



PARLIMEN MALAYSIA



RANG UNDANG-UNDANG

Tanah (Kawasan Penempatan Berkelompok) (Pindaan) 1982

DR.6/1982

Naskhah sah—Bahasa Inggeris

RANG UNDANG-UNDANG

bernama

Suatu Akta untuk meminda Akta Tanah (Kawasan Penempatan Berkelompok) 1960.

[]
MAKA INILAH DIPERBUAT UNDANG-UNDANG oleh Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong dengan nasihat dan persetujuan Dewan Negara dan Dewan Rakyat yang bersidang dalam Parlimen, dan dengan kuasa daripadanya, seperti berikut:

1. Akta ini bolehlah dinamakan Akta Tanah (Kawasan Penempatan Berkelompok) (Pindaan) 1982.

Tajuk ringkas.

2. Akta Tanah (Kawasan Penempatan Berkelompok) 1960, yang di dalam Akta ini disebut "Akta ibu", adalah dipinda dengan memasukkan selepas sahaja Bahagian VII, Bahagian baru VIII dan IX yang berikut:

Bahagian baru VIII dan IX.
13/60.

PART VIII

SURRENDER OF RIGHTS OF OCCUPIER IN EXPECTATION OF TITLE

Power to surrender rights.

40. (1) Subject to the provisions of this Act, a holder in occupation of a holding in expectation of title may surrender his rights in that holding to the State Authority.

(2) The surrender shall be in the Form E in the First Schedule and shall be submitted to the Collector who shall make a note of the surrender in the register of holdings.

(3) Upon the making of any note pursuant to sub-section (2), the holder of the holding to which the note relates shall cease to have or enjoy any right in the holding under this Act.

Power of Collector to permit occupation by another person.

41. The Collector may, on behalf of the State Authority, permit, subject to the provisions of this Act, the occupation in expectation of title by another person of any holding the rights in which have been surrendered pursuant to sub-section (1) of section 40.

Power to exclude surrendered and unoccupied holding from group settlement area.

42. (1) Where the rights of a holder in a holding have been surrendered pursuant to sub-section (1) of section 40 and no other person is occupying the holding in expectation of title pursuant to section 41, the State Authority may by notification in the *Gazette* declare that the whole of the area included in the holding shall cease to be part of the group settlement area concerned.

(2) Upon an area ceasing, pursuant to sub-section (1), to be part of a group settlement area, any part of the area previously included in a designated area shall cease to be part of the designated area.

Power to enter into agreement.

43. It shall be lawful for the State Authority to enter into any agreement with a holder in respect of the surrender of his rights pursuant to sub-section (1) of section 40.

PART IX

TERMINATION OF GROUP SETTLEMENT AREAS

Power to terminate group settlement areas.

44. (1) The State Authority, in consultation with the Minister, may by notification in the *Gazette* declare that the whole or any part of the area within a group settlement area shall cease to be a group settlement area for the purposes of this Act.

(2) Upon an area ceasing to be a group settlement area—

(a) every part of the area previously included in a designated area shall cease to be part of the designated area;

(b) any land reserved by the Commissioner under section 8 for a public purpose shall be deemed to have been reserved by the State Authority under section 62 of the National Land Code;

(c) except as provided in this Part, this Act shall cease to apply to land in the area.

Con-
tinuance
of
occupation
in
expectation
of title.

45. Notwithstanding that an area has ceased to be a group settlement area, the authority to occupy any holding within the area in expectation of title shall continue to be enjoyed by the person whose name appears in relation to that holding in the register of holdings.

Provisions
applicable
to holdings
occupied in
expectation
of title.

46. (1) In respect of a holding occupied in expectation of title, the following provisions of this section shall apply.

(2) A holding occupied in expectation of title shall be deemed to have been approved by the State Authority for alienation under the National Land Code subject to a determination by the State Authority of the matters specified in sub-section (2) of section 79 of the Code.

(3) In determining under paragraphs (d) and (e) of that sub-section the rate for rent and the question of premium in respect of a holding, the State Authority shall take into consideration the rent, premium and other fees or any consolidated annual charge to which the holding is subject under this Act and the need or otherwise of making adjustments.

(4) In determining under paragraphs (f) and (g) of that sub-section the category of land use and the express conditions and restrictions in interest to be imposed on the holding, the State

Authority shall not be bound to have regard to any category, condition or restriction to which the holding had been subject under this Act.

(5) The sums specified in sub-section (1) of section 81 of the National Land Code shall become due to the State Authority at the time when it makes the determination under sub-section (2) of section 79 of the Code:

Provided that if any fees have already been included in any consolidated annual charge to which the holding was subject and the State Authority, in determining the rent and premium payable in respect of the holding under sub-section (2) of section 79, has adjusted such rent and premium to the consolidated annual charge, the Collector shall not, when acting under sub-section (2) of section 81 of the Code, require the intended proprietor to pay such fees.

(6) Until such time as the matters specified in sub-section (2) of section 79 of the National Land Code have been determined in respect of a holding, the following provisions shall apply:

(a) the holding, if it was formerly a rural holding, shall continue to be subject to sections 13, 20 and 21, to the extent applicable, as regards liability to pay premium and other fees or a consolidated annual charge;

(b) it shall be an implied condition of occupation of a holding that it shall not be used for any purpose other than that for which it could lawfully have been used before the area in which it is included ceased to be a group settlement area;

(c) section 16 shall continue to apply in respect of the holding;

(d) sections 22 and 23 shall continue to apply in the case of default in payment of any premium and other fees or any consolidated annual charge to which a holding which was previously a rural holding is subject or default in observing the implied condition specified in paragraph (b);

(e) as regards the assignment of rights in a holding, section 24 or 29 shall continue to apply, according as to whether the holding was formerly a rural holding or an urban holding, subject to the deletion of the words "qualified in accordance with the provisions of section 19 and" in sub-section (1) of section 24.

Provisions
applicable
to holdings
under
document
of title.

47. (1) In respect of a holding to which there is a document of title, the following provisions of this section shall apply.

56/65.

(2) Subject to this section, the National Land Code shall apply to the holding.

(3) Express conditions and restrictions in interest endorsed on the document of title shall continue to run with the land until amended or rescinded pursuant to sub-section (4) and shall be deemed to be express conditions and restrictions in interest imposed under the National Land Code.

(4) So that the terms governing the holding will be in keeping with the fact that it is no longer part of a group settlement area, the State Authority may, with the consent in writing of the holder—

(a) impose any category of land use on the holding;

(b) rescind any express condition or restriction in interest endorsed on or referred to in the document of title to the holding;

(c) subject to sub-section (6) of section 124 of the National Land Code, amend any express condition or restriction in interest endorsed on or referred to in the document of title to the land, or impose any new express condition.

(5) Sub-sections (2), (3), (5) and (7) of section 124 of the National Land Code shall, with the necessary modifications, apply in consequence of a decision of the State Authority to act under sub-section (4) of this section as they apply in consequence of the State Authority approving an application under sub-section (1) of section 124 of the Code.

(6) The power of the State Authority under sub-section (4) may be exercised only once in respect of a holding.

Right of
way.

48. The provisions of section 18 relating to right of way shall continue to apply in relation to holdings which were previously rural holdings.”

Borang E
baru.

3. Akta ibu adalah dipinda dengan memasukkan selepas sahaja Borang D dalam Jadual Pertama, Borang E baru yang berikut :

FORM E

(Section 40 (2))

SURRENDER OF RIGHTS IN EXPECTATION OF TITLE

I,
the holder of Holding No.....Group
Settlement Area of.....do
hereby surrender to the State Authority all my rights in expectation
of title to the said holding.

.....
Signature of Holder

Noted in the Register of Holdings for Group Settlement
Area..... Vol.....
this..... day of..... 19.....
at..... m.

Collector of Land Revenue"

HURAIAN

Rang Undang-undang ini bertujuan mengadakan dua Bahagian baru, iaitu Bahagian VIII dan Bahagian IX, di dalam Akta Tanah (Kawasan Penempatan Berkelompok) 1960.

2. Bahagian VIII (seksyen 40) membolehkan seseorang pemegang yang menduduki tanah pegangan di kawasan penempatan berkelompok dengan harapan mendapat hakmilik menyerahkan balik haknya ke atas tanah pegangan itu kepada Pihak Berkuasa Negeri. Pihak Berkuasa Negeri dibenarkan oleh seksyen 43 untuk membuat perjanjian dengan pemegang mengenai penyerahan balik itu. Seksyen 41 memberi kuasa kepada Pemungut untuk membenarkan orang lain menduduki tanah pegangan yang telah diserahkan balik itu. Sekiranya tanah pegangan yang telah diserahkan balik itu tidak diduduki oleh orang lain, Pihak Berkuasa Negeri diberi kuasa oleh seksyen 42 untuk mengeluarkan tanah pegangan itu daripada kawasan penempatan berkelompok yang berkenaan.

3. Bahagian IX (seksyen 44) memberi kuasa kepada Pihak Berkuasa Negeri, dengan berunding dengan Menteri, mengisytiharkan keseluruhan atau mana-mana bahagian kawasan penempatan berkelompok tidak lagi menjadi kawasan penempatan berkelompok. Selepas itu, Akta itu tidak lagi terpakai pada tanah yang terlibat itu, kecuali sebagaimana yang diperuntukkan sebaliknya (seksyen 44 (2) (c)). Seksyen 45 mengekalkan kuasa penduduk berdaftar yang berharap akan mendapat hakmilik untuk terus menduduki tanah itu.

4. Seksyen 46 mengaitkan tanah sepegangan yang diduduki dengan harapan mendapat hakmilik yang tidak lagi menjadi sebahagian daripada kawasan penempatan berkelompok dengan Kanun Tanah Negara. Subseksyen (2) memperuntukkan bahawa tanah pegangan itu hendaklah disifatkan telah diluluskan untuk pemberian milik di bawah Kanun itu tertakluk kepada penentuan oleh Pihak Berkuasa Negeri mengenai perkara-perkara yang dinyatakan dalam seksyen 79 (2) Kanun itu, seperti sewa, premium, kategori kegunaan dan syarat-syarat nyata. Subseksyen (6) memperuntukkan bahawa Akta itu hendaklah terus dikuatkuasakan ke atas tanah pegangan seumpama itu dalam hal-hal berhubungan dengan premium, fee dan caj tahunan yang disatukan, syarat-syarat termaklum, perpindahan dan penyerahan hak, sehingga perkara-perkara yang dinyatakan dalam seksyen 79 (2) Kanun itu diputuskan.

5. Seksyen 47 memperuntukkan bahawa Kanun Tanah Negara hendaklah dipakai bagi tanah pegangan yang tidak lagi menjadi sebahagian daripada kawasan penempatan berkelompok yang mana mempunyai dokumen hakmilik. Subseksyen (3) memperuntukkan bahawa syarat-syarat nyata dan sekatan-sekatan kepentingan yang ada sekarang hendaklah terus dikekalkan. Subseksyen (4) memberi kuasa kepada Pihak Berkuasa Negeri, dengan persetujuan bertulis pemegang, mengadakan apa-apa kategori kegunaan tanah, membatalkan, meminda atau mengenakan apa-apa syarat nyata, dan membatalkan apa-apa sekatan kepentingan, bagi membolehkan syarat-syarat yang mengikat tanah pegangan itu konsisten dengan hakikat bahawa tanah pegangan itu tidak lagi menjadi sebahagian daripada kawasan penempatan berkelompok.

6. Seksyen 48 memperuntukkan bahawa seksyen 18 Akta itu, yang berkaitan dengan hak lalu-lalang, hendaklah terus dikuatkuasakan ke atas tanah pegangan yang dahulunya adalah tanah pegangan luar bandar.

IMPLIKASI KEWANGAN

Rang Undang-undang ini tidak akan melibatkan Kerajaan dalam apa-apa perbelanjaan wang tambahan. [PN. (U²) 1117.]