

P.U. (A) 73.

Repealed by Act A 24/12
UNDANG² MALAYSIA

Ordinan 88

**ORDINAN No. 88 (KUASA² PERLU)
DHARURAT, 1971**

Suatu Ordinan di-ishtiharkan oleh Yang di-Pertuan Agong di-bawah Perkara 150 (2) Perlembagaan.

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P.U. (A)
145/69.

BAHAWA SA-NYA oleh sebab ada-nya dharurat besar mengancam keselamatan Malaysia, suatu Perishtiharan Dharurat telah di-keluarkan oleh Yang di-Pertuan Agong di-bawah Perkara 150 Perlembagaan;

P.U. (A)
94/69.

DAN BAHAWA SA-NYA Parlimen telah di-bubarkan pada dua puluh haribulan Mach, 1969, dan belum lagi bersidang;

56/65.

DAN BAHAWA SA-NYA Yang di-Pertuan Agong ada-lah berpuashati bahawa tindakan segera ada-lah di-kehendaki bagi mengishtiharkan suatu Ordinan untuk meminda Kanun Tanah Negara;

MAKA ADA-LAH DENGAN INI DI-PERBUAT UNDANG² oleh Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong menurut Fasal (2) Perkara 150 Perlembagaan seperti berikut:

1. Ordinan ini boleh-lah di-namakan Ordinan No. 88 Nama. (Kuasa² Perlu) Dharurat, 1971.
2. (1) Kanun Tanah Negara ada-lah dengan ini di-pinda Pindaan. mengikut chara yang di-nyatakan dalam Jadual Pertama 56/65. dan Kedua bersama ini.
(2) Pindaan² yang di-nyatakan dalam Jadual Pertama hendak-lah di-sifatkan sa-bagai telah mula berkuatkuasa pada 21 haribulan Oktober, 1969 dan pindaan² yang di-nyatakan dalam Jadual Kedua hendak-lah di-sifatkan sa-bagai telah mula berkuatkuasa pada 30 haribulan Disember, 1969.
3. Peratoran² Perlu (Kanun Tanah Negara), 1969 dan Peratoran² Perlu (Kanun Tanah Negara) No. 2, 1969 ada-lah dengan ini di-mansokhkan. Peman-sokhan P.U. (A) 414/69 dan P.U. (A) 532/69.

JADUAL PERTAMA

Pindaan bagi sekshen 214A dan Borang 13C Kanun Tanah Negara

1. Sekshen 214A Kanun Tanah Negara ada-lah dengan ini di-pinda:
 - (a) dengan menggantikan sekshen-kecil (1) dengan yang berikut—
“Notwithstanding anything contained in this Act, no estate land is capable of being transferred, conveyed or disposed of in any manner whatsoever, to two or more persons unless approval of such transfer, conveyance or disposal has first been obtained from the Estate Land Board (hereinafter referred to as ‘the Board’) established under subsection (3).”;
 - (b) dengan menggantikan sekshen-kecil (4) dengan yang berikut—
“(4) The proprietor or any co-proprietor of any estate land desiring to transfer, convey or dispose of in any manner whatsoever such land to two or more persons shall together with such persons jointly submit an application to the Board in Form 13C.”;
 - (c) dengan memasukkan sa-lepas sahaja sekshen-kecil (10) sekshen-kecil (10A) baharu yang berikut—
“(10A) (a) Any person who transfers, conveys or disposes of or attempts to transfer, convey or dispose of in any manner whatsoever, any estate land in contravention of subsection (1), shall be guilty of an offence and shall on conviction be liable to imprisonment for a term of not less than one year and not more than three years and to a fine not exceeding ten thousand dollars.
(b) For the purposes of this subsection, the execution of an agreement to convey or dispose of the whole of an estate to two or more persons, or to convey or dispose of any portion or portions of an estate land to one or more persons, without the approval of the Board, shall be conclusive proof

that the estate land is conveyed or disposed of in contravention of subsection (1); and any act to demarcate an estate land or to cause or permit the demarcation of an estate land otherwise than in accordance with the provisions of this Act shall be *prima facie* proof that the person so acting, causing or permitting attempts to transfer, convey or dispose of the estate land in contravention of subsection (1)."

2. Borang 13c Kanun Tanah Negara ada-lah dengan ini di-pinda sebagaimana berikut:

- (a) gantikan perkataan "transfer" di-mana² ia terdapat dengan perkataan "transfer, conveyance or disposal;" dan
- (b) gantikan perkataan "transferees" di-mana² ia terdapat dengan perkataan "transferees, purchasers, etc.".

JADUAL KEDUA

(Pindaan sekshen 102 Kanun Tanah Negara)

Sekshen 102 Kanun Tanah Negara ada-lah dengan ini di-pinda sebagaimana berikut:

- (i) potongkan perkataan yang berikut yang terdapat dalam sekshen-kecil (1) sekshen itu—
"at any time before it first revises any rents in the State under section 101,"; dan
- (ii) potongkan perkataan "interim" yang terdapat dalam hashiah sekshen itu.

Di-ishtiharkan di-Istana Negara, Kuala Lumpur, pada 18 haribulan Februari, 1971.

[MGN. (PA) R. 21.11 / Jld. 8 (5).]

TUANKU ABDUL HALIM MU'ADZAM SHAH,
Yang di-Pertuan Agong

LAWS OF MALAYSIA

Ordinance 88

EMERGENCY (ESSENTIAL POWERS) ORDINANCE No. 88, 1971

An Ordinance promulgated by the Yang di-Pertuan Agong under Article 150 (2) of the Federal Constitution.

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WHEREAS by reason of the existence of a grave emergency threatening the security of Malaysia, a Proclamation of Emergency has been issued by the Yang di-Pertuan Agong under Article 150 of the Constitution;

AND WHEREAS Parliament was dissolved on the twentieth day of March, 1969 and is not sitting;

AND WHEREAS the Yang di-Pertuan Agong is satisfied that immediate action is required for an Ordinance to be promulgated to amend the National Land Code; 56/65.

IT IS HEREBY ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong pursuant to Clause (2) of Article 150 of the Constitution as follows:

1. This Ordinance may be cited as the Emergency Citation. (Essential Powers) Ordinance No. 88, 1971.

2. (1) The National Land Code is hereby amended in the manner set out in the First and Second Schedules hereto. Amend-
ment.
56/65.

(2) The amendments specified in the First Schedule shall be deemed to have come into force on 21st day of October, 1969 and the amendments specified in the Second Schedule shall be deemed to have come into force on 30th day of December, 1969.

3. The Essential (National Land Code) Regulations, 1969 and the Essential (National Land Code) No. 2 Regulations, 1969 are hereby revoked. Revoca-
tion of
P.U. (A)
414/69
and
P.U. (A)
532/69.

FIRST SCHEDULE

Amendment of section 214A and Form 13C of the National Land Code

1. Section 214A of the National Land Code is hereby amended:

(a) by substituting for subsection (1) the following—

“Notwithstanding anything contained in this Act, no estate land is capable of being transferred, conveyed or disposed of in any manner whatsoever, to two or more persons unless approval of such transfer, conveyance or disposal has first been obtained from the Estate Land Board (hereinafter referred to as ‘the Board’) established under subsection (3).”;

(b) by substituting for subsection (4) the following—

“(4) The proprietor or any co-proprietor of any estate land desiring to transfer, convey or dispose of in any manner whatsoever such land to two or more persons shall together with such persons jointly submit an application to the Board in Form 13C.”;

(c) by inserting immediately after subsection (10) the following new subsection (10A)—

“(10A) (a) Any person who transfers, conveys or disposes of or attempts to transfer, convey or dispose of in any manner whatsoever, any estate land in contravention of subsection (1), shall be guilty of an offence and shall on conviction be liable to imprisonment for a term of not less than one year and not more than three years and to a fine not exceeding ten thousand dollars.

(b) For the purposes of this subsection, the execution of an agreement to convey or dispose of the whole of an estate to two or more persons, or to convey or dispose of any portion or portions of an estate land to one or more persons, without the approval of the Board, shall be conclusive proof that the estate land is conveyed or disposed of in contravention of subsection (1); and any act to demarcate an estate land or to cause or permit the demarcation of an estate land otherwise than in accordance with the provisions of this Act shall be *prima facie* proof that the person so acting, causing or permitting attempts to transfer, convey or dispose of the estate land in contravention of subsection (1)."

2. Form 13c of the National Land Code is hereby amended as follows:
- (a) substitute for the word "transfer" wherever it appears the words "transfer, conveyance or disposal;" and
 - (b) substitute for the word "transferees" wherever it appears the words "transferees, purchasers, etc."

SECOND SCHEDULE

Amendment of section 102 of the National Land Code

Section 102 of the National Land Code is hereby amended as follows:

- (i) delete the following words appearing in subsection (1) thereof—
"at any time before it first revises any rents in the State under section 101,"; and
- (ii) delete the word "interim" appearing in the marginal note thereto.

Promulgated at the Istana Negara, Kuala Lumpur, on 18th day of February, 1971.

[MGN. (PA) R. 21.11/Jld. 8 (5).]

TUANKU ABDUL HALIM MU'ADZAM SHAH,

Yang di-Pertuan Agong

ST 139/1971
(15-3-1971)
DN (22-3-1971)

... 22-3-1971