sekshen baharu 18A supaya termasok penyewa kecil dan penyewa bersama. Pengubhsuaian ini ada-lah perlu oleh kerana telah di-dapati bahawa apa² perentah yang di-buat oleh Pesurohjaya mengenai sa-suatu permohonan di-bawah sekshen itu tidak mengikati penyewa² kecil atau penyewa² bersama itu dan dengan itu menjadikan-nya sukar pada praktik-nya untuk menjalankan pembangunan.

[PN. (U²) 80.]

WHEREAS it is expedient for the purpose of ensuring uniformity of law and practice among the law relating to the control of rent within the States of Malaya;

Now, THEREFORE, pursuant to the provisions of Clause 44 of Article 76 of the Constitution BE IT ENACTED by the Duli Yang Maha Mulia Seni Paduka Baginda Yang di-Pertuan Agong with the assent and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled and by the authority of the same as follows:

1. This Act may be cited as the Control of Rent (Amendment) Act, 1970.

2. The Control of Rent Act, 1970, is hereby amended in the manner set out in the Schedule.

3. The Emergency (Essential Powers) Ordinance No. 53, Repeal 1970 is hereby repealed.

Schedule

1. Section 12

For subsection (3) thereof substitute the following:

"(3) Except for the purpose of section 18A of this Act, there shall be established for any particular area or areas in a State a Rent Tribunal (in this Act referred to as "the Tribunal") consisting of a Chairman and two members appointed in the manner provided under the following sub-sections:

2. Section 16

For the words "and the State" appearing in the first line of subsection (1) thereof substitute the words "and sections 17 and 18".