

Senarai Kandungan Enakmen

Bil.	Enakmen Ibu
1.	Selangor King George V Silver Jubilee Enactment 1937 Enakmen King George V Silver Jubilee Negeri Selangor 1937 (Enakmen Ibu Tiada)
2.	Town Boards Enactment (F.M.S. CAP 137) Enakmen Lembaga Bandaran (N.M.B. Bab 137) (Tiada Terjemahan BM)
3.	Malay Reservations (F.M.S. CAP. 142) Enakmen Rizab Melayu (F.M.S. CAP. 142) (Tiada Terjemahan BM)
4.	Mining Enactment (F.M.S. CAP 147) Enakmen Lombong Bandaran (F.M.S. Bab 147) (Tiada Terjemahan BM)

**SELANGOR KING GEORGE V SILVER
JUBILEE ENACTMENT 1937
(EN. IBU TIADA)**

- SELANGOR KING GEORGE V SILVER JUBILEE
(AMENDMENT) ENACTMENT 13/1968 (BM & BI)**
- SELANGOR KING GEORGE V SILVER JUBILEE
(AMENDMENT) ENACTMENT 5/1991 (BM & BI)**
- SELANGOR KING GEORGE V SILVER JUBILEE
(AMENDMENT) ENACTMENT 13/2001 (BM & BI)**

SELANGOR

ENACTMENT No. 13 tahun 1968

BETA PERKENANKAN,

T. ABDUL AZIZ SHAH,
Sultan Selangor

(MOHOR KERAJAAN)

17hb Januari, 1969

Suatu Enactment bagi meminda Enactment King George V
Silver Jubilee Negeri Selangor, 1937.

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MAKA INI-LAH DI-PERBUAT UNDANG² oleh
Badan Perundangan Negeri Selangor seperti berikut :

1. Enactment ini boleh-lah di-namakan Enactment (Pin-
daan) King George V Silver Jubilee Negeri Selangor, 1968
dan hendak-lah di-bacha sebagai satu dengan Enactment
King George V Silver Jubilee Negeri Selangor, 1937 (Kem-
udian daripada ini di-sebut sebagai "Enactment Utama").

Tajok
ringkas.

2. Sekshen-kecil (i) kepada Sekshen 9 bagi Enactment
Utama ada-lah dengan ini di-batalkan dan di-gantikan
dengan berikut :

Pindaan bagi
sekshen 9 (i).

"(i) Tidak lebeh daripada sa-tengah Kumpulan Wang
hendak-lah di-gunakan untok mengadakan sa-
buah rumah bagi orang² China Negeri Selangor
yang miskin dan tua dan baki-nya hendak-lah
di-gunakan sama ada sebagai modal atau hasil
bagi maksud² khairat pertubohan² itu di-dalam
Negeri tersebut yang mempunyai tujuan² sama
dengan Kumpulan Wang itu".

3. Sa-lepas sahaja sekshen 15 bagi Enactment Utama,
masokkan Sekshen 16 yang baharu seperti berikut :

Sekshen 16
baharu."Pembu-
baran
Kumpulan
Wang.

16. Jika sekira-nya Kumpulan Wang di-bubarkan
segala hutang² dan tanggungan² yang telah di-
kenakan dengan sah di-sisi Undang² hendak-lah
di-selesaikan dengan sa-penoh-nya dan baki

harta² dan Kumpulan² Wang, jika ada, hendaklah di-pindahkan kepada Kerajaan Negeri atau pertubohan² yang sah atau lain pertubohan² yang telah di-luluskan oleh Pihak Berkuasa Negeri yang mempunyai tujuan² sama dengan Kumpulan Wang itu”.

Di-luluskan pada 24hb Disember, 1968.

[I.P.K. Sel. 4955; L.A. Sel. 1407.]

ABDUL AZIZ BIN ISMAIL,

Setia-usaha,

Dewan Negeri, Selangor

SELANGOR

ENACTMENT No. 13 of 1968

I ASSENT,

T. ABDUL AZIZ SHAH,
Sultan of Selangor

(STATE SEAL)

17th day of January, 1969

An Enactment to amend the Selangor King George V Silver
Jubilee Enactment, 1937.

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IT IS HEREBY ENACTED by the Legislature of the
State of Selangor as follows:

1. This Enactment may be cited as the Selangor King George V Silver Jubilee (Amendment) Enactment, 1968 and shall be read as one with the Selangor King George V Silver Jubilee Enactment, 1937 (hereinafter referred to as "the Principal Enactment").

Short title.

2. Sub-section (i) of section 9 of the principal Enactment is hereby revoked and substituted with the following:

Amendment
of section
9 (i).

"(i) Not more than one-half of the Fund shall be used for providing a home for the poor and aged Chinese of the State of Selangor and the balance shall be utilised whether as capital or revenue for the charitable purposes of such organisations in the said State which have objects similar to those of the Fund".

3. Immediately after section 15 in the principal Enactment, insert the following new section 16:

New section
16."Dissolution
of the Fund.

16. In the event of the Fund being dissolved all debts and liabilities legally incurred shall be fully discharged and the remaining assets and funds, if

any, shall be transferred to the State Government or to *bona fide* societies or other organizations approved by the State Authority which have objects similar to those of the Fund".

Passed this 24th day of December, 1968.
[I.P.K. Sel. 4955; L.A. Sel. 1407.]

ABDUL AZIZ BIN ISMAIL,
*Clerk of the Legislative Assembly,
Selangor*

SELANGOR

ENAKMEN No. 5 tahun 1991

BETA PERKENANKAN,

i.e.,

SALAHUDDIN ABDUL AZIZ SHAH AL-HAJ,
Sultan Selangor

(MOHOR KERAJAAN)

9hb Ogos 1991

Suatu Enakmen untuk meminda Enakmen Selangor King
George V Silver Jubilee 1937.

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MAKA INILAH DIPERBUAT UNDANG-UNDANG
oleh Badan perundangan Negeri Selangor seperti berikut:

1. Enakmen ini boleh dinamakan Enakmen Selangor King George V Silver Jubilee (Pindaan) 1991 dan hendaklah disifatkan telah berkuatkuasa pada 1 haribulan Januari 1991.

Tajuk
ringkas
dan mula
berkuatkuasa.

2. Enakmen Selangor King George V Silver Jubilee 1937 adalah dipinda—

Pindaan
Seksyen 3.
En. Sel.
5/1937.

(a) dengan menggantikan seksyen 3 dengan yang berikut—

3. (i) The Trustees of the Fund shall consist of—

(a) a Chief Trustee appointed in accordance with subsection (ii); and

(b) four persons from time to time to be appointed by the Chief Trustee;

and such Trustees shall be a Corporation in order to carry out the object of the Fund and shall have the name of "the Trustees of the Selangor King George V Silver Jubilee Fund" and by the name shall have perpetual succession and a common seal and the said Corporation is hereby empowered for the purposes of the said Fund to sue and be sued to make contracts and to acquire, purchase, take, hold and enjoy movable and immovable property of every description and to sell, transfer, assign, surrender, charge, lease or otherwise dispose of any movable or immovable property vested in the Corporation upon such terms as to the Corporation may seem fit and to collect and receive further subscriptions and donations, interest and dividends for the benefit of the Fund.

- (ii) The State Authority may appoint any member of the State Executive Council of the State of Selangor who is of Chinese race to be the Chief Trustee; provided that if no such member is available, the State Authority may appoint any member of the State Executive Council to be the Chief Trustee." ; dan

(b) dengan menggantikan perkataan "Secretary for Chinese Affairs" dengan perkataan "Chief Trustee" yang terdapat di seksyen 4 dan 15.

Diluluskan pada 29hb Julai 1991.

[IPK. Sel. 40651/2649; PU. Sel. 1545/4; DUN. Sel. 30287/1.]

HAI AAZMI BIN ARIFFIN,
Setiausaha,
Dewan Undangan Negeri Selangor

SELANGOR

ENACTMENT No. 5 of 1991

I ASSENT,

Sgd.

SALAHUDDIN ABDUL AZIZ SHAH AL-HAJ,
Sultan of Selangor

(STATE SEAL)

9th August 1991

An Enactment to amend the Selangor King George V
 Silver Jubilee Enactment 1937.

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IT IS HEREBY ENACTED by the Legislature of the
 State of Selangor as follows:

1. This Enactment may be cited as the Selangor King
 George V Silver Jubilee (Amendment) Enactment 1991
 and shall be deemed to have come into force on the 1st
 January 1991.

*Short title
 and commence-
 ment.*

2. The Selangor King George V Silver Jubilee Enactment
 1937 is amended—

*Amendment of
 Section 3.
 Sel. En.
 5/1937.*

(a) by substituting for section 3 the following—

3. (i) The Trustees of the Fund shall consist
 of—

(a) a Chief Trustee appointed in
 accordance with subsection (ii);
 and

(b) four persons from time to time to
 be appointed by the Chief
 Trustee;

and such Trustees shall be a Corporation in order to carry out the object of the Fund and shall have the name of "the Trustees of the Selangor King George V Silver Jubilee Fund" and by the name shall have perpetual succession and a common seal and the said Corporation is hereby empowered for the purposes of the said Fund to sue and be sued to make contracts and to acquire, purchase, take, hold and enjoy movable and immovable property of every description and to sell, transfer, assign, surrender, charge, lease or otherwise dispose of any movable or immovable property vested in the Corporation upon such terms as to the Corporation may seem fit and to collect and receive further subscriptions and donations, interest and dividends for the benefit of the Fund.

- (ii) The State Authority may appoint any member of the State Executive Council of the State of Selangor who is of Chinese race to be the Chief Trustee: provided that if no such member is available, the State Authority may appoint any member of the State Executive Council to be the Chief Trustee." ; and

(b) by substituting the words "Chief Trustee" for the words "Secretary for Chinese Affairs" appearing in section 4 and 15.

Passed this 29th day of July 1991.

[HPK. Sel. 40651/2649; PU. Sel. 1545/4; DUN. Sel. 30287/1.]

HAI ADZMI BIN ARIFFIN,
*Clerk of the Legislative Assembly,
Selangor*

SELANGOR

ENAKMEN No. 13 tahun 2001

BETA PERKENANKAN,

(MOHOR
KERAJAAN)SHARAFUDDIN IDRIS SHAH,
Sultan Selangor

5 Disember 2001

Suatu Enakmen untuk meminda Enakmen Selangor King
George V Silver Jubilee 1937.

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MAKA INILAH DIPERBUAT UNDANG-UNDANG
oleh Badan Perundangan Negeri Selangor seperti berikut:

1. Enakmen ini bolehlah dinamakan Enakmen Selangor King George V Silver Jubilee (Pindaan) 2001 dan hendaklah mula berkuat kuasa pada 1 Januari 2002. Tajuk ringkas dan permulaan kuat kuasa.
2. Enakmen Selangor King George V Silver Jubilee 1937, yang disebut "Enakmen ibu" dalam Enakmen ini, adalah dipinda dalam seksyen 3(i)(b) dengan menggantikan perkataan "empat", perkataan "tujuh". Pindaan seksyen 3. Sel. En. S/1937.

Pindaan
seksyen 12.

3. Enakmen ini adalah dipinda dengan menggantikan seksyen 12 dengan seksyen yang berikut:

“Investment 12. Moneys belonging to the Fund may be invested in such manner or be deposited in such financial institutions as the corporation may approve.”.

Diluluskan pada 1 November 2001.

[IPK. Sel. 10468 Jld. 4; PU. Sel. Am. 0173]

BAKHITAR BIN HUSSIN,
Setiausaha,
Dewan Undangan Negeri,
Selangor

SELANGOR

ENACTMENT No. 13 of 2001

I ASSENT,

(STATE SEAL) SHARAFUDDIN IDRIS SHAH,
Sultan of Selangor

5 December 2001

An Enactment to amend the Selangor King George V Silver
 Jubilee Enactment 1937.

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IT IS HEREBY ENACTED by the Legislature of the State
 of Selangor as follows:

1. This Enactment may be cited as the Selangor King George V Silver Jubilee (Amendment) Enactment 2001 and shall come into operation on 1 January 2002. Short title and commencement
2. The Selangor King George V Silver Jubilee Enactment 1937, which is referred to as "the principal Enactment" in this Enactment, is amended in section 3(i)(b) by substituting for the word "four", the word "seven". Amendment of section 3. Sel. En. 5/1937.

3. The principal Enactment is amended by substituting for section 12 the following section:

^{“Investment} 12. Moneys belonging to the Fund may be invested in such manner or be deposited in such financial institutions as the corporation may approve.”.

Passed this 1st November 2001.

[IPK. Sel. 10468 Jld. 4; PU. Sel. Am. 0173]

BAKHTIAR BIN HUSSIN,
Setiausaha,
Dewan Undangan Negeri,
Selangor

**TOWN BOARDS ENACTMENT
(F.M.S. CAP 137)
(Tiada Terjemahan BM)**

- **TOWN BOARDS (SELANGOR) (AMENDMENT)
ENACTMENT 6/1959 (BI)**
- **TOWN BOARDS (SELANGOR) (AMENDMENT)
ENACTMENT 8/1960 (BI)**
- **TOWN BOARDS (SELANGOR) (AMENDMENT)
ENACTMENT 9/1960 (BI)**
- **TOWN BOARDS (SELANGOR) (AMENDMENT)
ENACTMENT 14/1990 (BI)**
- **TOWN BOARDS (SELANGOR) (AMENDMENT)
ENACTMENT 3/1962 (BI)**
- **TOWN BOARDS (SELANGOR) (AMENDMENT)
ENACTMENT 3/1966 (BI)**
- **TOWN BOARDS (SELANGOR) (AMENDMENT)
ENACTMENT 5/1966 (BI)**
- **TOWN BOARDS (SELANGOR) (AMENDMENT)
ENACTMENT 4/1972 (BI & BM)**

Amended by E. 1/36; 29/36; 46/36; 18/37; 3/38; 5.11.1892/37

26 of 1929.
3 of 1931.
2 of 1932.
15 of 1933.
26 of 1933.
10 of 1934.
30 of 1934.

CHAPTER 137.

SANITARY BOARDS.

An Enactment to amend and consolidate the law with regard to Sanitary Boards.

[1st February, 1930.]

Short title.

1. (i) This Enactment may be cited as the **Sanitary Boards Enactment**.

(ii) Nothing in this Enactment contained shall affect the provisions of any Enactment in force for the time being for preventing the introduction and spread of infectious and contagious diseases or the liability of any person to any punishment or penalty to which he may be liable under any Enactment other than this Enactment, but so that no person shall be twice punished for the same offence.

Interpretation.

2. In this Enactment:

3 of 1931.
2 of 1932.

"annual value" means the estimated gross annual rent at which the holding might reasonably be expected to let from year to year: provided that in estimating the annual value of any holding in or upon which there is any machinery used for the following purposes or any of them,

- (a) the making of any article or part of an article,
- (b) the altering, repairing, ornamenting or finishing of any article,
- (c) the adapting for sale of any article,

the enhanced value given to the holding from the presence of such machinery shall not be taken into consideration; and for the purposes of this definition "machinery" includes the steam engines, boilers or other motive power belonging to such machinery, provided also that in the case of any holding which is vacant or unoccupied or only partially built upon, the annual value shall at the option of the Board be deemed to be the annual value as hereinbefore defined or one-tenth of the improved value thereof;

"arcade" includes verandah;

"Board" means a Sanitary Board appointed under Section 3 for any particular area;

"building" includes any house, hut, shed, or roofed enclosure, whether used for the purpose of a human habitation or otherwise, and also any wall, fence, platform, septic tank, staging, gate, post, pillar, paling, frame, hoarding, slip, dock, wharf, pier, jetty, landing-stage or bridge or any structure connected with the foregoing;

"Chairman" means the officer for the time being lawfully performing the duties of the office of Chairman of a Sanitary Board, and includes a Deputy Chairman;

"common lodging-house" includes—

- (a) any house which, or part of which, is occupied as lodgings at a nightly rate of payment not exceeding forty cents for each person; or in which the sleeping accommodation provided for lodgers is such that two or more persons though strangers to one another may occupy one and the same room; or in which the same class of accommodation is furnished by an employer of workmen to the workmen employed by him or is paid for by subscription to a common fund;
- (b) any house or part of a house (not being a public hospital) used for the reception of sick or dying persons or for the lying-in of women;
- (c) any house where six or more jirikisha-pullers are lodged as tenants or sub-tenants;

"dairy" includes any cow-shed, milk-store, milk-shop or other place from which milk is supplied or in which milk is kept for purposes of sale;

"document of title" means a grant, lease of State land, certificate of title, entry in the mukim register, lease for mining land or other document evidencing title registered or kept by a Registrar of Titles or Collector of Land Revenue; *that*

"footway" includes five-foot ways and verandahs at sides of streets;

"Health Officer" means the officer for the time being performing the duties of Health Officer to a Sanitary Board, and includes Assistant Health Officer;

"land" means any land, with or without buildings thereon, which is held under a separate document of title; provided that for the purposes of Part IV of this Enactment it shall not include mining land; *and by Act 70/1987*

"horse" includes pony;

"house" includes dwelling-house, warehouse, office, counting-house and shop, also schools and any other buildings in which persons are employed;

"improved value" of land is the capital sum which the land might be expected to realise if offered for sale on such reasonable terms and conditions as a *bona fide* seller would require;

"market" means any place, other than a shop, ordinarily used for the sale of animals or of meat, fish, fruit, vegetables or other perishable articles of food for human consumption, and includes all land and premises in any way used in conjunction or connection therewith or appurtenant thereto;

"mining land" means land comprised in a mining lease or mining certificate;

"motor vehicle" has the meaning assigned to that expression in the Motor Vehicles Enactment;

"nuisance" means any act, omission, or thing occasioning or likely to occasion injury, annoyance, offence, harm, danger, or damage to the sense of sight, smell, or hearing, or which is or is likely to be injurious or dangerous to health or property;

"occupier" means the person in occupation of the holding or building in respect of which the word is used, or having the charge, management, or control thereof either on his own account or as agent of another person, but does not include a lodger;

*Sub by
Sec. 137*

"owner" means the person for the time being receiving the rent of the holding in connection with which the word is used whether on his own account or as agent or trustee for any other person, or who would so receive the same if such holding were let to a tenant; and in any case in which such person cannot be found or makes default shall include also the occupier, if any, of such holding;

"premises" includes lands and buildings of any kind whether open or enclosed, whether built on or not, whether public or private, and whether maintained or not under statutory authority;

"private market" means a market licensed as such by the Chairman;

"public market" means a market established under this Enactment or under any former Sanitary Boards Enactment or declared to be such by the Board;

"public street" means a street repairable out of Government funds over which the public have a right of way;

a person is said to "reside" in any dwelling in which he sometimes uses a sleeping apartment, although he does not use it uninterruptedly or has elsewhere a dwelling where he has and sometimes uses another such apartment. A person does not cease to "reside" in a dwelling where he has such an apartment merely because he is absent from it if there is the liberty of returning at any time and no abandonment of the intention to return at pleasure;

"sky-sign" means any erection consisting of a frame, hoarding, board, bar, pillar, post, wire or any combination of such things or any erection of a like nature or any visible object which floats or is kept in position by wire or other flexible attachment displayed for the purposes of trade or professional advertisement in such a position as to be conspicuously visible against the sky above the general level of the roofs of surrounding buildings from any street or public place;

"street" includes any road, square, footway or passage, whether a thoroughfare or not, over which the public have a right of way, and also the way over any public bridge, and also includes any road, footway or passage, open court or open alley, used or intended to be used as a means of access to two or more houses, whether the public have a right of way thereover or not, and all channels, drains and ditches at the side of any street shall be deemed to be part of such street;

"town limits" means the limits of a town as declared from time to time under the Land Code or any previous Land Enactment;

"unimproved value" of land is the capital sum which the land might be expected to realise if offered for sale on such reasonable terms and conditions as a *bonâ fide* seller would require assuming that the improvements, if any, thereon or appertaining thereto and made by the owner or his predecessor in title had not been made.

ILLUSTRATIONS.

(a) Land was originally covered with jungle. It is not known who cleared it. The unimproved value is the value of the land cleared of jungle.

(b) Land was originally swampy but has been drained by the construction by Government of an anti-malarial drain in the neighbourhood. The unimproved value of the land is the value of the land so drained.

PART II.

CONSTITUTION OF SANITARY BOARDS.

3. (i) The ^{President or Council} Resident of a State may by notification in the *Gazette*

(a) declare any area within such State to be a Sanitary Board area for the purposes of this Enactment, and may after consultation with the Sanitary Board appointed for such area vary the boundaries of any area so declared;

(b) appoint Sanitary Boards consisting of such Government officers and other persons as he may nominate, and may appoint any member of a Sanitary Board to be Chairman thereof; provided that every such appointment shall cease and determine at the expiration of the year in respect of which the same is made;

(c) appoint Secretaries, Health Officers, Inspectors and such other officers as may be necessary for the purposes of this Enactment. Such officers are hereinafter referred to as officers of the Board.

(ii) Any Sanitary Board area may coincide with the defined area of a town or village declared under the Land Code or any previous Land Enactment or may be separately defined.

(iii) Any declaration or appointment made under this section may in like manner be varied, added to or revoked.

4. (i) The Chairman may, whenever he thinks fit, and shall, on a requisition in writing by not less than three members, convene a meeting of the Board.

(ii) All meetings shall be open to the public unless the Board, by resolution, at any meeting, otherwise decides.

5. (i) The quorum necessary for the transaction of business at any meeting shall be three.

(ii) If at any meeting a quorum is not present, the meeting shall stand adjourned to such other day as the Chairman fixes, and the

Declaration of Sanitary Board areas and appointment of Boards and officers.

Power to call meetings.

Quorum.

business which would have been brought before the original meeting, if there had been a quorum present, shall be brought before and transacted by the adjourned meeting whether there is a quorum thereat or not.

Absence of
Chairman.

6. If when any meeting is held the Chairman is absent from the meeting, the members present shall elect one of their members to be chairman of the meeting.

Decision of
questions.

7. (i) All questions coming before any meeting of the Board shall be decided by a majority of the votes of the members present.

(ii) In the case of an equality of votes the chairman of the meeting shall have a second or casting vote.

Minutes.

8. The Chairman shall cause full minutes of the proceedings of all meetings of the Board to be taken, and shall submit the same to the Resident at the earliest opportunity after the close of the meeting.

Member not
to vote where
pecuniarily
interested.

9. (i) No member of a Board shall vote on or take part in the discussion of any matter in which he has directly or indirectly by himself or by his partner any pecuniary interest.

(ii) A member shall not be deemed to have a pecuniary interest in any matter in which he is interested merely by reason of being a shareholder in a joint stock company which is interested in such matter, but shall be deemed to have such interest if he is a director or officer of such company.

Committees.

10. A Sanitary Board may from time to time appoint Committees consisting of members of the Board and may refer matters relating to any of the purposes of this Enactment to any such Committee for enquiry or report, and may delegate to any such Committee any of the powers of the Board under this Enactment, and may at any time dissolve or alter the constitution of such Committee; provided that any such Committee shall conform to all orders and instructions of the Board, and that all proceedings of any such Committee shall be subject to confirmation by the Board.

Co-opting
further
members.

11. (i) A Committee may co-opt any person or persons whose assistance or advice it may desire for such period or for such purpose as it may determine.

(ii) Every person so co-opted shall for such period or for such purpose be a member of the Committee.

Disposal of
revenue.

12. All monies received by a Board by virtue of this or any other Enactment shall be paid into the Treasury to the credit of the public revenue.

Public
servants.

13. All members of a Sanitary Board or of a Committee shall be deemed to be public servants within the meaning of the Penal Code.

PART III.

DUTIES AND POWERS OF SANITARY BOARDS AND
CHAIRMAN.

14. (i) Every Sanitary Board shall
- Duties of
Board and
Chairman.
- (a) exercise the powers and perform the duties conferred or imposed upon it by this Enactment;
- (b) advise the Chairman in respect of the exercise of the powers conferred upon him by this Enactment.
- (ii) The Chairman shall exercise on behalf of the Government of the State the powers conferred upon him by this Enactment.
- (iii) If the Chairman does not agree with the advice of the Board as to the exercise of any of the powers conferred upon him by this Enactment he shall refer the matter to the ^{President in Council} President for his decision.
15. (i) The powers in this Enactment conferred upon a Sanitary Board or upon a Chairman may be exercised for the following purposes:
- Purposes for
which powers
may be
exercised.
2 of 1932.
10 of 1934.
- (a) the regulation and control of buildings and building operations, and in the discretion of the Board the prohibition of the erection of a building of a particular class, design or appearance in particular districts, localities or streets or portions of streets within a Sanitary Board area;
- (b) the laying out, and maintenance, ^{of reserves for recreation and} other purposes; the enclosure and care of unoccupied premises; the planting and preservation of trees and shrubs; the laying out of new streets and the cleaning, watering, lighting and control of streets, canals and bridges; the removal of undue projections; the numbering of houses; and the naming of streets;
- (c) the control and supervision by registration, licensing or otherwise, including in proper cases the prohibition, of
- (i) latrines, sanitary fittings and conveniences, sewage tanks and disposal plants, cess-pools and dust-bins,
- (ii) drains, wells, water-tanks and cisterns,
- (iii) stables and cattle-sheds and places for keeping sheep, goats, swine or poultry,
- (iv) cow-houses and dairies,
- (v) the sale of water, fresh provisions and milk,
- (vi) bakeries, laundries, and street stalls,
- (vii) common lodging-houses, eating-houses, coffee shops, jinrikisha depôts and premises where jinrikisha-pullers reside, theatres, native inns and other places of public resort,
- (viii) garages and places kept or used for repairing, painting, storing or housing motor vehicles, except garages or places used in connection with private dwelling-houses for housing motor vehicles kept for private use only.

1990

Absence
ChairmanDecision
question

Minutes

Members
to vote
pecuniary
interest

Control

Con-
further
mentDis-
textPub-
ser

- (ix) persons who hawk food-stuffs,
(x) persons who sell articles of food in markets;
- (d) the registration of all persons carrying on the trade of cow-keepers, dairymen or purveyors of milk, and securing the cleanliness of cow-sheds and milk-shops or other places where milk is kept for sale and milk-vessels and utensils used by such persons, and prescribing precautions to protect milk against infection and contamination;
- (e) the establishment and regulation of public markets and the licensing and regulation of private markets, and if the Board shall think fit the prohibition of the sale within a certain radius from a public market of any articles of the kind sold in such market;
- (f) the regulation of public bathing places, including the power to charge fees for the use of or to lease the same;
- (g) the establishment and regulation of slaughter-houses including
- (i) the sanitary inspection of animals before being slaughtered and of their carcases,
 - (ii) the detention for observation and treatment of animals brought for slaughter and suspected of being diseased,
 - (iii) the slaughtering with or without compensation of diseased animals brought to be slaughtered,
 - (iv) the disposal of the carcases of diseased animals which were slaughtered or died on premises under the control of a Sanitary Board,
 - (v) the marking of the carcases of animals slaughtered in slaughter-houses under the control of a Sanitary Board to denote that such animals have been so slaughtered,
 - (vi) the fixing of fees to be charged for the use of slaughter-houses under the control of the Sanitary Board, including, if the Board shall think fit, the grant to particular persons of the exclusive right to provide or slaughter any particular description of beast for human food, and
 - (vii) the control of vehicles used for the transport of carcases and the fixing of fees to be charged for transport when such vehicles are provided by the Board;
- (h) the seizure and disposal of unwholesome flesh, fish, fruit, vegetables or other provisions found within a Sanitary Board area or exposed for sale therein;
- (i) the collection, removal and disposal of night-soil, dung, trade and garden refuse and other filth, including, if the Board shall think necessary, the publication of Rules making it compulsory on all persons who may require night-soil buckets to buy such buckets from the Government;
- (j) the prevention and abatement of nuisances and the regulation and if necessary the prohibition within a Sanitary Board area of dangerous or unhealthy or offensive trades or

occupations, and the prescribing of the limits within a Sanitary Board area in which such trades or occupations may be carried on;

- (k) the regulation, restriction or prevention of the exhibition of advertisements;
- (l) the prescribing of the localities within which cattle, swine or poultry may be kept;
- (m) the prevention and removal of obstructions in the streets and in the verandahs or footways;
- (n) the repair or removal of ruinous or dangerous buildings and the removal of occupants therefrom;
- (o) the examination of the bodies of dead persons, and the certification of the cause of death in cases where the cause of death has not been certified by a duly qualified medical practitioner;
- (p) the prevention and abatement of malaria, and of places favourable to the breeding of mosquitoes;
- (q) all other matters whether similar or not to those above mentioned connected with the conservation and the improvement of the Sanitary Board area.

(ii) (a) A Sanitary Board may in its discretion resolve to take over the control, supervision, maintenance and repair of private septic tanks or other sewage purification plants to such extent as it may by by-law provide, and may charge fees therefor. Any such resolution may from time to time be varied or rescinded.

(b) Such fees shall be payable by the person to whom such septic tank or other sewage purification plant belongs and may be recovered in the manner provided by this Enactment for the recovery of unpaid rates.

(c) A Sanitary Board may subject to the provisions of the next succeeding section make by-laws prescribing the extent to which it shall take over such control, supervision, maintenance and repair and for the regulation thereof and prescribing the fees to be charged.

16. (i) A Sanitary Board may make by-laws with respect to any of the purposes described in Section 15 and for the conduct of its own business. Such by-laws may apply to the whole area subject to its control or to any specified part or parts thereof, and may provide for the payment of reasonable fees for such registration, licensing or otherwise as may be required for the purposes of this Enactment. Any such fee may be recovered in the manner provided by this Enactment for the recovery of unpaid rates.

Power to
make by-laws.
2 of 1932.

(ii) A Sanitary Board shall pass such new by-laws or vary or repeal such existing by-laws as the Resident with the approval of the Chief Secretary may from time to time prescribe.

E. 1.

(iii) No by-law and no resolution rescinding or varying any such by-law shall have effect unless and until it has been confirmed by the Resident with the approval of the Chief Secretary, and such confirmation has been published in the *Gazette*.

1. 1932.

Penalty for
contravening
by-law.

17. (i) A Sanitary Board may in making any by-law prescribe the fine with which the contravention thereof shall be punishable, but so that such fine shall not exceed for any one offence the sum of fifty dollars or in the case of a continuing offence the sum of five dollars for every day during which such offence is continued.

(and any person)

(ii) Any person who contravenes any by-law for the breach of which no fine is prescribed shall be punished with a fine which may extend to two hundred and fifty dollars or in the case of a continuing offence to the sum of ten dollars a day for every day during which such offence is continued.

Power to
compound
offences.
10 of 1934.

18. The Chairman may in his discretion compound any such offence against the provisions of this Enactment or of any rules made thereunder as may be specified by the ~~President~~ ^{Chairman} by notification in the Gazette by accepting from the person accused of having committed any such offence a sum of money not exceeding ten dollars.

Licences.

19. Every licence issued under any by-law shall be subject to such conditions and restrictions as the Chairman may impose and shall be revocable at any time by him without compensation at the expiry of one month's notice in writing served upon the holder thereof, or without compensation and without notice if in his opinion or in the opinion of the Health Officer the licensee or his agents or servants shall have failed to observe or comply with any such condition or restriction or with any provision of this Enactment or of any by-law made thereunder.

Powers of
Chairman
where default
made.

20. (i) Where any by-law or any notice issued to enforce the provisions of this Enactment or of any by-law requires any act to be done or refrained from or any work to be executed by the owner or occupier of any premises, and default is made in complying with the provisions of such by-law or notice, the Chairman may cause such act to be done or such work to be executed and may pull down any work executed in contravention of any such by-law or notice.

(ii) Where any expenses are incurred in carrying out any work in pursuance of sub-section (i), the Chairman shall certify the cost thereof to the defaulting owner or occupier, and the certificate of the Chairman shall be conclusive proof of the sum due.

(iii) Such sum shall be deemed to be a debt due to the State and may be recovered in the manner provided by this Enactment for the recovery of unpaid rates.

Power of
entry.

21. (i) The Chairman and members of the Board, all officers of the Board and all officers, workmen or contractors of the Government shall for the purposes of this Enactment have power to enter at all reasonable hours between sunrise and sunset into and upon any holding as well for the purpose of making any survey or inspection as for the purpose of executing any work authorised by this Enactment to be executed without being liable to any legal proceedings or molestation whatsoever on account of such entry or of anything done upon such

holding in pursuance of this Enactment. Provided that except when herein otherwise provided no entry shall be made into any dwelling-house in actual occupation unless with the consent of the occupier thereof, without six hours' previous notice to such occupier.

(ii) The ^{Health Officer} Resident may declare that any class of premises for the regulation, control, supervision or inspection of which by-laws may be passed under Section 16 are liable to night inspection, and thereupon the Chairman or Health Officer may at any time of the day or night and without notice, by himself or by any Sanitary-Board officer generally authorised by the Chairman in that behalf in writing, enter into and inspect any premises of the class specified in the declaration.

(iii) For the purpose of enquiry into or examination of any thing or matter which is declared to be a nuisance under Part VI of this Enactment the Health Officer may at any time of the day or night and without notice in person enter into and upon any premises and inspect the same.

22. (i) Every notice, order, or document required or authorised by this Enactment or by any by-law passed hereunder to be served on any person may be served personally upon the person to whom it is addressed or be left at his usual place of abode with some adult member or servant of his family, or if it cannot with the exercise of due diligence be so served may be affixed in some conspicuous part of such place of abode, and shall thereby be deemed to be duly served: provided that if the place of abode of the owner or occupier of any holding in respect of which such notice, order, or document is required to be served be unknown, or if the owner or occupier of such holding be not resident within the Sanitary Board area, every such notice, order, or document shall be deemed to be duly served if affixed on some conspicuous part of such holding.

Service of notices and other documents.

(ii) Where such notice, order or document is addressed to the owner or occupier of a holding and the name of such owner or occupier is not known it shall be sufficient to designate him in such notice, order or document as the "owner" or "occupier" of the holding without further description.

23. (i) Except as herein otherwise provided, in all cases when compensation, damages, costs, or expenses are by this Enactment or any by-laws passed hereunder directed to be paid the amount and if necessary the apportionment of the same shall in case of dispute be summarily ascertained and determined by a Magistrate of the First Class, or if the compensation claimed amount to one thousand dollars then by the Court of a Judge.

Compensation, damages, and costs to be determined by Magistrate or Judge.

(ii) If the amount of compensation, damages, costs, or expenses be not paid by the party liable to pay the same within seven days after demand, such amount may be reported to such Magistrate or Court and recovered in the same way as if it were a fine imposed by such Magistrate or Court.

Recovery of
cost of work
carried out by
Chairman.

24. (i) Wherever it is provided by this Enactment that the Chairman may recover the costs or expenses of any work carried out by him or that any person shall pay the costs or expenses of any such work the Chairman shall on the completion of such work certify the amount of such costs or expenses to the person liable to pay the same, and the certificate of the Chairman shall be conclusive as to the sum due.

(ii) Such sum shall be deemed to be a debt due to the State and may be recovered in the manner provided by this Enactment for the recovery of unpaid rates.

PART IV.

RATING.

Power to
impose rates.

25. The ^{Resident in General} Resident after consultation with the Sanitary Board for any area may from time to time so often as he thinks necessary impose either separately or as a consolidated rate an annual rate or rates within such area for all or any of the following purposes:

- (a) the general purposes of this Enactment including the payment and housing of the staff required for carrying out the same;
- (b) public lighting;
- (c) the extinction and prevention of fire.

Further rates.

26. In addition to the rates referred to in Section 25 the Resident may in like manner impose

- (a) an improvement rate in accordance with Sections 29 or 30;
- (b) a drainage rate in accordance with Section 31.

Division of
area for
rating
purposes.

27. For the purposes of Sections 25 and 26 the Resident may, after consultation with the Sanitary Board for any area, divide such area into two or more parts and impose within each separate part such rate or rates as may be considered just and proper.

Basis of
assessment of
rate.

28. Any rate or rates imposed under this Part may be assessed upon the annual value of holdings or upon the improved or unimproved value of holdings as the case may be, according as the Resident after consultation with the Sanitary Board may determine; provided that such rate or rates if assessed upon the annual value of holdings shall not exceed

- (a) in the case of a rate or rates imposed under Section 25. twenty per centum in the aggregate of such annual value.
- (b) in the case of an improvement rate imposed under Section 26. fifteen per centum of such annual value.
- (c) in the case of a drainage rate imposed under Section 26. five per centum of such annual value.

For
cont.

29. (i) In any area in which the rates are assessed upon the annual value of holdings the improvement rate referred to in Section 26 may be imposed upon all holdings which being held under a document of title the terms whereof, express or implied, are not inconsistent with the right to build a house or houses covering one-half the area of such holding and being within a distance of 100 feet of any public street have no house erected thereon: provided that

Improvement rate where rates are assessed on annual value.

(a) in the case of a holding whereof part only is within a distance of 100 feet of a public street the said rate shall not be imposed on any part of such holding which is distant more than 100 feet from a public street: and

(b) in the case of a holding whereof a part only has no house erected thereon the said rate shall not be imposed upon such part unless the area of such part exceeds one-half of so much of the area of such holding as is within a distance of 100 feet from a public street.

(ii) The said rate shall not be payable in respect of any holding until the expiration of three years from the date of the registration of the document of title under which the same was first alienated, nor in respect of any holding which shall have been included within a Sanitary Board area for a period of less than three consecutive years.

30. In any area in which the rates are assessed upon the unimproved value of holdings the improvement rate referred to in Section 26 may be imposed upon all holdings the improved capital value of which does not exceed the unimproved capital value of the same by twenty-five per centum.

Improvement rate where rates are assessed on capital value.

31. The drainage rate referred to in Section 26 may be imposed only to meet the cost of maintenance of any system or systems of drainage constructed under Section 116.

Drainage rate.

32. The rates referred to in Sections 25 and 26 shall endure for any period not exceeding twelve months and shall be payable half yearly in advance by the owners of holdings at the office of the Sanitary Board or other prescribed place or places in the months of January and July, and shall be assessed and levied in manner hereinafter provided.

Duration of rate.

33. All holdings used exclusively as places for religious worship, all duly licensed public burial and burning grounds used exclusively for such purposes, all holdings used exclusively for public schools or for charitable purposes or for the purposes of science, literature or the fine arts and not for pecuniary profit, and all holdings belonging to or rented by the Ruler of the State or the Government of the State or of the Federated Malay States may by direction of the Resident be exempted from the payment of any rate.

Exemptions from rate.

34. When any holding is used wholly or partly for recreational or social purposes the Resident may exempt such holding from the

Exemption or reduction of rate.

payment of all or any rates or may reduce the amount of any rate imposed upon such holding.

Minimum rate payable.

35. When the rate in respect of any holding would not amount to fifty cents in one year no rate shall be payable thereon.

Preparation of assessment list.

36. The Chairman shall cause an assessment list of all holdings not exempted from the payment of rates to be prepared, containing

- (a) the name of the street or locality in which such holding is situated;
- (b) the designation of the holding either by name or number sufficient to identify the same;
- (c) the names of the owner and occupier, if known;
- (d) the unimproved value of the holding;
- (e) the improved value of the holding;
- (f) the annual value of the holding;
- (g) the amount of the rate assessed thereon;

provided that in areas in which the rates are assessed upon the annual value of holdings the unimproved and improved values thereof need not be entered in the assessment list.

Designation if name of owner unknown.

37. When the name of the owner or occupier is not known it shall be sufficient to designate him in the assessment list and in any proceeding to recover any rate as the "owner" or "occupier" of the holding in which the rate is assessed without further description.

Returns may be required.

38. (i) In order to enable the Board to assess the value of holdings liable to assessment the Chairman may require the owner or occupier thereof to furnish returns of the area, situation, quality, use and value thereof and to give all such information as may be necessary for the preparation of the assessment list or otherwise for the purpose of an assessment, and for the like purpose the Chairman or any person appointed by him for that purpose may, at any time between sunrise and sunset, enter and inspect and if necessary survey the same.

(ii) No entry shall be made under this section into any dwelling house in actual occupation, unless with the consent of the occupier without twenty-four hours' previous notice to such occupier specifying the hour as near as may be of such intended entry.

Penalty for not furnishing returns.

- (iii) Any person who
- (a) refuses or fails to furnish such return or to give such information as aforesaid for the space of one week from the day on which he has been required so to do;
 - (b) knowingly makes a false or incorrect return or gives false or incorrect information;
 - (c) hinders, obstructs or prevents the Chairman or any person appointed by him as aforesaid from entering, inspecting or surveying any such holding,

shall be liable to a fine of five hundred dollars.

39. (i) When the assessment list has been completed the Chairman shall give public notice of the same, and of the place where the list or a copy thereof may be inspected, in the *Gazette* and in such other manner, either by advertisement in a newspaper or by placards posted in conspicuous places or by both, as the Board may think fit.

Notice of assessment list to be published.

(ii) Any person claiming to be either owner or occupier of a holding included in the list, or the agent of any such person, may inspect the list and make extracts therefrom without charge.

(iii) The Chairman shall give public notice in the same manner of a day not being less than six weeks from the date of the notification in the *Gazette* when the Board will proceed to revise the assessment list, and in all cases in which any holding is for the first time assessed or the assessment thereon is increased the Chairman shall also give notice to the owner or occupier thereof.

Notice of time for revision.

40. Any person aggrieved on any of the following grounds--

Objections.

(a) that any holding for which he is rateable is valued beyond its rateable value; or

(b) that any holding is assessed which is not rateable; or

(c) that any person who, or any holding which, ought to be included in the list is omitted therefrom; or

(d) that any holding is valued below its rateable value; or

may make objection in writing to the Chairman at any time not less than fourteen days before the time fixed for the revision of the assessment list.

41. (i) After the objections have been enquired into and the persons making them have been allowed an opportunity of being heard either in person or by authorised agent as they think fit and the revision of the assessment list has been completed the amendments made in the list shall be authenticated by the signatures of two members of the Board, who shall at the same time certify that no valid objection has been made to the assessment contained in the list except in the cases in which amendments have been entered therein; and subject to such amendments as may thereafter be duly made the rate so assessed shall be deemed to be the rate for the whole year next following that in which the assessment was made.

Authenticati-
tion of assess-
ment list.

(ii) The list when amended under this section shall be deposited in the office of the Board and shall be open there during office hours to inspection by all owners and occupiers of holdings comprised therein, and a public notice that it is so open to inspection shall forthwith be published.

42. (i) Where

(a) the name of any person or any holding which ought to have been inserted in or omitted from the assessment list has been omitted or inserted, or any holding has been insufficiently or too highly assessed owing to mistake, oversight or fraud, or

Amendments
to assessment
list.
36 of 1933.

(b) the value of any holding has been increased by building or other improvement
 (c) the Board may at any time amend the assessment list.

(ii) Notice shall be given to all persons interested in the amendment of a time, not less than one month from the date of the service of such notice, at which the amendment is to be made.

(iii) Any person aggrieved on any of the grounds specified in Section 40 may make objection in writing to the Chairman before the time fixed in the notice or in writing or orally at that time, and shall be allowed an opportunity of being heard in person or by authorized agent as he thinks fit.

(iv) Any amendment made in the list in accordance with this section shall be authenticated by the signature of two members of the Board.

(v) Where on account of any amendment in the list the rate payable in respect of any holding is enhanced, reduced or extinguished, the new rate shall be payable, or the rate shall cease to be payable, from the commencement of the next half year only.

New assessment list.

43. It shall be in the discretion of the Board either to prepare a new assessment list every year or to adopt the assessment contained in the list for any year, with such alterations as are in particular cases deemed necessary, as the assessment for the year following giving the same notice of the assessment as if a new assessment had been prepared.

Appeals.

44. (i) Any person who having made an objection in the manner prescribed by Section 40 or Section 42 (iii) is dissatisfied with the decision of the Board thereon may appeal to the Supreme Court provided that with the presentation of the petition of appeal there shall be paid into Court the amount of the rate appealed against.

(ii) Every such appeal shall be commenced with fifteen days of the date of the certificate of the Board under Section 41, or in the case of any subsequent amendment under Section 42 within fifteen days of the receipt by the person dissatisfied of notice of such amendment.

(iii) The Chairman shall be the respondent in any appeal under this section.

(iv) Every such appeal shall be heard before the Court of a Judge and the decision of such Court shall be final and conclusive.

Point

Rates to be a first charge.

Sub. by Act. 16/62

45. Subject to the provisions of the Land Revenue Code, the rate shall be a first charge on the holding in respect of which it is assessed, if not paid within the prescribed time shall be recoverable in the manner hereinafter provided.

Proceedings in default.

46. (i) If any sum payable in respect of any rate remains unpaid at the expiration of the prescribed time a notice, substantially in

Form A in the Schedule, shall be served on the person or any one of the persons, if more than one, liable to pay the same, calling on him to pay the same together with a fee of fifty cents for cost of the notice within fifteen days of the service of such notice. *Provided that a separate*

(ii) If no person liable to pay the same can be found such notice shall be deemed to have been duly served by the posting thereof at the office of the Sanitary Board and by fixing a copy thereof on some conspicuous part of the holding in respect of which the rate is payable. *or any other holding.*

(iii) If at the expiration of the said period of fifteen days or such further period as may be allowed by the Chairman, if any, such sum or any part thereof remains due and unpaid, it shall be deemed to be an arrear and may be recovered as hereinafter provided.

47. (i) For recovery of an arrear the Chairman may issue a warrant of attachment, substantially in the Form B in the Schedule, and may seize by virtue thereof any movable property, wherever found within the Sanitary Board area, of any person liable to pay the same, and may also seize any movable property to whomsoever belonging which is found on the holding in respect of which the arrear is due.

Proceedings
for recovery
of an arrear.

(ii) The warrant shall be executed by an officer of the Board who shall make an inventory of the property attached thereunder, and shall at the same time give notice substantially in the Form C in the Schedule to the person in possession of the property at the time of attachment.

(iii) Such officer may break open in the daytime any house or building for the purpose of effecting such attachment.

(iv) The fee for the cost of a warrant of attachment shall be one dollar and fifty cents and shall be costs of the attachment.

48. (i) Unless the arrear with costs be paid within seven days from the date of the attachment the property attached or such part thereof as may be necessary shall be sold by public auction: provided that when the property seized is of a perishable nature or when the expense of keeping it in custody will exceed its value it may be sold at once.

Sale of
property
attached.

(ii) The expenses of the maintenance of live stock and the custody of movable property shall be costs of the attachment.

49. The proceeds of sale shall be applied in satisfaction of the arrear together with interest thereon at the rate of six per centum per annum and costs, and the surplus, if any, shall be paid to the person in possession of the property at the time of attachment.

Application
of proceeds of
sale.

50. (i) If the arrear cannot be recovered in the manner aforesaid it shall be lawful for the Registrar or Assistant Registrar of the Supreme Court upon application made by the Chairman, or by any officer of the Board authorised by the Chairman in that behalf, to order the

Attachment
and sale of
holding.
30 of 1934.

arrear, with interest and costs, or given security for the same to the satisfaction of the Court.

54. If the sum due from the owner of any holding on account of any rate or costs is paid by the occupier of such holding such occupier may, in the absence of any agreement to the contrary with the owner, deduct from the next and following payments of his rent the amount which may have been so paid by him.

Recovery of rates paid by occupier.

Held by Act
70/67

55. The production of the books purporting to contain any rate or assessment made under this Enactment shall, without any other evidence whatever, be *prima facie* proof of the making and validity of the rates or assessment mentioned therein.

Evidence of rates.

56. (i) No valuation or rate assessed thereon, no charge or demand of any rate and no attachment or sale shall be impeached or affected by reason of any mistake in—

Assessment, etc., not to be impeached for want of Form.

- (a) the name of any person liable to pay the rate;
- (b) the description of any holding liable to such rate;
- (c) the amount of the rate assessed thereon;
- (d) the mode of attachment or sale;

provided that the direction of this Enactment or of any by-law made thereunder is in substance and effect complied with.

(ii) No proceedings under this Enactment for the recovery of any rate shall be quashed or set aside in any Court for want of Form.

57. (i) Whenever any rateable holding within a Sanitary Board area is sold or transferred it shall be the duty of the purchaser or transferee within three months after such sale or transfer to give notice thereof to the Board in writing.

Notice of transfer of rateable holding.

(ii) Whenever the owner of any rateable holding within a Sanitary Board area dies it shall be the duty of the person becoming the owner thereof by succession or otherwise to give notice thereof in writing to the Board within one year after the death of the deceased.

Notice of death.

(iii) The notice to be given under this section shall be in Form D or Form E in the Schedule as the case may require.

(iv) On receipt of such notice the Board may require the production of the instrument effecting change of ownership, or of a certified copy thereof.

Production of instrument.

(v) Every person who sells or transfers any rateable holding within a Sanitary Board area shall continue liable for the payment of all rates payable in respect of such holding and for the performance of all other obligations imposed by this Enactment or by any by-law made thereunder upon the owner of such holding which become payable or are to be performed at any time before notice of such transfer has been given or until the sale or transfer has been recorded in the books of the Board.

Liability for rate where notice not given.

*Notwithstanding that
a purchaser becomes
a proprietor such
obligations were
imposed before
notice of such
or transfer had
been given
as aforesaid.*

Notice of
new build-
ings.

Notice of
demolition.

Refund on
unoccupied
buildings.
36 of 1933.

(vi) Nothing herein shall affect the liability of the purchaser or transferee to pay the rates in respect of such holding or to perform such obligation as aforesaid, or affect the right of the Board or the Chairman to recover such rate or to enforce such obligation under this Enactment.

(vii) Every person failing to give any notice required by this section shall be liable to a fine of twenty-five dollars.

58. (i) When any new building is erected or when any building is rebuilt or enlarged or when any building which has been vacant is re-occupied the owner of the holding whereon such building is situate shall within fifteen days give notice thereof in writing to the Board.

(ii) The said period of fifteen days shall be reckoned from the date of the completion or of the occupation, whichever first occurs, of the building which has been newly erected or rebuilt or of the enlargement, as the case may be, and in the case of a building which has been vacant from the date of the re-occupation thereof.

(iii) When any building or portion of a building on any rateable holding is demolished or removed otherwise than by the order of the Chairman the owner of such holding shall give notice thereof in writing to the Board. Until such notice is given the owner shall continue liable to pay rates in respect of such holding as though such building or portion of a building had not been demolished or removed.

(iv) Every person failing to give any notice required by this section shall be liable to a fine of twenty-five dollars.

59. (i) If any building is unoccupied and no rent is payable in respect thereof during a period of not less than one calendar month in any half year in respect of which a rate has been paid under this Enactment the Chairman may order the refund of a part of such rate proportionate to the period during which the building has been unoccupied.

(ii) No refund shall be ordered unless the person claiming the same shall have within seven days from the commencement of the period in respect of which the refund is claimed given written notice to the Chairman of such vacancy and shall have claimed payment thereof in writing not later than one month after the expiration of the half year in respect of which the claim is made.

(iii) No refund shall be ordered in respect of any building unless the owner of the holding in question proves to the satisfaction of the Board—

- (a) that such building is in good repair and fit for occupation;
- (b) that every reasonable effort to obtain a tenant has been made;
- (c) that the rent demanded is a reasonable one;
- (d) that the building has been vacant during the whole period for which the refund is claimed.

(iv) Claims under this section shall state the dates between which the building was unoccupied and an address to which communications in reference thereto may be sent.

60. Sections 58 and 59 shall apply only within Sanitary Board areas in which the rates are assessed upon the annual value of holdings. Applications of Sections 58 and 59.

61. (i) In the case of buildings situated on mining land or on State land or on land reserved for a public purpose and not occupied by the Government of the Federated Malay States or of any of them the Resident, after consultation with the Board, may impose the rates referred to in Section 25 upon the annual value of all or any of such buildings, and the occupiers of such buildings shall be liable to pay the said rates: provided that buildings on mining land which are used as hospitals for the labourers employed thereon or which are occupied rent free as residences for such labourers shall be exempt from such rates. Provision for rating buildings on State or reserved land. 3 of 1931.

(ii) The provisions of this Part shall apply to any rate imposed under sub-section (i) provided that—

(a) in the application thereof references to a "holding" shall be deemed to be references to a "building," and references to the "owner" of a holding shall be deemed to be references to the "occupier" of a building;

(b) Sections 26, 28, 29, 30, 31, 45, 50, 54, 58 and 59 shall not apply to any such rate.

PART V.

PREVENTION AND EXTINCTION OF FIRES.

62. (i) The Chairman may cause fire alarms to be provided of such design and at such places as the Board may determine. Fire alarms.

(ii) The owner and occupier of any holding shall be bound to permit the erection on such holding of any fire alarm provided under sub-section (i).

63. Any person who pulls down, injures or conceals any fire alarm provided under Section 62 or wilfully gives or causes to be given any false alarm of fire by any such fire alarm shall be liable to a fine of two hundred and fifty dollars or to imprisonment for six months. Penalty for tampering with fire alarms.

64. (i) On the occasion of a fire the Chairman or the Superintendent or other officer in charge of the fire brigade on the spot may— Powers of Chairman, etc., at fires.

(a) remove or cause to be removed any person who in his opinion by his presence interferes with the due operations of the fire brigade;

(b) by himself or others take any measures that appear expedient for the protection of life and property;

(c) by himself or others enter, break into or through, take possession of or pull or throw down any premises for the purpose of putting an end to any fire.

(ii) All police officers may aid the fire brigade in the execution of their duty and may close any street in or near which a fire is burning.

Penalty for
interference.

65. Any person who assaults, disturbs, hinders or interferes with any member of the fire brigade or any police officer or person assisting the fire brigade or acting under the orders of the Chairman or the officer in charge of the fire brigade on the spot shall be liable to a fine of one hundred dollars.

Enquiries
into fires.

66. (i) Where any fire occurs within a Sanitary Board area whereby damage or loss is occasioned to any dwelling-house or other building, the Chairman may, if he thinks fit, and shall if requested thereto in writing by two or more rate-payers, institute an enquiry into the cause of such fire and the circumstances attending the same.

(ii) For the purpose of such enquiry the Chairman shall have and may exercise all the statutory and other powers which shall for the time being be vested in and exercisable by a Magistrate of the First Class for summoning and enforcing the attendance of witnesses, for administering oaths or affirmations to such witnesses, and for compelling such witnesses to answer all reasonable and proper questions relative to the matters which are the subject of such enquiry.

(iii) The Chairman shall within seven days from the conclusion of such enquiry transmit to the ^{Prothonotary} ~~Prothonotary~~ of the State the depositions taken by him together with his finding as to the cause of the fire.

PART VI.

OBSTRUCTIONS AND NUISANCES.

Obstructions
in streets.

67. (i) Any person who—

(a) builds, erects, sets up or maintains or permits to be built, erected, set up or maintained any wall, fence, rail, post or any accumulation of any substance or other obstruction in any street or in any open arcade or verandah abutting on any street;

(b) except with the permission in writing of the Chairman covers over or obstructs any open drain, sewer or aqueduct along the side of any street;

(c) deposits or causes to be deposited any box, bale or package of merchandise or other article in or upon any street or in or upon any open arcade or verandah abutting on any street so as to prevent, hinder or delay the work of scavenging or to create obstruction or inconvenience to the public for a longer time than is reasonably necessary for loading or unloading such merchandise or article;

(d) causes or allows any carriage, cart or vehicle for the conveyance of persons or of goods or other articles to stand in any public road, except at such places as are appointed for such standing, for a longer time than is absolutely necessary to take up or set down any person or to load or unload any goods or other articles or to collect hire;

shall be guilty of causing an obstruction and liable to a fine of one hundred dollars.

(ii) If it is shown in any case that any box, bale or package of merchandise or other article has been deposited from any holding in contravention of this section in or upon any street or in or upon any open arcade or verandah abutting on any street it shall be presumed that the offence was committed by or by the permission of the occupier of such holding.

68. (i) The Chairman may remove or cause to be removed any such obstruction to a suitable place there to remain at the risk of the owner and person offending, and may detain the same there until the expenses of removal and detention are paid, provided that such power of removal shall be exercised only in regard to such streets as the Board may, with the approval of the Resident, prescribe and in the presence of such officer of the Board as the Chairman may nominate for that purpose.

Removal of obstructions.

(ii) If at the expiration of seven days from the date of removal the expenses of removal and detention shall not have been paid the matter that has been removed shall be sold by public auction or otherwise as the Chairman may direct.

(iii) The proceeds of sale, less expenses, shall if duly claimed be paid to the owner of the matter removed, but if such proceeds are not claimed within three months of the sale they shall become the property of the Government.

69. No person shall erect or maintain or permit to be erected or maintained any obstruction in or over any back-lane, and the Chairman may where any such obstruction exists take down and remove the same.

Obstructions in back-lanes.

70. (i) The Chairman may give notice in writing to the owner or occupier of any holding to remove or alter any projection, encroachment or obstruction which has been or may be erected or placed against or in front of any building on such holding if such projection, encroachment or obstruction overhangs or juts into or in any way projects into or encroaches upon or is an obstruction to the safe and convenient passage along any public street, or obstructs or projects or encroaches into or upon any aqueduct, drain or sewer in such street.

Projections and encroachments may be removed.

(ii) Such owner or occupier shall within fourteen days after the service of such notice upon him remove such projection, encroachment or obstruction, or alter the same in such manner as is therein directed; provided that if such projection, encroachment or obstruction has been lawfully made the expenses of removal or alteration thereof shall be borne by the Government.

(iii) No such projection, encroachment or obstruction shall be deemed to have been lawfully made unless the same was made before the holding was included within a Sanitary Board area or with the permission of the Chairman for the time being, and the onus of proof shall lie on the person asserting that the same was lawfully made.

Permission to erect projecting verandahs, etc.

71. (i) The Chairman may give permission in writing to the owner or occupier of any holding abutting on a public street to put up upon any building on such holding open verandahs, balconies, sunshades, weather frames, sign boards and the like to project over the street.

(ii) Any such permission may be withdrawn at any time.

(iii) After the withdrawal of any such permission the Chairman may give notice in writing to such owner or occupier to remove or alter any verandah, balcony, sunshade, weather frame, sign board or the like to which such permission related, and the said owner or occupier shall within fourteen days of the service of the notice carry out the work therein directed to be performed.

Deposit on street of building materials.

72. (i) No person shall deposit any building materials on or make a hole in any street without the permission in writing of the Chairman.

(ii) When such permission is granted to any person he shall cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed or the hole filled up or otherwise made secure to the satisfaction of the Chairman and shall cause the same to be sufficiently lighted during the night.

(iii) If any person—

(a) deposits materials or makes a hole without such permission;

(b) does not fence or enclose and light such materials or hole;

(c) does not remove such materials or fill up such hole or otherwise make it secure in the manner aforesaid when notice that the permission is withdrawn has been served upon him,

he shall be liable to a fine of fifty dollars and to a further fine of fifty dollars for every day during which the offence is continued, and the Chairman may cause such materials or hole to be fenced, enclosed and lighted and recover the expenses from such person.

Dangerous places to be repaired or enclosed.

73. (i) If any building, tank, well, hole or other place is for want of sufficient repair, protection or enclosure or from any other cause, in the opinion of the Board, dangerous to the public the Chairman may give notice in writing to the owner thereof to repair, protect or enclose the same forthwith so as to prevent danger therefrom.

(ii) Any owner who fails without reasonable cause to comply with such notice shall be liable to a fine of two hundred and fifty dollars.

Hedges and trees to be trimmed.

74. The Chairman may by notice require the owner or occupier of any holding to trim or prune the hedges thereof bordering any public street so that they do not exceed seven feet in height from the level of the street and in the case of hedges within fifteen yards of a corner four feet from the level of the street, and to cut and trim all trees overhanging any public street so that they do not injure the same or annoy the passengers thereon.

Depositing refuse on street or State land.

75. (i) Any person who—

(a) deposits or permits his servants or other persons, whether employed by him or not, to deposit any dust, dirt, dung,

ashes, garden, stable or trade refuse or filth of any kind or any animal matter or any broken glass or earthenware or waste paper or other rubbish in any street or upon any State land or land reserved for a public purpose except in such places, in such manner and at such hours as are fixed by the Chairman;

- (b) causes or allows the water of any sink or drain or any other offensive liquid matter belonging to him or being on his holding to run, drain or be thrown or put upon any street;
- (c) causes or allows any offensive matter from any sewer, latrine or cesspool to run, drain or be thrown into a surface drain,

shall be liable to a fine of twenty-five dollars.

(ii) If in any case it is shewn that any dust or other substance in this section mentioned has been deposited on any place in contravention of this section from any holding, or that any such water or any offensive matter has run, drained or been thrown or put upon or into any street or drain from any holding it shall be presumed that the offence was committed by or by the permission of the occupier of such holding. Presumption.

76. (i) If any building or anything affixed thereto is in a ruinous state, likely to fall or in any way dangerous to the inhabitants or occupiers of such building or to any neighbouring buildings or to the inhabitants or occupiers thereof or to passengers it shall be deemed a nuisance and shall be liable to be dealt with under this Enactment. Buildings in ruinous or dangerous state.

(ii) The Chairman may immediately, if it appears to him to be necessary, cause a proper hoarding or fence to be put up for the protection of passengers or take such other steps as appear to him necessary to render such building secure, or may demolish such building, and the expenses thereby incurred shall be paid by the owner of the building.

77. (i) Within any Sanitary Board area the Chairman shall take steps to remove, put down and abate all nuisances of a public nature on public or private premises which may tend either to injure the health or to affect in any way the safety or rights of the public, and shall if need be proceed against any person committing any such nuisance for the abatement thereof and for damages. Nuisances to be abated. 2 of 1932.

(ii) When anything declared to be a nuisance under Section 78 is also the subject of or included in any by-law in force for the time being the Chairman may at his option either take proceedings under this Part or take proceedings in respect of the contravention of the by-law, but shall not do both.

78. For the purposes of this Part—

- (a) any building or part thereof of such a construction or in such a state as to be a nuisance or injurious or dangerous to health; Nuisances liable to be dealt with summarily.

Prohibition
order.

(iv) A prohibition order may prohibit the recurrence of a nuisance.

(v) An abatement order or prohibition order shall, if the person on whom the order is made so requires or if the Magistrate considers it desirable, specify the works to be executed by such person for the purpose of abating or preventing the recurrence of the nuisance.

Closing order.

(vi) A closing order may prohibit a dwelling-house from being used for human habitation.

(vii) A closing order shall only be made where it is proved to the satisfaction of the Magistrate that by reason of a nuisance a dwelling-house is unfit for human habitation, and if such proof is given the Magistrate shall make a closing order and may in addition impose a fine of two hundred dollars.

(viii) A Magistrate when satisfied that the dwelling-house has been rendered fit for human habitation may cancel the closing order.

(ix) A Magistrate making any order under this section may require any person on whom any order is made to pay all costs and expenses incurred by the Chairman in obtaining the order.

(x) A summons and an order under this section may be respectively in Forms G and H in the Schedule.

Penalty for
not comply-
ing with
order.

81. (i) Any person who fails to comply with the provisions of a nuisance order with respect to the abatement of a nuisance shall, unless he satisfies the Magistrate that he has used all due diligence to carry out such order, be liable to a fine of ten dollars for every day during which such default continues.

(ii) Any person who knowingly and wilfully acts contrary to a prohibition order or closing order shall be liable to a fine of twenty dollars for every day during which such contrary action continues.

(iii) In either of the cases mentioned in sub-sections (i) and (ii) the Chairman may be authorised by the Magistrate by whom the nuisance order was made to enter on the holding to which the nuisance order relates and abate or remove the nuisance and do whatever is necessary in execution of such order, and the expenses thereby incurred shall be paid by the person in default.

Ejection
after closing
order.

82. (i) Where a closing order has been made with respect to any dwelling-house the Chairman shall serve notice of the order on every occupier of the dwelling-house and within such period as is specified in the notice, not being less than seven days after the service thereof, the order shall be obeyed by him and he and his family shall cease to inhabit the dwelling-house, and in default he shall be liable to a fine not exceeding ten dollars a day during his disobedience to the order, and a Magistrate shall, upon application by the Chairman, make a summary order for his ejection and the same may be carried into effect by any police officer not below the rank of Sergeant.

(ii) The owner of such dwelling-house shall make to every tenant whose tenancy has not been lawfully determined such reasonable

allowance on account of his expenses in removing as a Magistrate may allow or order, and such allowance may be recovered in the manner provided in Section 23.

83. (i) Where a closing order has been made in respect of any dwelling-house and has not been cancelled by a subsequent order, if in the opinion of the Board—

Demolition order.

- (a) the dwelling-house has not been rendered fit for human habitation;
- (b) the necessary steps are not being taken with all due diligence to render it so fit; and
- (c) the continuance of any building being or being a part of the dwelling-house is dangerous or injurious to the health of the public or of the inhabitants of the neighbouring dwelling-houses,

the Chairman may make a complaint to a Magistrate and such Magistrate after hearing the complaint may make on the owner a summary order for the demolition of such dwelling-house within a time specified in the order.

(ii) The order may also contain a direction that the materials of the building or any part of such materials shall be destroyed.

84. (i) Where an order for the demolition of a building has been made the owner thereof shall within the time mentioned in such order take down and remove the building and if the order for demolition so directs and to the extent therein mentioned destroy the materials thereof.

Execution of demolition order.

(ii) If the owner fails therein the Chairman shall proceed to take down and remove such building and if necessary destroy the materials, and may recover the costs of such work from the owner.

85. (i) If it appears to a Magistrate on the application of any owner of such dwelling-house that default is being made in the execution of any works required to be executed on any dwelling-house in respect of which a closing order has been made or in the demolition of any building or any dwelling-house and that the interests of the applicant will be prejudiced by such default and that it is just to make the order, the Magistrate may make an order empowering the applicant forthwith to enter on the dwelling-house and within the time fixed by the order to execute the said works or to demolish the building.

Order for entry by owner.

(ii) A Magistrate may at any time by order enlarge the time allowed under any order for the execution of any works or the demolition of a building.

Enlargement of time.

(iii) Before any order is made under this section notice of the application shall be given to the Chairman.

(iv) Any person being the occupier of any dwelling-house who prevents or resists the entry or execution of any works or demolition of any building by an owner empowered for that purpose under

sub-section (i) shall be liable on conviction to a fine of five hundred dollars.

Remedies for breach of contract not prejudiced.

86. (i) Nothing in this Part shall prejudice or interfere with the rights or remedies of any owner for the breach, non-observance or non-performance of any agreement or contract entered into by a tenant or lessee in respect of which an order is made under this Part.

(ii) If any owner is obliged to take possession of any dwelling-house in order to comply with any such order the taking possession shall not affect his right to avail himself of any such breach, non-observance or non-performance that has occurred prior to his so taking possession.

Ex parte order in case of urgency.

87. (i) If in any case in which a Magistrate has jurisdiction to make a nuisance order such Magistrate is of opinion that the matter complained of is injurious or dangerous to health or safety and that the immediate abatement thereof or work sought to be done will not cause any injury which cannot be compensated for by damages, such Magistrate may by an *ex parte* order authorise the Chairman immediately to abate the nuisance or do the work sought to be done.

(ii) If the Chairman so abate the nuisance and the application for a nuisance order is subsequently refused the cost of such abatement or work and the damages, if any, sustained thereby by any person shall be paid by the Government, but if the nuisance order is granted the Chairman may recover the cost of the abatement or work.

Appeals.
2 of 1932.

88. (i) An appeal may be brought against a nuisance order or against any refusal to make a nuisance order in the manner provided by Chapter XXX of the Criminal Procedure Code, provided that no appeal shall lie unless the order made or refused is or includes a prohibition or closing order or requires the execution of structural works.

(ii) No appeal against a refusal to make an order shall be brought except by or with the written sanction of the Chairman.

(iii) In any appeal against a nuisance order the Chairman shall be the respondent.

PART VII.

STREETS AND BUILDINGS.

BUILDINGS.

Matters which may be regulated by building by-laws.

89. (i) The powers hereinbefore given to the Board to make by-laws for the regulation of buildings and building operations, and with respect to the prohibition of the erection of buildings of a particular class, design and appearance in particular districts, localities or streets or portions of streets within the Sanitary Board limits, hereinafter called the building by-laws, shall include the power to make by-laws in respect of all or any of the following matters—

(a) the submission of plans and specifications including block or site plans, and the fees to be paid on such submission;

- (b) the authorisation of persons qualified to submit plans and specifications, and the nature or classification of plans and specifications which each such person may submit;
- (c) the foundation of buildings and the mode of pavement;
- (d) the drainage of buildings, including the provision of rain-water, sullage, waste and soil pipes;
- (e) the provision of light and air to rooms or cubicles, if any, and other parts of buildings;
- (f) the size and dimensions of any room or cubicle in a building;
- (g) the mode in which the open space required to be left under Section 100 shall be situated and arranged;
- (h) the formation and enclosure of back yards, including the materials and height of the wall separating them from any street or back yard, and the means of communication between the street or back-lane and the back yards;
- (i) the prevention of damp in buildings;
- (j) the stability of structure and quality of materials to be used in buildings and the tests to be applied thereto;
- (k) security against fire and, in the case of places of public resort, the means of ingress and egress in case of fire or accident;
- 6227/25 (KK) ← (l) the construction, width and level of arcades or pavements for the use of foot passengers along that part of any building which abuts on a street;
- (m) the supply of sufficient latrine and urinal, bath-room and kitchen accommodation, and enforcing the adoption of any particular type of latrine, closet or urinal approved by the Board;
- (n) the rounding off of corners when buildings are erected;
- (o) the provision of satisfactory approaches to buildings;
- (p) the prohibition of occupation of any building until a certificate of fitness for occupation has been given by the Board;
- (q) the construction and number of cubicles in buildings;
- (r) the construction of roofs;
- (s) the width and construction of stairs and passages.

(ii) Nothing in this section shall in any way restrict the generality of the powers conferred on the Board by Section 16 but such powers shall extend to all matters, whether similar or not to those in this section mentioned, as to which it is expedient to make by-laws for the regulation of building and building operations or the prohibition of the erection of buildings of a particular class, design and appearance.

90. (i) Every person intending to erect or re-erect any building shall submit to the Board plans and specifications of the proposed building prepared in accordance with this Enactment and the building by-laws.

Notice of new buildings.

Board
may give
directions.

(ii) The Chairman may give written directions to the person submitting a plan and specification with regard to any of the following particulars—

- (a) compliance with this Enactment and the building by-laws;
- (b) the site of any building and the space to be left about any building to secure free admission of light and circulation of air and to facilitate scavenging in addition to the open space referred to in Section 100;
- (c) the levels at which the foundation and lowest floor are to be laid;
- (d) the raising of the level of the site to form a stable and healthy foundation and the materials to be used in raising the same;
- (e) the line of frontage with neighbouring buildings, if the building abuts on or is within fifty feet of a public street;
- (f) the front elevation, and where the side elevation abuts on or is within fifty feet of a public street the side elevation;
- (g) the setting forward or back of buildings to the regular line of the street as hereinafter defined;
- (h) the class, design and appearance of the building when the building is to be erected in a district, locality or street in which only buildings of a certain class, design or appearance may be erected;
- (i) the provision of a sufficient and pure water supply within a reasonable distance of the building;

Obedience to
directions.

(iii) The person to whom any written directions are so given shall amend the plan and specification accordingly.

Buildings
directed to be
set forward.

(iv) Where a building is directed to be set forward to the regular line of the street, it shall be a sufficient compliance with such direction if a wall or fence of such materials or dimensions as are approved by the Board is erected along the line.

Compensation
where build-
ing directed
to be set back.

(v) If the Chairman directs any person submitting the plan of a building to set such building back to the regular line of the street, compensation shall be paid to him in accordance with Section 106, but no compensation shall be made in respect of any land required for the purpose of an arcade or pavement for the use of passengers or for any approach or for rounding off of corners.

Notice of
commence-
ment or
resumption of
building
operations.

91. (i) No person shall commence any building operations involving the erection or re-erection of a building or, in the case of any operations the progress whereof has been suspended for a period exceeding three months, resume any such building operations unless—

- (a) he has given to the Board four days' notice of his intention to commence or resume such operations with particulars of the intended works; and
- (b) a plan and specification of the building have been approved by the Board within one year before the date of the notice.

Provisions
in the
case of

(ii) Where any building operations have been commenced on any land and the building not being completed work thereon has been

suspended for a period of three months, the Chairman may, unless the owner satisfies him that the building is being efficiently watched, by notice in writing require the owner of the land whereon such building operations have been commenced to close up, within such time as is stated in such notice, such building so as to prevent access thereinto by any person, and, if he thinks it desirable may specify any works to be executed for that purpose.

suspension of building operations.

(iii) Any owner who fails to comply with the requirements of such notice shall be liable to a fine not exceeding ten dollars for each day during which such non-compliance continues, and the Chairman may cause the work to be done, and the owner shall pay the cost and expense thereof.

Penalty.

91 A - - - - - No person shall commence or - - - - -

A289/75

92. Any person who

habits.

- (a) commences or resumes building operations in contravention of Section 91;
- (b) deviates from any plan or specification approved by the Board without its written permission;
- (c) executes any building operation in contravention of any of the provisions of this Enactment or of any of the building by-laws; or
- (d) fails to comply with any lawful order or written direction of the Board;

shall be liable to a fine of three hundred dollars and to a daily fine of ten dollars for every day on which the offence is continued after conviction, and a Magistrate may, on the application of the Chairman, make an order requiring such person to alter in any way or demolish the building.

92 A 292 B - - - - - A289/75

93. (i) A person shall be deemed to erect a building who

What constitutes erecting a building.

- (a) begins work on a new building;
- (b) adds to or alters any existing building in such a manner as to involve
 - (1) new foundations; or
 - (2) new or partly new or increased superstructure on existing foundations;
- (c) converts into a dwelling-house any building not originally constructed for human habitation;
- (d) converts into more than one dwelling-house a building originally constructed as one dwelling-house;
- (e) converts to other purposes a house originally constructed as a dwelling-house;
- (f) departs either before or after the completion of the building in any particular from any plan or specification approved by the Board at any time in respect of such building;
- (g) infringes the provisions of this Enactment as to buildings or of the building by-laws; or

(h) renews or repairs any existing building in such a manner as to involve a renewal, reconstruction or re-erection of any portion of any outer or party wall to the extent of one storey in height, whatever the material of such outer or party wall is.

Owner liable. (i) Where any building operations are commenced or carried out in respect of any building they shall be deemed to have been commenced or carried out by the owner of the holding whereon such building is erected, and he shall be liable therefor.

Requisition not delivered within two months. 94. If the Board does not, within two calendar months after the submission of plans, approve such plans or make written requisition with regard thereto the person submitting the plan may apply to the Resident and the powers vested in the Board with regard to such plans shall vest in the Resident.

Land to be set apart for back-lane. 95. (i) A Sanitary Board shall not approve the plan of any domestic building unless

(a) the open space, if any, required to be left under Section 100 is shown to abut on a back-lane of such width not exceeding twenty feet, as is required by the Board; or unless

(b) the person submitting his plan surrenders to the State a strip of his land sufficient together with other land, if any, available for such purpose to form a back-lane of such width, not exceeding twenty feet, as is required by the Board.

Where ventilation otherwise provided for. (ii) Where in any particular case it is shown to the satisfaction of a Sanitary Board that ventilation and conservancy are otherwise sufficiently and permanently provided for, the Board may approve a plan notwithstanding that the conditions of sub-section (i) have not been complied with.

Situation of back-lane. 96. The back-lane shall, where a Sanitary Board so requires, be situated so as to conform with such line as is laid down therefor by the Board, and so as to communicate at each end thereof with the land surrendered for a back-lane by the owners of the properties on each side thereof or laid out as a back-lane, and the same shall wherever possible open upon public streets at both ends, and shall in all cases be free from obstruction throughout.

Non-approval of plan where building site does not abut on land available as a back-lane. 97. Where upon the submission of a plan of any domestic building for the approval of a Sanitary Board, it appears that the site thereof does not abut upon any land so situated as to be capable of being surrendered for or laid out as a back-lane in conformity with the line laid down by the Board therefor, the Board may refuse to approve the plan until the land situate between the site of the domestic building and the line of the back-lane or intended back-lane immediately opposite such site has been acquired and added to the holding in respect whereof the plan has been submitted, and the person submitting the plan has reimbursed the State for the cost of such acquisition.

98. Where in any such case as is referred to in the last preceding section the person submitting the plan so requests, the ~~President~~ ^{Resident} may acquire the land situate between the site of the domestic building and the line of the back-lane or intended back-lane immediately opposite such site for the purpose of the same being added to the holding in respect whereof the plan has been submitted.

Acquisition of land between building site and line of back-lane. R.M. 1/10

99. In cases where the surrender would cause a severance of land belonging to the owner from other land forming part of the same holding and the lesser portion of the land so severed has been rendered useless as a building site on account of the severance, the ~~President~~ ^{Resident} shall, if the owner so requires, acquire such lesser portion.

Compensation in special cases.

100. (i) Every building which any person intends to erect or re-erect for the purpose of being used wholly or in part as a domestic building shall, unless the Board is of opinion that in any particular case air space is otherwise sufficiently and permanently provided for have directly attached thereto an open space exclusively belonging thereto.

Open spaces to be provided. 2 of 1934.

(ii) Such open space exclusive of party or external walls shall be not less than one half of the area covered by the building.

(iii) In calculating the open space such latrines, bathing places and cooking places as are deemed necessary by the Board for the use of the inhabitants of the building and do not exceed in height the level of the ground floor storey shall be reckoned as neutral, and half the area of that portion of the back-lane, if any, provided in accordance with this Part immediately opposite the building shall be deemed to be included, but no space occupied by air wells shall be reckoned in calculating any open space.

(iv) Any person aggrieved by a direction of the Board with regard to the situation and arrangement of the open space required to be left in any respect not specially provided for by the building by-laws may within fourteen days appeal to the Resident whose decision shall be final.

(v) Nothing in this section contained shall be deemed to invalidate any by-law requiring the provision of a larger open space than the minimum herein prescribed.

(vi) No compensation shall be payable in respect of any land not built on by reason of the provisions of this section.

101. For the purposes of Sections 95 and 100 "a domestic building" shall be deemed to include a dwelling-house, offices or other outbuildings appurtenant to a dwelling-house, whether attached thereto or not, and a shop, workshop or factory and a school and any other building used, constructed or adapted to be used for human habitation in whole or in part.

Meaning of domestic building.

102. (i) Wherever any open space has been provided in connection with any building in pursuance of this Enactment or of any former

Open space not to be altered or roofed.

Sanitary Board Enactment or of the building by-laws it shall not be lawful

- (a) to make any alteration in such open space;
- (b) to roof over any portion thereof so as to diminish the area of such open space.

Penalties.

(i) Any person who acts in contravention of this section shall be liable to a fine not exceeding one hundred dollars, and a Magistrate may, on the application of the Chairman, make an order against such person requiring him to remove any such alteration or roof or otherwise to do such works as will make the open space conform to this Enactment and the building by-laws.

Alteration in use of building other than domestic building.

103. (i) No person shall use or knowingly permit to be used for the purposes of human habitation any building originally constructed for use otherwise than as a domestic building.

Provided that—

- (a) any such building may be used for the purposes of habitation by not more than two persons placed therein to take care thereof; and
- (b) if such building is in all respects in accordance with the law for the time being in force regarding domestic buildings, and if such part of the building as is intended to be used as a domestic building has undergone such structural alterations, if any, as are necessary in the opinion of the Board to render it fit for that purpose, the same may be used as a domestic building.

(ii) Any person who offends against this section shall be liable to a fine of one hundred dollars and to a further fine of ten dollars for every day during which the offence is continued.

Alteration in use of dwelling house.

104. (i) No person shall use or knowingly permit to be used, any building originally constructed for a dwelling-house for any purpose other than a dwelling-house, office, counting-house or shop without the sanction of the Board; and the Board may give its sanction subject to such conditions as it thinks fit.

(ii) Any person who offends against this section shall be liable to a fine of one hundred dollars and to a further fine of ten dollars for every day during which the offence is continued.

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Erection of galleries, lofts, etc., prohibited.

105. (i) No person shall erect or cause or permit to be erected in any house any partition, compartment, gallery, loft, roof, ceiling or other structure without having previously obtained the consent in writing of the Chairman.

(ii) In every case the owner of the house shall be deemed to have permitted such erection until the contrary is proved.

(iii) Any person who acts in contravention of this section shall be liable to a fine of twenty-five dollars, and to a further fine of ten dollars

for each day after conviction during which such erection is allowed to remain.

(vi) The Chairman may cause to be removed any structure which has been erected after the commencement of this Enactment without his consent in writing, and may recover the expenses incurred by such removal from the owner of the house. *G. N. 1095/20*

REGULAR LINE OF STREET.

106. (i) The Board may, with the sanction of the ^{holder in} Resident, prescribe a line on each side of a public street within which no building abutting on the said street shall after such line has been prescribed be constructed. *and any such sanction shall be published in the Gazette.* *de of 1915* "Regular line of street" may be prescribed.

(ii) A line so prescribed shall be called the "regular line of the street."

(iii) When any building or any part thereof within the regular line of the street falls down or is burned down or is taken down, whether under the provisions of Section 90 or otherwise, the Chairman may at once on behalf of the Ruler of the State take possession of the portion of land within the regular line of the street theretofore occupied by the said building and if necessary clear the same. Board in certain cases may take possession of land within regular line.

(iv) If any land whether open or enclosed lies within the regular line of the street and is not occupied by a house, or if a platform, verandah, step or some other structure external to a house abutting on a public street, or a portion of a platform, verandah, step or other such structure is within the regular line of the street, the Chairman may, after giving to the owner of the land or building not less than fourteen clear days' written notice of his intention so to do, on behalf of the Ruler of the State take possession of the said land with its enclosing wall, hedge or fence, if any, or of the said platform, verandah, step or other structure as aforesaid, or of the portion of the said platform, verandah, step or other such structure as aforesaid, and if necessary clear the same.

(v) When possession is taken of any land under this section the Chairman shall cause a plan of such land to be prepared and shall by writing under his hand declare that he has taken possession of the land shewn in such plan, and shall send such plan and such writing to the Collector of Land Revenue.

(vi) The land comprised in such plan shall be deemed to have been acquired for a public purpose, and the provisions of the Land Acquisition Enactment shall apply to such acquisition, the date of the Chairman's declaration under sub-section (v) being substituted for the publication of the declaration under Section 6 of that Enactment.

PRIVATE STREETS.

107. (i) No building shall be constructed in any new private street until plans for such new street have been approved by the Board. Plans for new street.

(ii) Every person who intends to make or lay out any new street shall give notice in writing thereof to the Board, accompanied by a

plan in duplicate, showing the intended level and construction of such street, and the level of the houses to be built abutting upon it, and the proposed manner of draining it, in order that the same may be approved or disapproved by the Board.

(iii) The Chairman ^{shall} ~~may~~ give written directions to the person submitting the plan for a new street with regard to any of the following particulars:

(a) compliance with this Enactment and any by-laws made thereunder;

(b) the line of the new street, so as to ensure that it forms a continuous street with any existing street specified by the Board;

(c) the level of the new street;

(d) the provision along the length of the new street of intersecting roads or back-lanes as the Board directs;

(e) the width of the new street, which shall be at least 40 feet inclusive of the space occupied by drains;

(f) the width of any intersecting road or back-lane required by the Board under paragraph (d), which shall be of such width, not exceeding 20 feet in the case of a back-lane, as the Board requires;

(g) the mode of drainage of the new street and of any intersecting roads or back-lanes;

(h) the rounding of the corners of new streets.

(iv) The person to whom any written directions are given shall amend the plan accordingly.

(v) When a plan has been approved under this section the Board shall inform the Collector of Land Revenue who shall cause the boundaries of such street, as far as it lies within the holding of the person whose plan has been approved, to be surveyed and demarcated by such boundary marks as he considers sufficient to denote the width, length and alignment of the street.

(vi) The actual cost of such survey if not paid within three months may be recovered from the person whose plan has been approved in the manner provided by this Enactment for the recovery of unpaid rates.

(vii) Any person who

(a) makes or lays out any new street, otherwise than in accordance with a plan approved by the Board under this section; or

(b) erects any building abutting on a new street which has not been laid out in accordance with a plan so approved; or

(c) erects any building or plants any hedge in such manner that any part thereof is, without the consent in writing of the Board, in any direction less than 20 feet from the centre, or less than 40 feet from the opposite side of any street approved under this section, shall be liable to a fine of two hundred and fifty dollars, and a Magistrate of the First Class may, on the

application of the Chairman, make an order against the offender requiring him to execute any of the following works:

- (1) to alter the street, or
- (2) to alter any building so built, or
- (3) to remove any building so built or any hedge so planted.

(viii) No person shall erect or maintain or permit to be erected or maintained any obstruction in any street made or laid out under this section which will close or partially close such street at either end or at any other part thereof and the Chairman may, where any such obstruction exists, take down and remove the same.

(ix) If the person giving a notice under sub-section (ii) is dissatisfied with any requisition or disapproval by the Board, he may within fourteen days from the receipt of such requisition or disapproval appeal to the Resident ^{Chairman} whose decision shall be final.

(x) If the Board does not within two months from the delivery of a notice and plan under this section approve such plan or make written requisition with regard thereto, the person who has given the notice may apply to the Resident ^{Chairman} and the powers vested in the Board under this section shall then vest in the Resident.

108. (i) Where any private street or any part thereof is in a dangerous or defective condition, the Chairman may, by notice in writing, require the owners of all holdings abutting on such street and having access or right of access thereto from such holdings to cause such street to be properly repaired and amended within such time as is stated in such notice. Repair of private streets.

(ii) If such owners fail to comply with the requirements of such notice, the Chairman may cause the work to be done and the owners shall pay the cost and expense thereof in such proportions as are settled by the Chairman or, in case of dispute, as are settled in manner provided in Section 23.

109. (i) The Resident if he is satisfied that any private street

(a) is not less than 40 feet wide, and

(b) has been levelled, metalled, channelled, drained, kerbed, flagged, paved or tarred to the satisfaction of the Board

may upon the recommendation of the Board by notification in the Gazette declare such private street to be a public street. Taking over of private street.

(ii) Before any such declaration is published the Chairman shall cause such street to be surveyed and a plan thereof prepared.

(iii) Upon the publication of such notification the land comprised in the plan shall be deemed to be surrendered to and shall vest in the Ruler of the State, and the street shall become a public street.

(iv) As soon as may be after the publication of such notification the Chairman shall send the plan together with a copy of such notification to the Collector of Land Revenue.

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(v) The Collector of Land Revenue shall thereupon require the delivery to him of the issue document of title to any land included in such plan.

(vi) Where the whole of the land comprised in any document of title is included in such plan the Collector of Land Revenue shall

(a) if the issue document of title is an extract from the mukim register cancel the same together with the corresponding entry in the mukim register; or

(b) if the issue document of title is a grant or lease of State land or certificate of title forward the same to the Registrar of Titles who shall cancel the same together with the corresponding register document of title.

(vii) Where a portion only of the land comprised in any document of title is included in such plan the Collector of Land Revenue shall cause new documents of title to be prepared in respect of the surrendered and unsundered portions of the land, and shall register the same or forward the same to the Registrar of Titles for registration.

(viii) Upon registration of such new titles the Collector of Land Revenue or Registrar of Titles, as the case may be, shall cancel the register and issue documents of title to the surrendered portion of the land.

Making up of private street.

110. (i) If any private street not less than 40 feet in width, or any part of such street, is not levelled, metalled, channelled, drained, kerbed, flagged, paved or tarred to the satisfaction of the Board the Chairman may by notice in writing to the respective owners of the holdings fronting, adjoining or abutting upon such street, or upon such part thereof, require them to do any one or more of the following works, that is to say to level, metal, channel, drain, kerb, flag, pave or tar such street or such part thereof.

(ii) Such notice shall state a date by which such works are to be commenced and the time within which they are to be completed.

(iii) The notice prescribed by sub-section (i) may also, if the Board thinks fit, be served upon the owner of any holding from which there is access to such street, or such part thereof, and which in the opinion of the Board will be benefited by the works.

(iv) If such works are not commenced by the date stated in the notice, or being commenced are thereafter suspended, or are uncompleted within the time stated in the notice the Chairman may cause the same to be executed.

(v) For this purpose the Chairman shall cause to be prepared a plan and specifications of the works, an estimate of the cost and an apportionment of the cost among all those persons upon whom notice has been served under sub-section (i). If the Government decides to bear any part of such cost the apportionment shall show what part of the cost and what part of the works (if any) the Government has decided to bear or pay for. The plan and specifications, estimate and appor-

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tionment shall be open to inspection during one month at the offices of the Board.

(vi) A notice shall be served on all those persons included in the apportionment stating that the plans and specifications, estimate and apportionment are open to inspection as aforesaid and naming a day, not less than one month from the date of such notice, upon which the Board will consider any objections to the plan and specifications, estimate and apportionment or any proposed amendment of the same.

(vii) Objections may be made in writing or orally, and after any objections have been enquired into and the objectors have been allowed an opportunity of being heard the Board may at its discretion confirm or amend the plan and specifications, or estimate or apportionment. No further objection shall be made to any such amendment.

(viii) The plan and specifications, estimate and apportionment shall be deposited in the offices of the Board and shall be open to public inspection during office hours, and a public notice that they are open to inspection shall forthwith be published.

(ix) The cost of the execution of the said works shall be paid by the persons who are the owners when the work is completed according to the apportionment made as aforesaid; provided that if the cost of the execution of the works exceed the estimate the owners shall not be liable to pay that part of the cost which is in excess of a sum equal to the said estimates and ten per centum thereof.

111. (i). When any private street is less than 40 feet wide the Resident may on the recommendation of the Board acquire such land as is necessary to widen such street to a width of not less than 40 feet.

Widening of
private street.
36 of 1933.

(ii) Such acquisition shall be made as provided by the Land Acquisition Enactment, subject to the special provisions as to compensation hereinafter contained.

(iii) When the acquisition of land on which a portion of a building is situate renders the remainder of such building useless the land on which the remainder of such building and its appurtenances is situate shall, if the owner so requires, be acquired and compensation paid therefor in accordance with sub-section (v).

(iv) When the acquisition of any land would render useless as a building site the whole or any part of the remainder of a holding such whole or such part shall, if the owner so requires, be acquired and compensation paid therefor in accordance with sub-section (v).

(v) Compensation shall be paid in accordance with the following provisions—

(a) Where the whole of a holding is acquired compensation shall be paid for the whole of such holding.

(b) Where the land acquired is vacant or there are no buildings other than an enclosing wall, hedge, paling, gateway or fence on the land acquired, compensation shall be paid only for land acquired lying beyond a distance of 20 feet from the

centre of the street existing at the date of the recommendation under sub-section (i), and no compensation shall be payable in respect of severance. The Chairman shall in such case cause such wall, hedge, paling, gateway or fence to be set back to the boundary of the land acquired.

(c) Where there are buildings on the land acquired compensation shall be paid for such land and buildings, provided that in the ascertainment of such compensation the value of all land lying within a distance of 20 feet from the centre of the street existing at the date of the recommendation under sub-section (i) shall not be taken into account, and that no compensation for severance of land shall be payable where the whole of a building is acquired.

(d) In the case of a holding at the corner of such private street and another street where the frontage of the holding to such other street is of greater value per square foot than the frontage to the private street, compensation shall be paid for the whole of the land acquired to a depth not exceeding 100 feet from such other street.

Making up of widened street.

112. (i) When any private street has been widened in accordance with the preceding section the provisions of Section 110 shall be put in force for the purpose of making up such street.

Payment of cost of acquisition.

(ii) The cost of acquisition under Section 111 shall be apportioned among the same owners and in the same proportion as the cost of execution of the works, and shall be paid by such owners.

Private street to be declared public street.

113. When any private street has been made up under the provisions of Section 110 the Resident shall declare such private street to be a public street and the provisions of Section 109 shall apply to such declaration.

PUBLIC STREETS.

Widening of public street.

114. When any public street is less than 40 feet wide the Resident may on the recommendation of the Board acquire such land as is necessary to widen such street to a width of not less than 40 feet and the provisions of Section 111 shall apply to any such acquisition.

Contribution to cost of constructing public street.

115. (i) In the case of any public street constructed by the Government after the commencement of this Enactment it shall be lawful for the Resident to require the owner of any holding benefited by the construction of such street to contribute to the cost of such construction and of the acquisition of the land required for the same: provided that where a portion of any holding has been acquired under the provisions of the Land Acquisition Enactment for the construction of such street account may be taken of any deduction made under the provisions of Section 29 (i) (b) of that Enactment in determining the amount of the contribution to be required from the owner of such holding.

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Situation
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as a back-
lane.

(ii) The amount of the contribution shall be assessed with reference to the value of the holding before such construction and the benefit accruing from such construction: provided always that the amount of such contribution shall not exceed the difference between the improved value of the holding before such construction and the improved value thereof after the same.

(iii) The Board shall assess such contributions and the Chairman shall give notice of the amounts assessed and of the time or times at which payment shall be made, and shall afford to every person required to contribute all reasonable facilities for ascertaining the nature of the proposals in respect of which assessment is made.

(iv) Any person required to contribute may make objection to the Chairman in writing at any time not later than 21 days after the service upon him of the notice of assessment.

(v) Any objections shall be enquired into by the Board and the person making the objection shall be allowed an opportunity of being heard either in person or by authorised agent. When all objections have been heard and determined the amount of contribution and the times of payment shall be authenticated by the signature of two members of the Board.

(vi) Any person who having made an objection in manner provided above is dissatisfied with the decision of the Board may appeal in the manner provided by Section 44.

(vii) Any contribution duly imposed under this section shall be deemed to be a rate and may be recovered in the manner provided by this Enactment for the recovery of unpaid rates.

PART VIII.

TOWN IMPROVEMENT.

DRAINAGE WORKS.

116. In addition to the powers with regard to drains hereinbefore conferred upon him the Chairman may construct and maintain within a Sanitary Board area a system or systems of drainage for the removal of water from any holdings within the said area, and may fill up irregularities in the surface of any land and adjust such surface in the course of construction or maintenance of any such system.

Construction and maintenance of drainage system.

117. (i) The owner of any holding benefited by a system of drainage constructed under Section 116 may be required to contribute to the cost of such construction. The amount of his contribution shall be assessed with reference to the condition of his holding before such construction and the benefit accruing to him from such construction: provided always that the amount of such contribution shall not exceed the difference between the improved value of the holding before such construction and the improved value thereof after the same.

Contribution to cost of construction.

121. When any corner has been rounded off in accordance with Section 120 Rounding off corner.

- (a) all land formerly included in the holding which has by reason of such rounding off become part of the public streets shall be deemed to have been surrendered by the owner of such holding;
- (b) a new document of title for such holding, containing in such manner as to preserve their respective priorities memorials of all then existing registered interests to which the land may be subject, shall on his application be prepared and issued free of all charges to the owner of such holding in the place of his existing document of title. New title.

122. No notice shall be served under Section 120 if by reason of the consequent surrender of land such holding would thereby be rendered unsuitable for use as a building site. When notice may not be issued.

OBSTRUCTIVE BUILDINGS.

123. If the Health Officer finds that any building within a Sanitary Board area, whether by itself unfit for habitation or not, is so situate by reason of its proximity to or contact with other buildings that it causes one of the following effects: Representation by Health Officer.

- (a) it stops or impedes ventilation or otherwise makes, or conduces to make, such other buildings, or any part thereof, to be in a condition unfit for human habitation or dangerous or injurious to health; or
- (b) it prevents proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of with respect to such other buildings;

the Health Officer may represent to the Board the particulars relating to such first mentioned building hereinafter referred to as an "obstructive building," stating that in his opinion it is expedient that the obstructive building or any part thereof should be demolished.

124. (i) The Board on receiving any such representation as is in Section 123 mentioned, Board may recommend demolition.

- (a) shall cause a report to be made to it respecting the circumstances of the building and the cost of demolishing the building or part thereof and acquiring the land;
- (b) on receiving such report shall consider the same;
- (c) if it is of opinion that the obstructive building should be demolished shall cause a copy of the representation and the report to be given to the owner of the holding on which the obstructive building stands, with notice of a time and place at which any objection will be heard and considered.

(ii) The owner of the holding may attend and state his objections in person or by authorised agent, and after hearing such objections the Board may either allow the same or may recommend to the

Rule in Council
Resident that such holding be acquired and such obstructive building be demolished.

By Resident may acquire. Further hearing to be given.

Rule in Council
125. (i) The Resident on receipt of the recommendation of the Board may acquire such holding, provided that before taking any steps towards such acquisition he shall afford the owner of the holding an opportunity of being heard in person or by authorised agent in objection to such acquisition. At any such hearing the Chairman may attend and be heard on behalf of the Board.

By (ii) The decision of the Resident on any such hearing shall be final.

Owner may retain land on demolition of building.

Rule in Council
126. (i) The owner of any holding which the Resident has decided to acquire in pursuance of Section 125 may within one month after notice of acquisition has been served upon him inform the Resident that he desires to retain such holding, and undertake either to demolish or to permit the demolition of the obstructive building or part thereof.

(ii) The owner may in such case be permitted to retain the holding and shall receive compensation for the demolition of the obstructive building or part thereof.

Site not to be built upon except as approved.

127. Where the owner retains the holding or any part thereof no building which will be an obstructive building within the meaning of Section 123 shall be erected upon such holding, and the Board shall not approve the plan of any building to be erected thereon which will be an obstructive building within the meaning of that section.

Apportioning of betterment.

128. (i) Where in the opinion of the Board the demolition of an obstructive building adds to the value of such other buildings as are in that behalf mentioned in Section 123 the Board may, after service of notice upon the owners of such other buildings and after giving them an opportunity of being heard, apportion among such owners so much of the compensation to be paid for the demolition of the obstructive building as may be equal to the increase in value of such other buildings.

(ii) Any person aggrieved by an apportionment under this section may appeal to the Resident, whose decision shall be final.

(iii) Every sum apportioned under this section shall be recoverable in the same manner and by the same process as a rate.

BACK-LANES.

Application to Resident.

129. (i) Where a Sanitary Board is of opinion that a back-lane with approaches thereto, if necessary, of a width not exceeding twenty feet should be laid out through any lands such Board may apply to the Resident to order that such back-lane should be laid out.

(ii) Before making any such application to the Resident the Board shall give notice of its intention so to do to the owner of every holding which, or a part of which, would be required for the laying

out of such back-lane, or would be served by such back-lane, and shall appoint a time and place at which any objection will be heard and considered. The owner of such holding may attend and state his objections in person or by authorised agent.

130. (i) On receipt of the application of the Board the ^{Ruler in Council} Resident shall afford the owners of all holdings concerned an opportunity of being heard in person or by authorised agent in opposition to the application. At any such hearing the Chairman may attend and be heard on behalf of the Board.

(ii) If after such hearing the ^{Ruler in Council} Resident orders a back-lane to be laid out the Chairman shall cause the boundaries of such back-lane to be surveyed and a plan to be made thereof.

131. (i) The ^{Ruler in Council} Resident shall acquire for the purpose of such back-lane

- (a) any holding lying wholly within such back-lane;
- (b) the whole of any holding lying partly within such back-lane where by reason of severance the remaining portion or portions of such holding would be rendered useless as a building site;
- (c) where by reason of severance one or more portions only of a holding are rendered useless as a building site, such portion or portions.

(ii) No compensation shall be allowed for severance on account of any acquisition under this section.

132. (i) The Resident may by notification in the *Gazette* declare that the land comprised in the plan is required for a back-lane, and order that such back-lane be laid out and constructed.

(ii) Upon the publication of the notification such land shall be deemed to be surrendered to and shall vest in the Ruler of the State.

(iii) As soon as may be after the publication of such notification the Chairman shall send the plan together with a copy of such notification to the Collector of Land Revenue, and the Collector of Land Revenue and Registrar of Titles shall thereupon take such action as is prescribed in Section 109.

133. The Chairman shall cause any building or part of a building within such back-lane to be set back to the boundary thereof, and shall cause the back part of any building to be reconstructed to such extent and in such manner as may be approved by the Resident.

134. (i) When any back-lane is formed the owner of every holding abutting thereon shall provide to the satisfaction of the Chairman a means of access and egress to and from his holding to such back-lane for the purpose of removing night soil.

(ii) If any owner fails to provide the same within a reasonable time the Chairman may enter upon such holding and do whatever is necessary to provide the same, and the owner shall pay to the Chairman the cost and expenses thereof.

Order by
Resident.

Land to be
acquired for
back-lane.

Declaration
that land is
required for
back-lane.

Chairman to
reconstruct
buildings, etc.

Means of
access to
back-lane to
be provided.

PART IX.

TOWN PLANNING.

Powers of Board.

135. Every Sanitary Board shall have power to prepare a general town plan in respect of the area for which it has been appointed or any part thereof.

Contents of general town plan.

136. (i) A general town plan (hereinafter referred to as a draft plan) may shew or make provision therein for

(a) streets, railways and other main communications;

(b) zones or districts set apart for use for residential, commercial, industrial, agricultural or other specified uses (hereinafter referred to as "zoning");

(c) reserves for Government purposes;

(d) parks, recreation grounds and similar open spaces.

(ii) The draft plan may consist of one or more plans drawn to such scale and reproduced in such manner as the Committee may determine.

Exhibition of draft.

137. A draft plan when prepared shall be open to public inspection for a period of three months. During such period the Board shall advertise once a week in a local newspaper and shall notify in each issue of the *Gazette* the place and hours at which such plan may be inspected.

Consideration of objections.

138. (i) Any person affected by the draft plan may within the said period of three months send to the Chairman a written statement of his objections to anything appearing in the draft plan.

(ii) Such written statement shall set out

(a) the nature of and reasons for the objection;

(b) if the objection would be removed by an alteration of the draft plan, any alteration proposed.

(iii) Any such written statement shall be considered at a meeting of the Board, of which the objector shall be advised, and the objector may attend and be heard in person or by advocate or by duly authorised agent or officer.

(iv) The Board may reject any objection in whole or in part or frame amendments of the draft plan to meet such objection. Notice of any amendment shall be served upon the registered proprietor of any land affected thereby.

(v) Any written objection to an amendment received within fourteen days after service of such notice upon the objector shall be considered at a meeting of the Board of which such objector and the objector (if any) upon whose objection such amendment was made shall be advised, and all the objectors may attend and be heard in person or by advocate or by a duly authorised agent or officer.

139. After consideration of all objections the Board shall submit the draft plan with or without amendments to the ^{Resident or Resident} Resident for his approval. They shall submit therewith

Submission of
draft plan to
Resident
Rule 2 Council

- (a) a schedule of the objections (if any) made under Section 138 and not withdrawn;
- (b) a schedule of the amendments (if any) framed by the Board with a view to meeting such objections.

140. (i) Upon submission of a draft plan the ^{Resident or Resident} Resident may

Powers of
Resident.

- (a) approve it;
- (b) refuse to approve it;
- (c) refer it to the Board for further consideration and amendment.

(ii) The ^{Resident or Resident} Resident may approve a draft plan notwithstanding that any requirements under the provisions of this Part applicable thereto have not been complied with.

(iii) A draft plan approved as aforesaid is hereinafter referred to as "an approved plan."

(iv) The ^{Resident or Resident} Resident may by notification in the *Gazette* correct any omission from or error in any approved plan.

(v) On such approval being given the approved plan shall be printed and a copy shall be permanently exhibited for public inspection at the offices of the Board, and the fact of such approval and exhibition shall be notified in the *Gazette*.

(vi) The Board shall supply a copy of the approved plan to any person on payment of such fee as the Board may determine.

141. If the Resident refuses to approve a draft plan such refusal shall be notified in the *Gazette*, but any such refusal shall be without prejudice to the preparation of a new draft plan and the submission of the same.

Refusal to
approve plan.

142. (i) Copies of the approved plan certified by the Chairman shall be deposited with the Collector of Land Revenue and the Registrar of Titles, and each such officer shall forthwith make an endorsement on the document of title registered in his office to the holding affected by the approved plan to the effect that such holding is subject to the conditions of the approved plan.

Deposit of
copies of plan.

(ii) The Collector or Registrar may, if he shall think fit, by notice in the prescribed form require any person in possession of an issue copy of a document of title to deliver the same to him for similar endorsement, and such person shall be legally bound to deliver the same within fourteen days from the service of such notice.

143. (i) Whenever it appears to the Board that any land is in process of development the Board may prepare a lay out shewing the streets, back-lanes and open spaces which it deems necessary to secure proper

Plan of lay
out of local
area.

sanitary conditions, amenity and convenience in connection with the laying out and the use of such land and of any neighbouring lands.

(ii) The provisions of Sections 137 to 141, both inclusive, shall apply to the preparation of such lay out.

(iii) When any such lay out has been approved it shall become part of the general town plan and a copy shall be deposited and endorsement made as provided in Section 142.

Amendment
or revocation
of approved
plan.

^{Local Council}
144. (i) The Resident may by notification in the Gazette

(a) amend an approved plan in whole or in part by the alteration or deletion of any provision or matter therein appearing or the addition of any provision thereto: provided that before any approved plan is so amended a Schedule of the proposed amendments shall be exhibited in the manner prescribed in Section 137 and objections thereto may be made and considered as provided in Section 138;

(b) revoke in whole or in part an approved plan by the approval of any subsequent draft plan prepared and submitted in accordance with this Enactment.

(ii) Any amendment to an approved plan shall be permanently exhibited in the manner provided by Section 140, and a copy thereof shall be deposited and endorsement made as provided in Section 142.

Effect of
approved
plan.

145. The Board ^{shall} may refuse to approve the plan of any new building or of any new private street submitted under Part VII of this Enactment, unless such plan is in conformity with the approved plan.

Survey of
streets, etc.,
shewn in
approved
plan.

146. (i) Whenever the plan of a new building submitted under Part VII of this Enactment has been approved and any part of the holding upon which such building is to be erected is affected (otherwise than by zoning) by an approved plan the Chairman shall inform the Collector of Land Revenue who shall cause the boundaries of any street, railway, back-lane or open space shewn in the approved plan, so far as such boundaries lie within the holding of the person whose plan has been approved, to be surveyed and demarcated by such boundary marks as he considers sufficient to denote the said boundaries.

(ii) The cost of such survey shall be borne by the Government.

Payment of
compensation.

147. (i) Subject to the provisions of Parts VII and VIII of this Enactment where the provision shown or made in an approved town plan for any of the purposes specified in paragraphs (a), (c) and (d) of Section 136 (i) extends to the inclusion therein of any alienated land compensation shall be paid for the acquisition of so much of such land as is so included: provided that nothing herein contained shall be deemed to require the Resident to acquire any such land until the same is required for the carrying out of the approved plan or until the registered proprietor thereof shall have submitted a plan under

Part VII of this Enactment and approval thereof shall have been refused under Section 145.

(ii) Nothing in this section contained shall apply to any such lay out as is referred to in Section 143.

148. No compensation shall be paid to the proprietor or any person interested in any holding on account of any zoning in an approved plan affecting such holding.

No compensation for zoning.

149. No sub-division of alienated land within a Sanitary Board area shall be registered in a Land Office or Registry of Titles unless such sub-division be approved in writing by the Chairman, provided that such approval shall not be unreasonably withheld. Any person aggrieved by the withholding of such approval may appeal to the Resident whose decision shall be final.

Control of sub-division.

PART X.

EXTENDED APPLICATION OF ENACTMENT.

150. (i) The Resident of a State, with the approval of the Chief Secretary, may from time to time by notification in the *Gazette* apply, with such modifications as to him shall seem fit, any of the provisions of this Enactment or any by-law made thereunder to any area situate in the State whereof he is Resident which is not comprised in whole or in part within any Sanitary Board area, and thereupon all such provisions of this Enactment and all such by-laws made thereunder as are specified in such notification shall, subject to such modifications as aforesaid, come into force within the area to which the same have been applied.

Application of Enactment to areas not being Sanitary Board areas.

(ii) Where under sub-section (i) any of the provisions of this Enactment or any by-law made thereunder shall have been applied to any area, the Resident of the State, with the approval of the Chief Secretary, may by notification in the *Gazette* appoint any person or persons, either by name or office, to exercise and perform within such area all or any of the powers and duties which are by this Enactment or by any by-law made thereunder conferred or imposed on a Sanitary Board or on any of its officers.

PART XI.

COLLECTION OF RATES BY INSTALMENTS.

151. (i) At any time during the continuance of this Part, the High Commissioner may from time to time by notification in the *Gazette* order that the operation of this Part be suspended and thereupon, subject to the provisions of sub-section (ii), the operation of this Part shall be suspended as from the end of the year in which such order is made.

Provision for suspension of this Part. 15 of 1933.

(ii) At any time after the publication of an order of suspension of the operation of this Part under sub-section (i), the High Commission may by further notification in the *Gazette* order that this Part be again brought into operation with effect either from the first day of January of the year in which such order is made or from the first day of January next following, and thereupon the provisions of this Part shall have full force and effect from such date as aforesaid.

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Interpreta-
tion.
15 of 1933.

152. In this Part unless the context otherwise requires the word "rates" means all or any of the rates imposed by the ^{Sanitary Board} Resident under Sections 25 and 26, and includes any other rates which are lawful recoverable under the provisions of Part IV of this Enactment.

Resident may
authorise
payment of
rates by
instalments.
15 of 1933.

153. (i) The ^{Sanitary Board} Resident may from time to time by writing under his hand authorise the Chairman of any Sanitary Board, either general or in any particular case, to accept payment of rates by instalments

(ii) Any authorisation by the ^{Sanitary Board} Resident under sub-section (i) may be subject to such modifications and limitations as to the Resident may seem fit and in particular may be limited to holdings the annual or unimproved or improved value whereof exceeds a certain sum as to holdings in one or more particular Sanitary Board areas.

(iii) All sums received by the Chairman as instalments under such authorisation under this section shall be credited to revenue.

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Sale of pro-
perty where
rates have
been paid in
part.
15 of 1933.

154. Nothing in this Part shall be deemed to limit the powers of the Chairman as to the collection of rates under Part IV of this Enactment and any balance of rates remaining unpaid on any date shall be subject to the provisions of Section 46 be deemed to be an arrear notwithstanding the prior payment by instalments of any portion of such rates, but the amount stated to be due in any notice under Section 46 or in any warrant of attachment under Sections 47 or 50 or in any notice of sale in pursuance thereof shall be the balance due after deducting from the rates due for the current year or half year or any preceding year or half year the sum or sums which have been paid by the defaulter or on his behalf by way of instalments, to which balance shall be added any costs and expenses which may be due.

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Rates
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date of sus-
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this Part.
15 of 1933.

155. Any balance of rates remaining unpaid at the end of any year as from the end of which the operation of this Part is suspended and the provisions of sub-section (i) of Section 151 may be thereaft recovered in the manner provided by Part IV as varied by Section 15 as if the operation of this Part had not been suspended.

Instalments
paid not to be
refunded.
15 of 1933.

156. When, in order to the recovery of any balance of rates on which instalments have been paid, any land or movable property is sold at auction under Part IV as modified by this Part, no instalments paid shall be refunded.

FORM B.

"The Sanitary Boards Enactment," Section 47.

SANITARY BOARD AREA.

WARRANT OF ATTACHMENT.

To

Whereas by a notice of demand served (or published) on the day of , 19 , was required to pay at the sum of \$ (being arrears and costs recoverable under the Sanitary Boards Enactment) as noted in the margin and whereas the said sum of \$ has not been paid:

Current assessment for 19	...		
Arrears for years, viz., 19	...		
to 19	...		
Notice fee	...		
Attachment fee	...		
Costs	...		
Total	...		

These are to command you to attach the movable property of the said wherever the same may be found within the said Sanitary Board area and also any movable property to whomsoever belonging which may be found upon

the holding (here describe holding) and unless the said sum of \$ together with \$, the costs of this attachment, be paid, to hold the same until further orders.

You are further commanded to return this warrant on or before the day of , 19 , with an endorsement certifying the date and manner in which it has been executed or why it has not been executed.

Given under my hand this day of 19 .

Chairman, Sanitary Board,

FORM C.

"The Sanitary Boards Enactment," Section 47.

SANITARY BOARD AREA.

INVENTORY AND NOTICE.

To of

(State particulars of goods attached.)

Current assessment for 19	...		
Arrears for years, viz., 19	...		
to 19	...		
Notice fee	...		
Attachment fee	...		
Costs	...		
Total	...		

Take notice that I have this day attached the property specified in the above inventory for the sum of \$ due for the rates (or fees) (or rates and fees) specified in the margin, and that unless you pay into the office of the

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Sanitary Board the amount due together with the costs of this attachment within seven days after the date of this notice the property will be sold.

Date _____ (Signature) _____

FORM D.

"The Sanitary Boards Enactment," Section 57.

— SANITARY BOARD AREA.

NOTICE OF TRANSFER OF RATEABLE HOLDING.

To the Chairman,
Sanitary Board.

I, A. B., of _____ hereby give notice as required by Section 57 of the Sanitary Boards Enactment of the following transfer:

Title to holding.	Description and situation of holding.	Name of transferor.	Name of transferee.	Number or symbol of instrument.	Date of registration of instrument.	Remarks.

Dated this _____ day of _____ 19 _____ (Signature) _____

FORM E.

"The Sanitary Boards Enactment," Section 57.

— SANITARY BOARD AREA.

NOTICE OF TRANSMISSION (AND TRANSFER) OF RATEABLE HOLDING.

To the Chairman,
Sanitary Board.

I, A. B., of _____ hereby give notice as required by Section 57 of the Sanitary Boards Enactment of the following transmission (and transfer):

Title to holding.	Description and situation of holding.	Name of owner prior to transmission.	Name of present owner.	Number or symbol of instrument(s).	Date of registration of instrument(s).	Remarks.

Dated this _____ day of _____ 19 _____ (Signature) _____

FORM F.

"The Sanitary Boards Enactment," Section 79.

SANITARY BOARD AREA.

NOTICE REQUIRING ABATEMENT OF NUISANCE.

To (person causing the nuisance, or owner or occupier of the holding on which the nuisance exists, as the case may be).

Take notice that under the provisions of the Sanitary Boards Enactment, the Chairman of the Sanitary Board being satisfied of the existence at (describe holding where the nuisance exists) of a nuisance being (describe the nuisance, for instance, holding in such a state as to be a nuisance or injurious to health, or, for further instance, a ditch or drain so foul as to be a nuisance or injurious to health) hereby requires you within (specify the time) from the service of this notice to abate the same and to execute such works and do such things as may be necessary for that purpose or and for that purpose to (specify any works to be executed), and the said Chairman hereby requires you to do what is necessary for preventing the recurrence of the nuisance [and for that purpose to, etc.]

(Where the nuisance has been abated but is likely to recur say) The said Chairman being satisfied that at, etc., there existed recently, to wit, on or about the day of the following nuisance, namely (describe the nuisance) and that although the said nuisance has since the last-mentioned day been abated the same is likely to recur on the said holding hereby requires you within (specify time) to do what is necessary for preventing the recurrence of the nuisance (and for that purpose, etc.).

If you make default in complying with the requisitions of this notice, or if the said nuisance, though abated, is likely to recur, a summons will be issued requiring your attendance before a Magistrate to answer a complaint which will be made for the purpose of enforcing the abatement of the nuisance, or prohibiting the recurrence thereof, or both, and for recovering the costs and penalties that may be incurred thereby.

Dated this day of , 19 .

Signature of Chairman

FORM G.

SUMMONS.

(On Charge under Section 80.)

To A. B., of (or to the owner or occupier of) (describe holding) situated (insert such description of the situation as may be sufficient to identify the holding).

Whereas your attendance is necessary to answer to a charge that on a certain holding situated at No. in street (or insert any

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other such description or reference as may be sufficient to identify the holding), within the limits of the Sanitary Board of the following nuisance exists (describe the nuisance and add where the person causing the nuisance is summoned), and that the said nuisance is caused by the act, default or sufferance of you, A. B.

(Where the nuisance is discontinued, but is likely to be repeated, say) to answer the complaint, etc., that at, etc., there existed recently, to wit, on or about the day of the following nuisance (describe the nuisance and add, where the person causing the nuisance is summoned, and that the said nuisance was caused, etc.), and although the said nuisance has since the said last-mentioned day been abated or discontinued, that the same or the like nuisance is likely to recur on the said holding.

You are hereby required to appear on the day of at the hour of forenoon in person (or by advocate as the case may be) before the Court at (here describe the situation of the Court-house).

Dated this day of , 19 .

(Signature)
Magistrate.

[Seal.]

FORM H.
NUISANCE ORDER.

To A. B., of (or to the owner or occupier of) (describe holding) situated (insert such description of the situation as may be sufficient to identify the holding).

Whereas the said A. B. (or the owner or occupier of the said holding within the meaning of the Sanitary Boards Enactment) has this day appeared before me to answer the matter of a complaint made by, etc., that at, etc. (follow the words of complaint in summons) (or in case the party charged does not appear, say),

Whereas it has been now proved to my satisfaction that a summons has been duly served according to the Sanitary Boards Enactment, requiring the said A. B. (or the owner or occupier of the said holding) to appear this day before me to answer the matter of a complaint made by, etc., that at, etc.:

(Any of the following orders may be made or a combination of any of them as the case seems to require):

ABATEMENT ORDER.

Now on proof here had before me that the nuisance so complained of does exist on the said holding (add, where the order is made on the person causing the nuisance, and that the same is caused by the act, default, or sufferance of A. B.), I in pursuance of the Sanitary Boards Enactment do order the said A. B. (or the said owner or occupier) within (specify the time) from the service of this order according to the

said Enactment (*here specify the nuisance to be abated, as, for instance, to prevent the premises being a nuisance or injurious to health, or, for further instance, to prevent the ditch or drain being a nuisance or injurious to health*) and (*state any works to be executed, as, for instance, to white-wash and disinfect the premises, or, for further instance, to clean out the ditch*).

PROHIBITION ORDER No. 1.

And I being satisfied that, notwithstanding the said nuisance may be temporarily abated under this order, the same is likely to recur, do therefore prohibit the said A. B. (or the said owner or occupier) from allowing the recurrence of the said or a like nuisance, and for that purpose I direct the said A. B. (or the said owner or occupier) (*here specify any works to be executed, as for instance, to fill up the ditch*).

PROHIBITION ORDER No. 2.

Now, on proof here had before me that at or recently before the time of making the said complaint, to wit, on the nuisance so complained of did exist on the said holding, but that the same has since been abated (*add, where the order is made on the person causing the nuisance, and that the nuisance was caused by the act, default, or sufferance of A. B.*), yet, notwithstanding such abatement, I being satisfied that it is likely that the same or the like nuisance will recur on the said holding, do therefore prohibit the said A. B. (or the said owner or occupier) from allowing the recurrence of the said or a like nuisance, and for that purpose I direct the said A. B. (or the said owner or occupier) (*here specify any works to be executed, as for instance, to fill up the ditch*).

CLOSING ORDER.

Now, on proof here had before me that by reason of the nuisance the dwelling-house (*describe the house*) situated at (*insert such a description of the situation as may be sufficient to identify the dwelling-house*) is unfit in my judgment for human habitation, I in pursuance of the Sanitary Boards Enactment do hereby prohibit the use of the said dwelling-house for human habitation.

Given under my hand and the seal of the Court, this day of . . . 19 . . .

(Signature) _____
Magistrate.

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I ASSENT,

T. ALAM SHAH,

Sultan of Selangor

(STATE SEAL)

12th day of September, 1959

An Enactment to amend the Town Boards Enactment (F.M.S. Cap. 137) in the State of Selangor.

IT IS HEREBY ENACTED by the Legislature of the State of Selangor as follows:

1. This Enactment may be cited as the Town Boards (Selangor) (Amendment) Enactment, 1959, and shall be construed as one with the Town Boards Enactment (F.M.S. Cap. 137) in so far as it applies to the State of Selangor hereinafter referred to as "the principal Enactment").

Short title.

2. Section 2 of the principal Enactment is hereby amended:

Amendment of Section 2. F.M.S. Cap. 137.

(a) by substituting a colon for the semi-colon after the word "thereof" at the end of the definition of "Annual Value";

(b) by adding the following proviso to the said definition—

"Provided that in estimating the Annual Value as aforesaid no account shall be taken of any restriction or control on rent in so far as it limits the rent which may be required by a landlord or recovered from a tenant of that holding;"

Passed this 24th day of August, 1959.

[R.C. Sel. 1165/47.]

MOHD. NOOR BIN ABU OSMAN,

*Clerk of the Legislative Assembly,
Selangor*

I ASSENT,

T. ABDUL AZIZ SHAH,

(STATE SEAL)

Sultan of Selangor

9th day of September, 1960

An Enactment to amend the Town Boards Enactment
(F.M.S. Cap. 137) in the State of Selangor.

[]

IT IS HEREBY ENACTED by the Legislature of the
State of Selangor as follows:

1. This Enactment may be cited as the Town Boards Short title.
(Selangor) (Amendment) Enactment, 1960, and shall be
construed as one with the Town Boards Enactment (F.M.S.
Cap. 137) in so far as it applies to the State of Selangor
(hereinafter referred to as "the principal Enactment").

2. The principal Enactment is hereby amended:

(a) by substituting a full stop for the semi colon at the
end of sub-section (d) and deleting sub-section (e)
of section 36 thereof;

Amendment
of sections
36, 41, 58
and 59.
F.M.S.
Cap. 137.

(b) by deleting section 41 thereof and substituting there-
for the following new section—

"41. (i) All objections shall be enquired into
and the persons making them shall at such
enquiry be allowed an opportunity of being
heard either in person or by authorised agent,
and thereafter the Board shall confirm or
amend the assessment objected to as it thinks
fit.

(ii) The Board shall revise and finally
approve the assessment list not later than the
31st day of December in every year, and shall
append to the assessment list so approved a
declaration of approval signed by two members
of the Board and subject to such amendments
as may thereafter be duly made the list so
approved shall be deemed to be the assessment
list for the whole year next following that in
which the assessment is made.

(iii) The list when amended under this section shall be deposited in an office of the Board and shall be open there during office hours to inspection by all owners and occupiers of holdings comprised therein, and a public notice that it is so open to inspection (stating the place of inspection) shall forthwith be published.

(iv) The Board shall not be required to hear and determine all objections to the assessment list before finally approving it in accordance with sub-section (ii) of this section, and if any objection is not heard and determined before the assessment list is finally approved, it shall be heard and determined as soon as possible thereafter and with the like consequences as if it had been heard and determined before the assessment list was finally approved, and until the objection shall be heard and determined the increase in assessment or new assessment objected to shall be deemed to be in force: Provided in the case only of a holding which has previously been assessed that until the objection shall be heard and determined the amount recoverable in respect of rates payable on the holding in the first half year of every year shall not exceed the total amount of the rates payable on the holding for the whole of the year in which the assessment was revised or one half of the rates payable on the holding by reason of the assessment objected to which ever shall be the less and the amount recoverable in the second half of every year shall be a sum equal to the balance (if any) of the rates payable on the holding for the whole of the year in which the assessment was revised, and not recovered in the first half of the current year.”;

(c) by deleting sub-section (iii) of section 58 thereof and substituting therefor the following new sub-section—

“(iii) When any building or portion of a building is demolished or removed otherwise than by the order of the Chairman, the owner of such holding shall give notice of the commencement of such demolition or removal in writing to the Board. The Chairman may on receipt of any such notice, and provided that he

is satisfied that the demolition is being properly and expeditiously carried out, order that the rates assessed in respect of any such holding be reduced and if already paid refunded proportionately to the amount of the assessment of the holding relating to the building or portion of the building being demolished or removed. Until such notice is given the owner shall continue liable to pay rates in respect of such holding as though such building or portion of a building had not been demolished or removed.”;

- (d) by deleting sub-section (i) of section 59 thereof and substituting therefor the following new sub-sections—

“(i) If any building in respect of which a rate is payable under this Enactment is unoccupied at the commencement of any half year and no rent is payable in respect thereof the Chairman may in his absolute discretion order that the payment of the rates due in respect of such building for that half year may be postponed for such period as he shall think fit.

(ii) If any building is unoccupied and no rent is payable in respect thereof during a period of not less than one calendar month in any half year, in respect of which a rate has been paid, or payment of a rate has been postponed under the provisions of sub-section (i) of this section, the Chairman may order the refund or remission as the case may be of a part of such rate proportionate to the period during which the building has been unoccupied.”;

- (e) by renumbering sub-section (ii) as sub-section (iii) and by adding a comma and the words “postponement of payment or remission” after the word “refund” wherever it appears and the words “in the case of any refund” after the words “of such vacancy and.”;

- (f) by renumbering sub-section (iii) as sub-section (iv) and by adding the words “or remission” after the word “refund” in the first line thereof and inserting at the end of the sub-section the following proviso—

“Provided that when a refund is claimed in respect of a period during which the building

has been undergoing repairs for the purpose of rendering it fit for occupation or *bona fide* reconstruction it shall not be necessary to prove, in respect of such claims the matters specified in paragraphs (a), (b) and (c) of this sub-section.”;

(g) by renumbering sub-section (iv) as sub-section (v).

Passed this 17th day of August, 1960.

[Sel. Sec. 5435.]

MOHD. NOOR BIN ABU OSMAN,
*Clerk of the Legislative Assembly,
Selangor*

I ASSENT,

T. ABDUL AZIZ SHAH,

(STATE SEAL)

Sultan of Selangor

9th day of September, 1960

Enactment to amend the Town Boards Enactment
(M.S. Cap. 137) in the State of Selangor.

[]

IT IS HEREBY ENACTED by the Legislature of the
State of Selangor as follows:

1. This Enactment may be cited as the Town Boards (Selangor) (Amendment) (No. 2) Enactment, 1960, and shall be construed as one with the Town Boards Enactment (F.M.S. Cap. 137) in so far as it applies to the State of Selangor (hereinafter referred to as "the principal Enactment").

2. Section 12 A of the principal Enactment is hereby amended by adding the following new sub-section immediately after sub-section (5) thereof—

Amendment
of Section
12 A
F.M.S. Cap.
137.

"(6) A Board in respect of which a declaration has been made by the Ruler in Council under sub-section (1) may with the approval of the Ruler in Council make rules for the establishment of a Provident Fund for the provision of payments or other allowances on death, resignation, retirement or discharge to persons who have been in the employment of the Board, and the contribution of monies out of the Fund of the Board for such Provident Fund."

Amendment by
Sec. 137
137.

Passed this 17th day of August, 1960.

MOHD. NOOR BIN ABU OSMAN,
*Clerk of the Legislative Assembly,
Selangor*

I ASSENT,

T. ABDUL AZIZ SHAH,

(STATE SEAL)

Sultan of Selangor

21st day of January, 1961.

Enactment to amend the Town Boards Enactment
(F.M.S. Cap. 137) in the State of Selangor.

[]

IT IS HEREBY ENACTED by the Legislature of the
State of Selangor as follows:

1. This Enactment may be cited as the Town Boards
(Selangor) (Amendment) (No. 3) Enactment, 1960, and shall
be construed as one with the Town Boards Enactment
(F.M.S. Cap. 137) in so far as it applies to the State of
Selangor (hereinafter referred to as the "principal Enact-
ment").

Short title.

2. Sub-section (i) of section 15 of the principal Enactment
is hereby amended by the insertion of the following new
paragraph immediately after paragraph (p) thereof:

Amendment
of section
15.
F.M.S.
Cap. 137.

"(pp) the prescribing and levying of fees for:

- (i) answering enquiries involving search and exami-
nation of Town Board records;
- (ii) supplying copies of Town Board records;
- (iii) inspection of Town Board records."

Passed this 21st day of December, 1960.
[Sel. Sec. 4334.]

YANG RASHDI BIN MA'ASOM,
Clerk of the Legislative Assembly,
Selangor

WE ASSENT,

TENGGU BADLI SHAH,

TENGGU IBRAHIM SHAH,

(STATE SEAL)

HAJI MOHD. ALI BIN TAIB,
Council of Regency, Selangor

23rd day of May, 1962

An Enactment to amend the Town Boards Enactment of the Federated Malay States in its application to the State of Selangor.

[]

IT IS HEREBY ENACTED by the Legislature of the State of Selangor as follows:

1. This Enactment may be cited as the Town Boards Enactment, 1962. Short title.

2. (i) The purposes for which, under sub-section (3) of section 12A of the Town Boards Enactment of the Federated Malay States, in its application to the State of Selangor, a Town Board Fund may be applied shall include the provision of housing accommodation in accordance with this section. Provision by town boards of housing accommodation.

(ii) Housing accommodation shall not be provided in pursuance of this section except in accordance with a scheme approved by the Ruler in Council.

(iii) Housing accommodation provided as aforesaid may be provided either for sale or for lease.

(iv) Nothing in this section shall prejudice any other power conferred by the said section 12A.

Passed this 12th day of April, 1962.

[Sel. Sec. 2577.]

MOHD. NOOR BIN ABU OSMAN,
*Clerk of the Legislative Assembly,
Selangor*

I ASSENT,

T. ABDUL AZIZ SHAH,
Sultan of Selangor

(STATE SEAL)

27th day of April, 1966

An Enactment to amend the Town Boards Enactment
(F.M.S. Cap. 137) in the State of Selangor.

IT IS HEREBY ENACTED by the Legislature of the
State of Selangor:

1. This Enactment may be cited as the Town Boards Short title.
(Selangor) (Amendment) Enactment, 1966, and shall be
construed as one with the Town Boards Enactment (F.M.S.
Cap. 137) in so far as it applies to the State of Selangor
(hereinafter referred to as "the principal Enactment").

2. Sub-section (6) of section 12A of the principal Enactment Amendment
of section
12A.
is hereby amended by the deletion of sub-section (6) and the
substitution thereof the following—

"(6) A Board in respect of which a declaration has
been made by the Ruler in Council under sub-section
(1) may with the approval of the Ruler in Council
make rules:

(a) for the establishment of a Provident Fund for
the provision of payments or other allowance
on death, resignation, retirement or discharge
to persons who have been in the employment
of the Board, and the contribution of monies
out of the Fund of the Board for such Provi-
dent Fund, and

(b) for the winding up and dissolution of such
Provident Fund, and payment thereof to
persons entitled thereto".

Passed this 28th day of March, 1966.

[P.K. Sel. 2979; L.A. Sel. 573.]

ABDUL RAZAK BIN GANI,
*Clerk of the Legislative Assembly,
Selangor*

I ASSENT,

T. ABDUL AZIZ SHAH,
Sultan of Selangor

(STATE SEAL)

4th day of August, 1966

An Enactment to amend the Town Boards Enactment (F.M.S. Cap. 137) in the State of Selangor.

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IT IS HEREBY ENACTED by the Legislature of Selangor as follows:

1. (1) This Enactment may be cited as the Town Boards (Selangor) (Amendment) Enactment, 1966, and shall be construed as one with the Town Boards Enactment (F.M.S. Cap. 137) in so far as it applies to the Klang Town Council.

Short title and commencement.

(2) This Enactment shall come into force on the 1st day of January, 1966.

2. Section 19 of the principal Enactment is hereby amended as follows:

Amendment of section 19.

(i) by numbering the existing paragraph as paragraph (i);

(ii) by inserting the following new paragraph (ii) immediately thereafter:

“(ii) The Chairman may in writing delegate his powers to the Secretary of the Board to sign or endorse on his behalf any licence issued by the Chairman under any by-law.”

Passed this 14th day of July, 1966.

[I.P.K. Sel. 5435; L.A. Sel. 814.]

ABDUL RAZAK BIN GANI,
*Clerk of the Legislative Assembly,
Selangor*

SELANGOR

ENAKMEN No. 4 tahun 1972

BETA PERKENANKAN,

(MOHOR KERATAAN)

TENGGU IDRIS SHAH,
Pemangku Raja Selangor

6hb Julai, 1972

Suatu Enakmen bagi meminda Enakmen Lembaga Bandaran (N.M.B. Bab 137) dalam Negeri Selangor.

[15hb Jun, 1972.]

MAKA INI-LAH DI-PERBUAT UNDANG² oleh Badan Perundangan Negeri Selangor saperti berikut:

1. Enakmen ini boleh-lah di-namakan Enakmen (Pindaan) Lembaga Bandaran (Selangor), 1972 dan hendak-lah di-ertikan sa-bagai satu dengan Enakmen Lembaga Bandaran (N.M.B. Bab 137) sa-takat mana Undang² itu terkena kapada Negeri Selangor (yang kemudian daripada ini di-sebutkan dia sa-bagai "Enakmen ibu").

Tajuk
ringkas.

Pindaan
kepada
sekshen 18.

2. Sekshen 18 dalam Enakmen ibu dengan ini di-pinda dengan di-batalkan perkataan² "sa-puluh ringgit" yang terdapat di-hujung sekshen itu dan di-gantikan-nya perkataan² "sa-ratus ringgit".

Di-luluskan pada 15hb Jun, 1972.

[I.P.K. Sel. 60057; L.A. Sel. 1561; M.B.K. 98/68.]

ABDUL MANAN BIN MOHD. ALI,
Setiausaha,
Dewan Negeri Selangor

SELANGOR

ENACTMENT No. 4 of 1972

I ASSENT,

TENGKU IDRIS SHAH,
Regent of Selangor

(STATE SEAL)

6th day of July, 1972

An Enactment to amend the Town Boards Enactment
(F.M.S. Cap. 137) in the State of Selangor.

[15th June, 1972.]

IT IS HEREBY ENACTED by the Legislature of the
State of Selangor as follows:

1. This Enactment may be cited as the Town Boards Short title
(Selangor) (Amendment) Enactment, 1972, and shall be
construed as one with the Town Boards Enactment (F.M.S.
Cap. 137) in so far as it applies to the State of Selangor
(hereinafter referred to as "the principal Enactment").

Amendment
to section 18.

2. Section 18 of the principal Enactment is hereby amended by deleting the words "ten dollars" appearing at the end of the section and substituting therefor the words "one hundred dollars".

Passed this 15th day of June, 1972.

[L.P.K. Sel. 60057; L.A. Sel. 1561; M.B.K. 98/68.]

ABDUL MANAN BIN MOHD. ALI,
Clerk of the Legislative Assembly,
Selangor

**MALAY RESERVATIONS
(F.M.S. CAP. 142)
(Tiada Terjemahan BM)**

- **MALAY RESERVATIONS (SELANGOR)
(AMENDMENT) ENACTMENT 15/1961 (BI)**
- **MALAY RESERVATIONS (SELANGOR)
(AMENDMENT) ENACTMENT 7/1985 (BM & BI)**

The Malay Reservations Enactment has been amended by the Malay Reservations (Amendment) Enactment, 1930, the Malay Reservations (Amendment) (No. 2) Enactment, 1930, and by the Statute Law Revision (General Amendment) Enactment, 1938, and is re-printed below with all such amendments incorporated.]*

CHAPTER 142

MALAY RESERVATIONS.

An Enactment to amend and consolidate the law relating to Malay Reservations and to provide for securing to Malays their interests in land.

[15th December, 1933]

1. (i) This Enactment may be cited as the Malay Reservations Enactment.

(ii) No declaration of a Malay Reservation shall be deemed to be rescinded by reason of the passing of this Enactment.

(iii) Nothing in this Enactment contained shall affect the provisions of the Customary Tenure Enactment of the State of Negri Sembilan.

2. In this Enactment unless the context otherwise requires:

"Malay" means a person belonging to any Malayan race who habitually speaks the Malay language or any Malayan language and professes the Moslem religion;

"Malay holding" includes

- (a) any registered interest of a Malay as proprietor or co-proprietor in any alienated land included in a Malay Reservation duly declared and gazetted under the provisions of this Enactment: Provided that no such interest shall be deemed to be a Malay holding until there shall have been registered against the register document of title for such land a requisition in the Form A in the First Schedule as provided in section 6;
- (b) any registered interest of a Malay as proprietor or co-proprietor in any alienated land included in a Malay Reservation duly declared and gazetted under the provisions of the Malay Reservations Enactment, 1913

"Malay Reservation" means a Malay Reservation duly declared and gazetted under the provisions of this Enactment or of the Malay Reservations Enactment, 1913.

All words and expressions used in this Enactment which are defined in section 2 of the Land Code shall bear the meaning assigned to them by the said Code.

* List of subsequent amendments at page 12.

2. The modifications specified hereunder, being modifications which appear to the Yang di-Pertuan Agong to be necessary or expedient for the purpose of removing difficulties or in consequence of the passing of the Constitution (Amendment) (No. 2) Act, 1973, shall be made in the provisions of the Malay Reservations Enactment—

Modification
of the Malay
Reservations
Enactment,
F.M.S. Cap.
142,
Act 1206.

- (a) references to the Menteri Besar shall be construed as references to the ~~Minister responsible for the Federal Territory~~;
- (b) references to the Ruler of the State in Council shall be construed as references to the Yang di-Pertuan Agong;
- (c) references to the State shall be construed as references to the Federal Territory;
- (d) references to the State land shall be construed as references to the Federal land;

*Minister for the time
being charged with
the Federal Territory
for the Malay
Reservations in the
Federal Territory
Act 1206/80*

RUCA/60/74

A. 270

*Indikasi ini untuk penubuhan Lipat
lipat ke a Putrajaya & Labuan.*

A transfer, charge or lease of a Malay holding includes, in the case of any land registered in the name of more than one proprietor, a transfer, charge or lease of the interest of one or more co-proprietors.

For the purposes of this Enactment a company registered under the Companies Enactment shall if and as long as every member thereof is a Malay and the transfer of shares therein is restricted by the Articles of Association thereof to Malays be deemed to be a Malay; and any registered interest in land of which such a company is proprietor shall be deemed to be a Malay holding.

Declaration
of Malay
Reservations.

3. (1) The Menteri Besar with the approval of the Ruler of the State in Council may by notification in the Gazette declare any area of land within the State to be a Malay Reservation.

(ii) Such declaration shall describe with reasonable accuracy the limits and boundaries of such area of land, either by reference to boundaries of surveyed land or by reference to natural features or otherwise, as may to the Menteri Besar seem expedient, but it shall not be necessary for the purpose of such declaration to measure or survey the area therein referred to.

(iii) Subject to the provisions of this Enactment such declaration shall take effect on the publication thereof in the Gazette, unless it be expressed to take effect at a later date therein specified in which case it shall take effect at the later date so specified.

Alteration
and Revocation
of Malay
Reservations.

4. (1) The Menteri Besar may at any time, with the approval of the Ruler of the State in Council by declaration published in the Gazette

- (a) alter the limits or boundaries of any Malay Reservation, or
- (b) revoke any declaration whereby any land has been declared to be a Malay Reservation, either as to the whole or any part of the area therein referred to, or
- (c) include in any Malay Reservation any land excluded therefrom.

(ii) Any such declaration shall take effect as provided in sub-section (iii) of section 3.

What Land may
be included
in a Malay
Reservations.

5. Any State land, reserved forest, land reserved for a public purpose or alienated land may be included in a Malay Reservation.

Provisions as
to memorials
or documents
of title.

6. (1) Upon the publication in the Gazette of any notification comprising any declaration whereby any alienated lands are included in a Malay Reservation, the Collector of the district in which such lands are situate shall present to the proper registering authority a requisition in the Form A in the First Schedule containing a list of all alienated lands included affected by such declaration and requiring him to enter in his registers of titles the fact of the inclusion of such lands in such Malay Reservation.

... (S. 10) ...
...
...

(e) substitute the following for the proviso to section 7—

“Provided that the Government of the Federation may alienate Federal land within a Malay Reservation to any body corporate or company specified in the Third Schedule, which the Yang di-Pertuan Agong may, by order published in the *Gazette*, add to, delete from or amend, from time to time:

*Applicable to
Federal Territory
only - (11/1/60) 74*

And provided further that any Federal land thus alienated shall be deemed to be a Malay holding.”;

viii) No fee shall be charged for the making of a memorial or the service of any notice under the provisions of this section.

(ix) Any person who wilfully fails to comply with the provisions of any notice which has been personally served on him under sub-section (iv) or (v) shall be liable to a fine of one hundred dollars.

Provisions as to memorials on documents of title upon revocation of a Malay Reservation.

6A. (i) Upon the publication in the Gazette of any notification revoking any declaration whereby any land has been declared to be a Malay Reservation, the Collector of the district in which such land is situated shall present to the proper registering Authority a requisition in the Form C in the First Schedule containing a list of all alienated lands affected by such revocation and requiring him to make memorials in his registers of titles cancelling the memorials made under section 6.

(ii) Upon presentation of a requisition in the Form C in the First Schedule the proper registering authority shall make a memorial thereof upon every register document of title included therein.

(iii) When any memorial has been made upon register document of title for any land under the provisions of sub-section (ii) the proper registering authority shall by notice in the Form B in the First Schedule require the proprietor of such land or any other person in whose possession the issue document of title for such land may be to deliver the same and upon such delivery shall make on such issue document of title a like memorial as has been made on the register document of title.

(iv) No fee shall be charged for the making of any memorial or the service of any notice under the provisions of this section.

(v) Any person who wilfully fails to comply with the provisions of any notice which has been personally served on him under sub-section (iii) shall be liable on conviction to a fine not exceeding one hundred dollars.

Restriction on alienation.

7. No State land included within a Malay Reservation shall be sold, leased or otherwise disposed of to any person not being a Malay:

Provided that the Ruler in Council may alienate State land within a Malay Reservation to any body corporate

* As applicable to Pahang, Perak and Selangor. For Negeri Sembilan, the proviso read as follows:

"Provided that the Ruler in Council may alienate State land within a Malay Reservation to any body corporate or company specified in the Third Schedule hereto, and the Ruler in Council may from time to time, by order published in the Gazette, add to, delete from, or amend any of the provisions of the Schedules hereto.

And provided further that any State land so alienated shall be deemed to be a Malay holding notwithstanding the definition of 'Malay holding'.

or company specified in the Third Schedule, which the Ruler in Council may, by order published in the Gazette add to, delete from, or amend, from time to time:

And provided further that any State land thus alienated shall be deemed to be a Malay holding.

Restriction as to transfers, charges and leases.

8. (i) Subject to the provisions of sub-section (ii) and of section 16 and 17 no Malay holding shall be transferred, charged, leased or otherwise disposed of to any person not being a Malay, and no memorandum of transfer, charge or lease in contravention of this section shall be capable of registration in any Land Office or Registry of Titles.

(ii) If any land included in a Malay Reservation is sub-divided and sub-divisional titles registered therefor and one or more of the proprietors of such land are Malays and one or more of the proprietors of such land are persons who are not Malays and there are simultaneously presented to the proper registering authority cross-transfers of such sub-divisional titles, such cross-transfers may notwithstanding anything contained in sub-section (i) be registered by such proper registering authority.

Restriction as to dealings by attorneys.

9. Every memorandum of transfer, charge or lease of a Malay holding which is executed on behalf of the proprietor thereof by any person not being a Malay who purports to act as attorney of such proprietor shall be void and no such memorandum of transfer, charge or lease shall be capable of registration in any Land Office or Registry of Titles.

Restriction as to caveats based on lien by deposit of title.

10. No lien by deposit of the issue document of title for any Malay holding as security for a debt shall be capable of being created in favour of any person, and no caveat in support of any such lien by deposit shall be capable of registration in any Land Office or Registry of Titles.

Restriction as to other caveats.

11. No caveat not being such a caveat as is referred to in the last preceding section against the title for any Malay holding shall be capable of registration in any Land Office or Registry of Titles in any case where the caveator or, in any case where the caveator is acting as agent, his principal is not a Malay: Provided that nothing in this section contained shall prevent the registration of a caveat presented under the provision of section 230 (f) of the Land Code.

Restriction as to bankruptcy, 8 of 1934.

12. No Malay holding shall vest in the Official Assignee on the bankruptcy of the proprietor thereof.

Nothing in this section shall be deemed to affect the vesting of any Malay holding in the Official Assignee where the bankruptcy petition upon which the proprietor is adjudicated bankrupt was filed before the commencement of this Enactment.

Restriction as to attachment in execution, 1934.

13. No Malay holding shall be attached in execution of a decree or order of any Court unless the suit or proceeding in which such decree or order was made was instituted before the commencement of this Enactment.

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+ Lands may be charged or leased to Federal Lands Commissionery, or charged to approved co-operative society or to person specified in Second Schedule, Ord. 44/57, Act 287.

Act 287/68.

17. (1) Notwithstanding any of the provisions contained in this Enactment, the proprietor of any Malay holding may—

- (a) charge such holding to the Federal Lands Commissioner appointed under the Federal Lands Commissioner Ordinance 1957, to any co-operative society registered under the Co-operative Societies Act 1948 and approved either generally or for the purposes of any particular case by the Minister for the time being charged with the responsibility for Malay Reservations in the Federal Territory, or to any person specified in the Second Schedule, and may in favour of the said Federal Lands Commissioner or of any such co-operative society or of any such person, create, subject to the provisions of section 281 of the National Land Code, a lien by deposit of the issue document of title for such holding; or

(b) lease such holding to the said Federal Lands Commissioner.

Applicable to Federal Territory.
only - See
Para (a) 3rd/68

handwritten mark

as to trusts.

14. Every trust or alleged trust, whether such trust be express, implied or constructive, which purports to be created in respect of any Malay holding by the proprietor thereof in favour of or for the benefit of any person who is not a Malay shall be null and void and shall be incapable of being enforced by any Court.

Restriction as to grants of probate and letters administration.

15. No grant of probate or of letters of administration shall operate to vest any Malay holding in any executor or administrator who is not a Malay.

Sales by encumbrancers.

16. (i) Subject to the provisions of sub-section (ii) if any land included in a Malay Reservation is encumbered such land may be sold at the instance of the encumbrancer under the provisions of any law in force for the time being.

(ii) No such land shall be sold to any person not being a Malay if at the date of the registration of the encumbrance the sole proprietor or each of the co-proprietors of such land was a Malay and

(a) such land was at such date included in a Malay Reservation duly declared and gazetted prior to the commencement of this Enactment, or

(b) such land was at such date included in a Malay Reservation duly declared and gazetted after the commencement of this Enactment and the interest of such sole proprietor or of each of such co-proprietors as the case may be was a Malay holding within the meaning of paragraph (a) of section 2.

(iii) In this section an "encumbrance" includes a charge, a caveat in support of a lien by deposit of document of title, an attachment in execution of a decree or other order of Court and an attachment before judgment and an "encumbrancer" includes a chargee, a caveator who has caused to be registered such caveat as aforesaid, an attaching creditor and a plaintiff who has obtained an attachment before judgment.

lands may be charged or leased to Government and charged to certain Co-operative Societies.

17. (i) Notwithstanding any of the provisions contained in this Enactment the proprietor of any Malay holding may

(a) charge such holding to the Menteri Besar or to any co-operative society registered under the Co-operative Societies Enactment and approved by the Resident either generally or for the purposes of any particular case or to any person specified in the Second Schedule, and may in favour of the Menteri Besar or of any such co-operative society or of any such person create, subject to the provisions of section 134 of the Land Code, a lien by deposit of the issue document of title for such holding; or

(b) lease such holding to the Menteri Besar.

(2) The Ruler of the State in Council may from time to time by order published in the Gazette add to, delete

Cap 130

Cap 130

Public Trustee
Official
Administrator
deemed to be
Malay in
certain cases.

18. Whenever any transfer of any land included in a Malay Reservation or of any undivided share therein to the Public Trustee as trustee for a Malay or any transmission of any Malay holding to the Public Trustee or to the Official Administrator as representative of a Malay is presented for registration to any proper registering authority, such transfer or transmission may be registered and in relation to such land or Malay holding the Public Trustee or the Official Administrator, as the case may be, shall be deemed to be a Malay.

Dealings
contrary to
Enactment
void.

19. (i) All dealings or disposals whatsoever and all attempts to deal in or dispose of any Malay holding contrary to the provisions of this Enactment shall be null and void and no rent paid in pursuance of any such dealing disposal or attempts shall be recoverable in any Court.

(ii) No action for breach of contract shall lie in respect of any dealing in or disposal of or any attempt to deal in or dispose of any Malay holding contrary to the provisions of this Enactment.

Decision in
doubtful
cases by the
Ruler of the
State in
Council.

20. If any doubt shall arise as to whether any person is a Malay within the meaning of this Enactment or as to the mode of operation of this Enactment or the manner in which the provisions thereof are to be construed or carried into effect or otherwise in relation thereto, (the same shall be referred through the Menteri Besar to the Ruler of the State in Council who shall decide the same, and every such decision shall be final and shall not be questioned or revised by any Court.

Enactment to
prevail
against pro-
visions of
other laws.

21. If in any case any conflict shall arise between the provisions of this Enactment and the provisions of the Land Code, or of the Civil Procedure Code, or of the Powers of Attorney Enactment, the provisions of this Enactment shall prevail.

THE FIRST SCHEDULE.

FORM A

The Malay Reservations Enactment.

REQUISITION UNDER SECTION 6.

To
The Collector of Land Revenue
The Registrar of Titles

Whereas a Malay Reservation known as the Malay Reservation was under the provisions of the Malay Reservations Enactment duly declared and gazetted, vide Gazette Notification

No _____ of the _____ day of _____, 19 _____

And whereas the lands comprised in the titles specified in the Schedule hereto are included in the said Malay Reservation.

I hereby under the provisions of Section 6 of the Malay Reservations Enactment, require you to enter memorials on the register documents of title and to issue documents of title for the said lands to the effect that the said lands are included in the said Malay Reservation.

Date this _____ day of _____, 19 _____

L. S.

Collector of Land Revenue,
District of _____

Memorials made in the registers this _____ day of _____, 19 _____

L. S.

Collector of Land Revenue,
District of _____

Registrar of Titles.

*Delete if not required.

FORM B

The Malay Reservations Enactment.

NOTICE UNDER SECTION 6 *.

To

In exercise of the powers conferred on me by section 6 * of the Malay Reservations Enactment, I hereby 6A require you within fourteen days of the service on you of this notice to produce to me at my office at _____ the issue document of title for _____ in order that a memorial may be made on the same under section 6 * of the said Enactment.

Dated at _____ this _____ day of _____, 19 _____

L. S.

Collector of Land Revenue,
District of _____

*Delete whichever section is not applicable

FORM C

The Malay Reservations Enactment.

REQUISITION UNDER SECTION 6A.

To The Collector of Land Revenue
The Registrar of Titles

Whereas the Malay Reservation known as the Malay Reservation, has been wholly revoked, vide Gazette Notification _____ partly

No. of the day of 19

And whereas the lands comprised in the titles specified in the schedule hereto are affected by such revocation.

Under the provisions of section 6A of the Malay Reservations Enactment, I hereby require you to make memorials on the register documents of title and on the issue documents of title for the said lands cancelling the memorials made thereon under section 6 of the said Enactment.

Dated this day of , 19 .

L. S.

Collector of Land Revenue,
District of

Memorials made in the registers this day of , 19 .

L. S.

Collector of Land Revenue,
District of

Registrar of Titles.

Set

SECOND SCHEDULE

As applicable to Selangor

- The Minister of Finance
- Federal Lands Commissioner
- Rural and Industrial Development Authority
- Housing Trust
- Rubber Industry (Replanting) Board
- Planters' Loans Board
- Syarikat Kewangan Melayu Raya Bhd.
- Bank Negara Malaysia ✓
- Perbadanan Kemajuan Negeri Selangor
- Bank Bumiputra Malaysia Limited ✓
- Bank Pertanian Malaysia
- Perbadanan Nasional Berhad (PERNAS)
- Selangor Agricultural Development Corporation
- Pernas Mining Sdn. Bhd.
- Perbadanan Pembangunan Bandar.
- Bank Kerjasama Rakyat Malaysia Berhad.
- Syarikat Timah Langat Berhad.
- Bank Pembangunan Malaysia Berhad.
- Malaysia Building Society Berhad.
- ^{SIA} Malaya Borneo Building Society Bhd.
- Institut Penyelidikan Getah.
- Kewangan Bumiputra Berhad.
- Malayan Banking Berhad. ✓
- Federal Agricultural Marketing Authority. (FAMA)
- Selangor Agricultural Development Corporation

Set Pu 11/7

** Set Pu 11*

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Lembaga Padi dan Beras Negara (LPN).

Banpuutra Merchant Bankers Berhad.

Pervira Habib Bank Malaysia Berhad.

United Malayan Banking Corporation Bhd.

Petroleum Nasional Berhad.

Oriental Bank Berhad.

Institut Piawan dan Penyelidikan
Perindustrian Malaysia.

Universiti Kebangsaan Malaysia.

Lembaga Pertubuhan Peladang.

Kewangan Usaha Bersatu Berhad.

Malaysia Credit Finance Berhad.

*For 15 years from 1.1.1975

Co-operative Central Bank Ltd.

PU 2/81

Rumpulan Perangsang Sdn. Bhd.

PU 6/81

Kwong Yik Bank Bhd.

PU 6/82

Lembaga Pelabuan Kelang

PU 7/82

Bank of Commerce (M) Berhad
United Asian Bank Bhd.

PU 44/82
PU 1/83

Syarikat Malaysia National
Insurance Sdn. Bhd.

PU 12/83

Lembaga Kajaian Tanah Persekutuan

PU 30/83

Lembaga Letrik Negara Tanah Melayu

PU 31/83

Arab Malaysian Finance Bhd.

PU 32/83

Arab Malaysian Development Bank Berhad

PU 4/84

Bank Islam Malaysia Berhad

PU 8/84

Petronas Daqangan Malaysia Bhd.

PU 9/84

Lembaga Pertubuhan Peladang

PU 10/84

Bank of Commerce Berhad

PU 25/84

The Pacific Bank Berhad	FU 8/85
Public Finance Berhad	FU 9/85
Malaysian Co-operative Insurance Society Bhd.	FU 10/85
Amanah International Finance Berhad	FU 11/85
Kwong Yik Finance Bhd.	FU 12/85
Asiavest Merchant Bankers (M) Bhd.	FU 13/85
Nesma Finance Berhad	FU 14/85
Central Malaysian Finance Berhad	FU 15/85
Cempaka Finance Bhd.	FU 16/85
Pemodalanan Nasional Berhad	FU 18/85
Komplek Kewangan Malaysia Berhad.	FU 19/85
Malaysia Borneo Finance Corporation (M) Berhad.	FU 20/85
Chung Khai Bank	FU 21/85
Lembaga Urusan Dan Tabung Haji	FU 22/85
The Malayan Finance Corporation Bhd.	FU 25/85
Sabah Bank Berhad	FU 25/85
Public Bank	FU 25/85
Kompleks Kewangan Industries Sdn.Bhd.	FU 25/85
Bank Utama (Malaysia) Berhad	FU 25/85
Petronas Dagangan Sdn. Bhd.	FU 3/86
Syarikat Mortgage and Finance (Malaysia) Berhad	FU 13/86
Malaysian French Bank Berhad	FU 16/86
Lee Wah Bank Limited	FU 18/86
Southern Finance Company Bhd.	FU 19/87
Malaysian French Bank Berhad	FU 21/87
Lembaga Kumpulan Wang Simpanan Pekerja	FU 68/87

LEMBAGA PENGELOLA DEWAN BAHASA DAN PUSTAKA	SEL. P.U. 69/87
MALAYSIA INTERNATIONAL FINANCE BHD	SEL. P.U. 70/87
UMBC FINANCE BERHAD	SEL. P.U. 70/87
RAKYAT FIRST MERCHANT BANKERS BHD	SEL. P.U. 70/87
DEVELOPMENT AND COMMERCIAL BANK BHD.	SEL. P.U. 73/87
ESSO MALAYSIA BERHAD	SEL. P.U. 73/87
SETIAUSAHA KERAJAAN NEGERI SELSNGOR	SEL. P.U. 73/87
SYARIKAT TELEKOM MALAYSIA BERHAD	SEL. P.U. 27/88
SYARIKAT TELEKOM MALAYSIA BERHAD	SEL. P.U. 30/88
SYARIKAT BEKERJASAMA JMAT CERMAT DAN PINJAMAN PEGAWAI- PEGAWAI DEWAN BANDARAYA KUALA LUMPUR BERHAD	SEL. P.U. 31/88
KOPERASI POLIS DIRAJA (M) BERHAD	SEL. P.U. 24/89
KOSPEK BERHAD	SEL. P.U. 25/89
BAN HIN LEE BANK BERHAD	SEL. P.U. 30/89
MUI BANK BERHAD	SEL. P.U. 1/90
THE HONG KONG AND SHANGHAI BANKING CORPORATION LIMITED	SEL. P.U. 3/90

LEMBAGA TABUNG ANGKATAN TENTERA	SEL. P.U. 8/92
SHAH ALAM PROPERTIES SDN BHD	SEL. P.U. 9/92
TENAGA NASIONAL BERHAD	SEL. P.U. 10/92
AFFIN FINANCE BERHAD	SEL. P.U. 28/92
UNITED ASIAN BANK BERHAD	SEL. P.U. 44/92
INTERNATIONAL ISLAMIC UNIVERSITY	SEL. P.U. 64/92
YAYASAN UMMI	SEL. P.U. 104/94
ASEAMBANKERS MALAYSIA BERHAD HONG KONG BANK MALAYSIA BERHAD	SEL. P.U. 127/94
GOLDEN HOPE PLANTATIONS BERHAD	SEL. P.U. 132/94
OCBC BANK (MALAYSIA) BERHAD UNITED MERCHANT FINANCE BERHAD	SEL. P.U. 133/94
CHUNG KHIAW BANK (MALAYSIA) BHD	SEL. P.U. 2/95
BANK BURUH (M) BHD SURUHANJAYA SEKURITI	SEL. P.U. 3/95
UNITED OVERSEAS BANK (MALAYSIA) BHD.	SEL. P.U. 6/95
BSN COMMERCIAL BANK (MALAYSIA) BERHAD	SEL. P.U. 16/95
HONG LEONG FINANCE BERHAD	SEL. P.U. 17/95
MALAYSIA INDUSTRIAL DEVELOPMENT	SEL. P.U. 42/95

UNITED MERCHANT FINANCE BERHAD	SEL. P.U. 43/95
HOCK HUA BANK BERHAD	SEL. P.U. 13/96
DCB BANK BERHAD ARAB MALAYSIA BANK BERHAD	SEL. P.U. 17/96
ALLIED BANK (MALAYSIA) BHD.	SEL. P.U. 23/96
MOBIL OIL MALAYSIA SENDIRIAN BERHAD KEWANGAN INDUSTRI BERHAD	SEL. P.U. 24/96
PERBADANAN HAL EHWAL BEKAS ANGKATAN TENTERA (PERHEBAT)	SEL. P.U. 25/96
EON BANK BERHAD	SEL. P.U. 5/97
ABRAR FINANCE BERHAD	SEL. P.U. 13/97
PERBADANAN USAHAWAN NASIONAL BERHAD	SEL. P.U. 14/97
BANK OF TOKYO - MITSUBISHI (MALAYSIA) BERHAD	SEL. P.U. 15/97
BBMB DISCOUNT HOUSE BHD	SEL. P.U. 20/97
CREDIT CORPORATION (MALAYSIA) BERHAD	SEL. P.U. 21/97
PERKASA FINANCE BERHAD	SEL. P.U. 30/97
PERWIRA AFFIN MERCHANT BANK BERHAD	SEL. P.U. 6/98
ADVANCE FINANCE BERHAD	SEL. P.U. 19/98
MALAYSIA RATING CORPORATION BERHAD (MARC)	SEL. P.U. 20/98
RHB BANK BERHAD	SEL. P.U. 21/98
FELCRA BERHAD	SEL. P.U. 4/99

MALAYSIA AIRPORTS BERHAD	SEL. P.U. 13/99
TELEKOM MALAYSIA BERHAD	SEL. P.U. 211/99
SIME AXA SDN BHD.	SEL. P.U. 27/99
PEMBIAYAAN PERUMAHAN NASIONAL SDN BHD	SEL. P.U. 28/99
PENGURUSAN DANAHARTA NASIONAL BERHAD	SEL. P.U. 29/99
BSN FINANCE BERHAD	SEL. P.U. 32/99
PHILEOALLIED BANK (MALAYSIA) BERHAD	SEL. P.U. 33/99
AMANAH SHORT DEPOSITS BERHAD	SEL. P.U. 39/99
MALAYSIAN ASSURANCE ALLIANCE BERHAD	SEL. P.U. 40/99
SIME BANK BERHAD	SEL. P.U. 41/99
MAYBAN FINANCE BERHAD	SEL. P.U. 1/00
HONG LEONG BANK BERHAD	SEL. P.U. 2/00
THE BANK OF NOVE SCOTIA BERHAD	SEL. P.U. 18/00
BANK INDUSTRI MALAYSIA BERHAD	SEL. P.U. 23/00
EON FINANCE BERHAD	SEL. P.U. 24/00
BANK PEMBANGUNAN DAN INFRASTRUKTUR MALAYSIA BERHAD	SEL. P.U. 25/00
BBMB SECURITIES SDN BHD	SEL. P.U. 26/00
BUMIPUTRA- COMMERCE BANK BERHAD	SEL. P.U. 27/00

KOPERASI TELEKOM MALAYSIA BERHAD	SEL. P.U. 44/00
SOUTHERN BANK BERHAD	SEL. P.U. 45/00
BANK MUAMALAT MALAYSIA BERHAD	SEL. P.U. 47/00
PENGURUSAN DANAHARTA MANAGERS SDN BHD	SEL. P.U. 48/00
HSBC BANK MALAYSIA BERHAD	SEL. P.U. 11/01
ASIA COMMERCIAL FINANCE (M) BERHAD	SEL. P.U. 19/01
PROJET MALAYSIA SDN. BHD.	SEL. P.U. 20/01
MAJLIS AGAMA ISLAM SELANGOR	SEL. P.U. 32/01
KUALA LUMPUR STOCK EXCHANGE	SEL. P.U. 33/01
INTERNATIONAL ISLAMIC UNIVERSITY MALAYSIA	SEL. P.U. 35/01
KUMPULAN GUTHRIE BERHAD	SEL. P.U. 36/01
PLC CREDIT & FACTORING SDN BHD	SEL. P.U. 39/01
AFFIN BANK BERHAD	SEL. P.U. 40/01
ALLIANCE BANK MALAYSIA BERHAD	SEL. P.U. 42/01
COMMERCE INTERNATIONAL MERCHANT BANK BERHAD	SEL. P.U. 20/02
PERTUBUHAN KESELAMATAN SOSIAL (PERKESO)	SEL. P.U. 27/02
CALTEX OIL MALAYSIA LIMITED	SEL. P.U. 13/03
AMFINANCE BERHAD	SEL. P.U. 18/03
AFFIN BANK BERHAD	SEL. P.U. 22/03

KONSORTIUM LINTANG BISTARI	SEL. P.U. 1/03
HIJRAH MURNI (M) SDN BHD	SEL. P.U. 18/03
PESAKA SAUJANA PROPERTIES SDN BHD	SEL. P.U. 19/03
SALAK BESTARI SDN. BHD	SEL. P.U. 20/03
INMIND HOLDINGS (M) SDN BHD.	SEL. P.U. 24/03
PERTUBUHAN AL-KHADDEM	SEL. P.U. 2/04
NURO DAGANGAN SDN BHD	SEL. P.U. 3/04
LINDUNGAN SERVICE SDN. BHD	SEL. P.U. 6/04

THIRD SCHEDULE

(Section 7)

Federal Lands Commissioner.

Local Education Authorities.

Co-operative Societies.

Rural and Industrial Development Authority.

Central Electricity Board.

Majlis Ugama.

Housing Trusts.

Building Societies.

Selangor Padi Planters Board.

TENAGA NASIONAL BERHAD	SEL. P.U. 11/92
INTERNATIONAL ISLAMIC UNIVERSITY	SEL. P.U. 40/92
PERMODALAN NEGERI SELANGOR BERHAD	SEL. P.U. 22/93
YAYASAN BASMI KEMISKINAN	SEL. P.U. 134/94
YAYASAN UMMI	SEL. P.U. 50/95
PETRONAS DAGANGAN BERHAD	SEL. P.U. 35/96
ANGKATAN BELIA ISLAM MALAYSIA (ABIM)	SEL. P.U. 1/97
KOPERASI SERBAGUNA BATANG KALI BERHAD	SEL. P.U. 4/97
FELCRA BERHAD	SEL. P.U. 5/99
KOPERASI PUSAT ISLAM BERHAD	SEL. P.U. 15/99
MAJLIS PERBADARAN SELAYANG	SEL. P.U. 22/01
MAJLIS DAERAH KUALA SELANGOR	SEL. P.U. 30/01
KUMPULAN DARUL EHSAN BERHAD	SEL. P.U. 31/01
PETRONAS GAS BERHAD	SEL. P.U. 41/01
COMMERCE INTERNATIONAL MERCHANT BANK BERHAD	SEL. P.U. 25/02
MAJLIS BANDARAYA SHAH ALAM	SEL. P.U. 31/02
SYARIKAT PAN-ISLE SDN BJD	SEL. P.U. 31/02
SYARIKAT OXFORD ALLIANCE SDN BHD	SEL. P.U. 33/02
MAJLIS AGAMA ISLAM WILAYAH PERSEKUTUAN	SEL. P.U. 34/02

I ASSENT,

T. ABDUL AZIZ SHAH,

(STATE SEAL)

Sultan of Selangor

19th day of January, 1962

An Enactment to amend the Malay Reservations Enactment (F.M.S. Cap. 142) in the State of Selangor.

{

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}

IT IS HEREBY ENACTED by the Legislature of the State of Selangor as follows:

1. This Enactment may be cited as the Malay Reservations (Selangor) (Amendment) Enactment, 1961, and shall be construed as one with the Malay Reservations Enactment (F.M.S. Cap. 142) in so far as it applies to the State of Selangor. Short title.

2. Section 7 of the Malay Reservations Enactment is hereby amended by substituting a colon for the full-stop at the end thereof and adding thereto the following provisos: Amendment of section 7, F.M.S. Cap. 142.

“Provided that the Ruler in Council may alienate State land within a Malay Reservation to any body corporate or company specified in the Third Schedule, which the Ruler in Council may, by order published in the *Gazette*, add to, delete from, or amend, from time to time:

And provided further that any State land thus alienated shall be deemed to be a Malay holding”.

3. The Schedule to the Malay Reservations Enactment is hereby amended by adding the following new Schedule immediately after the Second Schedule: Amendment of Schedule.

THIRD SCHEDULE

(Section 7)

Federal Lands Commissioner.

Local Education Authorities.

Co-operative Societies.

Rural and Industrial Development Authority.

Central Electricity Board.
Majlis Ugama.
Housing Trusts.
Building Societies.
Selangor Padi Planters Board.

Passed this 7th day of December, 1961.
[Sel. Sec. 357.]

YANG RASHDI BIN MA'ASOM,
*Clerk of the Legislative Assembly,
Selangor*

(F.M.S. Cap. 142) iaitu undang-undang yang ada di Negeri Selangor mengenai Rizab Melayu:

MAKA, OLEH YANG DEMIKIAN, menurut Fasal (1) Perkara 89 Perlembagaan Persekutuan inilah diperbuat undang-undang oleh Dewan Perundangan Negeri Selangor seperti berikut:

Tajuk ringkas dan mula berkuatkuasa.

1. Enakmen ini bolehlah dinamakan Enakmen Rizab Melayu (Pindaan) 1985 dan hendaklah mula berkuatkuasa pada tarikh yang ditetapkan oleh Menteri Besar melalui pemberitahu dalam *Warta*.

Pindaan Seksyen 2.

2. Seksyen 2 Enakmen Rizab Melayu (F.M.S. Cap. 142) (selepas ini dalam Enakmen ini disebut "Enakmen Ibu") adalah dipinda—

(a) dengan memasukkan, selepas sahaja takrif "Malay holding", suatu takrif baru seperti berikut:

" 'Malay holding company' means a company incorporated pursuant to any written law for the time being in force relating to companies—

- (i) all members of which are Malays; and
- (ii) the articles of association of which prohibit the transfer of its shares to any person who is not a Malay;" dan

(b) dengan menggantikan perenggan terakhir dalam seksyen tersebut dengan perenggan seperti berikut:

"For the purposes of this Enactment, a Malay holding company shall be deemed to be a Malay and any registered interest in land of which such a company is proprietor shall be deemed to be a Malay holding."

Penggantian perkataan-perkataan "Land Code" dan "Collector"

3. Enakmen Ibu adalah dipinda dengan menggantikan perkataan "National Land Code or any previous land laws" bagi perkataan "Land Code" dan menggantikan perkataan "Land Administrator" bagi perkataan "Collector" di mana juga terdapat di dalamnya.

4. Seksyen 6 Enakmen Ibu adalah dipinda—

Pindaan
Seksyen 6.

- (a) dengan menggantikan seksyen-kecil (ix) dengan seksyen-kecil baru (ix) seperti berikut:

“(ix) Any person, other than a body corporate, but including a director or officer of a body corporate, who fails to comply with the provisions of any notice which has been served on him under subsection (iv) or (v) shall be liable on conviction to a fine not exceeding five hundred ringgit.”; dan

- (b) dengan memasukkan, selepas sahaja seksyen-kecil baru (ix), seksyen-kecil seksyen-kecil baru (x), (xi) dan (xii) seperti berikut:

“(x) Any body corporate which fails to comply with the provisions of any notice which has been served on it under subsection (iv) or (v) shall be liable on conviction to a fine not exceeding one thousand ringgit.

(xi) Where a person charged with an offence under this section is a body corporate, every person who, at the time of the commission of such offence is a director or officer of such body corporate may be charged jointly in the same proceedings with such body corporate, and where the body corporate is convicted of the offence charged, every such director or officer shall 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.

(xii) Any person who would have been liable under the provisions of this section to any penalty for anything done or omitted if such thing had been done or omitted by him personally shall be liable to the same penalty if such thing had been done or omitted by his partner, agent or servant, unless he proves that he took reasonable precautions to prevent the doing or omission of such thing.”

Pindaan
Seksyen 6A.

5. Seksyen 6A Enakmen Ibu adalah dipinda dengan menggantikan seksyen-kecil (v) dengan seksyen-kecil (v) baru seperti berikut:

“(v) Any person who fails to comply with the provisions of any notice which has been served on him under subsection (iii) shall be guilty of an offence and the provisions of subsections (ix), (x), (xi) and (xii) of section 6 shall apply mutatis mutandis in relation to such offence.”

Memasukkan
Seksyen-
seksyen 19A,
19B, 19C, 19D
dan 19E.

6. Enakmen Ibu adalah dipinda dengan memasukkan, selepas sahaja seksyen 19, seksyen-seksyen 19A, 19B, 19C, 19D dan 19E baru seperti berikut:

“Liability
of land to
forfeiture
where a
Malay
holding
company
ceases to
be such.

19A. If at any time whilst a Malay holding is owned by, charged or leased to, or is otherwise held in the name of, a Malay holding company such company ceases to be a Malay holding company as defined in section 2—

- (a) the land shall become liable to forfeiture to the State Authority; and
- (b) except in a case where action for the purpose of restoring the company as a Malay holding company is first required to be taken under section 19B, the Land Administrator shall proceed with the enforcement of the forfeiture in accordance with the provisions of section 19C.

Summary
action to
secure res-
toration of
the status
of a Malay
holding
company.

19B. (i) Where—

- (a) any Malay holding is liable under section 19A to forfeiture to the State Authority; and
- (b) it appears to the Land Administrator that action is capable of being taken by the Malay holding company in question within a reasonable time to restore itself as a Malay holding company,

the Land Administrator shall serve, or cause to be served, on the company a notice in Form D in the First Schedule specifying the action

required to be taken in this regard and calling upon it to take such action within the time therein specified.

(ii) Upon the service of any notice under subsection (i) the Land Administrator shall endorse on the register document of title to the land in question a note to the effect that action is being taken under this section in respect of the land.

(iii) If the notice under subsection (i) is complied with, the note endorsed under subsection (ii) shall be cancelled and the land shall not be forfeited under section 19A.

(iv) If the notice under subsection (i) is not complied with, the Land Administrator shall take action in accordance with the provisions of section 19c.

Action to
enforce
forfeiture.

19c. (i) Subject to section 19B, the Land Administrator shall take action under this section whenever any Malay holding is liable to forfeiture under section 19A.

(ii) The Land Administrator shall—

(a) cause a notice in Form E in the First Schedule to be served on the company; and

(b) cause a copy of that notice, to which there shall be appended the additional notice set out in the supplement to that Form, to be served on—

(1) any person or body having a registered interest affecting the land (including a charge of any lease or sublease thereof);

(2) any person or body having a lien over the land or over any lease or sublease thereof;

(3) any person or body in occupation of any part thereof under any tenancy exempt from registration; and

- (4) any person or body having a claim protected by caveat affecting the land or any interest therein.

(iii) Upon the service of a notice under subsection (ii), the Land Administrator shall endorse, or cause to be endorsed, on the register document of title to the land in question a note to the effect that action is being taken under this section in respect of the land.

(iv) Upon the date, and at the time and place, specified in such notice, the Land Administrator shall hold an enquiry and on the conclusion thereof—

(a) if it appears to him that the company has restored itself as a Malay holding company, he shall so declare by order, and shall cancel or cause to be cancelled any note endorsed under this section or section 19B;

(b) if it appears to him just that further time should be allowed for enabling the company to restore itself as a Malay holding company, he shall make an order specifying the action to be taken for that purpose, and the time within which it is to be taken; or

(c) in any other case, he shall make an order declaring the land forfeit to the State Authority.

(v) If the order under paragraph (b) of subsection (iv) is complied with, the Land Administrator shall cancel or cause to be cancelled any note endorsed under this section or section 19B.

(vi) If the said order is not complied with, the Land Administrator shall, on the expiry of the period specified therein, make a further order declaring the land forfeit to the State Authority.

Forfeiture
to take
effect upon
notifi-
cation in
the *Gazette*.

19D. (i) As soon as may be after the making of an order under section 19C with respect to any land, the Land Administrator shall publish in the *Gazette* a notification of forfeiture in Form F in the Second Schedule, and upon such publication, the forfeiture shall take effect as mentioned in section 19E.

(ii) Copies of any notification published under subsection (i) shall—

(a) be affixed in a conspicuous position—

(1) on the land and in the Penghulu's office or balai in the area in which the land is situated; and

(2) in that area, on such courthouses and mosques (if any) and in such markets and other public places (if any) as the Land Administrator thinks fit; and

(b) where the State Authority considers that publication in a newspaper is desirable, be published in such newspapers circulating in the State as the Land Administrator thinks fit,

and the Land Administrator shall, as soon as may be after the notification is published, register or cause to be registered a memorial thereof upon the register document of title to the land in question.

Effect of
forfeiture.

19E. (i) Upon any forfeiture under this Enactment taking effect in relation to any land—

(a) the land shall revert to, and vest in, the State Authority as State land, freed and discharged from all titles and interests subsisting or capable of arising immediately before the forfeiture took effect; and

(b) there shall also vest in the State Authority without payment of compensation and subject to any

provision to the contrary in the document of title to the land in question or, as the case may be, the lease, licence or permit in question, all buildings on the land (by whomsoever erected) other than any of temporary construction and capable of removal."

Pindaan seksyen 7.

7. Enakmen Ibu adalah dipinda dengan memasukkan, selepas sahaja Borang C dalam Jadual Pertama, Borang-Borang D, E dan F seperti berikut:

FORM D

THE MALAY RESERVATIONS ENACTMENT
NOTICE TO A COMPANY TO RESTORE ITSELF
AS A MALAY HOLDING COMPANY

To
of
owner of the land scheduled below.

Whereas I, the undersigned, am satisfied that you have ceased to be a Malay holding company in that—

Here describe how the company has ceased to be a Malay holding company.

Now, therefore, in exercise of the powers conferred by section 19a of the Malay Reservations Enactment, I hereby require you within a period of from the date of this notice to take the following action to restore yourself as a Malay holding company:

.....
.....
.....
.....

Dated this day of 19

(L.S.)
.....
.....

Land Administrator
District of.....

SCHEDULE OF LAND

*Town/Village/Mukim.....*Lot/L.O. No.....

Description and No. of TitleArea.....

FORM E

THE MALAY RESERVATIONS ENACTMENT

NOTICE TO SHOW CAUSE

To
of
owner of the land scheduled below.

Whereas I, the undersigned, am satisfied that you have ceased to be a Malay holding company in that—

.....
.....
.....
.....

Here describe in the compass has ceased to be a Malay holding company.

And whereas—

*(a) I am of the opinion that the taking of action under section 19a of the Malay Reservations Enactment would not be appropriate.

*(b) you have failed to comply with the notice served on you under section 19b of the Malay Reservations Enactment requiring you to restore yourself as a Malay holding company.

Now, therefore, in exercise of the powers conferred by section 19c of the Malay Reservations Enactment, I hereby require you to appear before me on the day of 19 at hours at to show cause why I should not forthwith declare the land forfeit to the State Authority.

Dated this day of 19

SCHEDULE OF LAND

*Town/Village/Mukim.....*Lot/L.O. No.....

Description and No. of TitleArea.....

SUPPLEMENT

To.....
of.....

*Chargee/Lessee/Sublessee/Tenant/Lien-holder/Caveator.

TAKE NOTICE that if you wish to show cause why the above land should not be declared forfeit, you should appear at the time and place specified above.

Dated this day of 19

(L.S.)

Land Administrator,

District of.....

* Delete as appropriate.

FORM F

THE MALAY RESERVATIONS ENACTMENT

NOTICE OF RESERVATION TO THE STATE AUTHORITY

Whereas, pursuant to the provisions of section 19c of the Malay Reservations Enactment, the land scheduled below has by order been declared forfeit to the State Authority.

Notice is hereby given that such forfeiture has this day taken effect and that, in consequence of the said land vesting in the State Authority—

- (a) any title or interest in the land heretofore subsisting or capable of arising is extinguished; and
- (b) the issue document of title to the land is void and is impoundable by the State.

Dated this day of 19

(L.S.)

Land Administrator,

District of.....

SCHEDULE OF FORFEITED LAND

<i>*Town/Village/ Mukim</i>	<i>*Lot/L.O. No.</i>	<i>Area</i>	<i>Description and No. of Title</i>
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* Delete as appropriate.

Dituluskan pada 22hb November 1985.
 [DUN. Sel. 30051/38; PHN. Sel. (S) 158 Vol. 2 (26);
 PU. Sel. Sulit 51.]

MOHAMAD HASHIM BIN MAT AZIZ,
Setiausaha,
Dewan Undangan Negeri Selangor

SELANGOR

ENACTMENT No. 7 of 1985

I ASSENT,

(Sgd.)
TENGKU IDRIS SHAH,
Regent of Selangor

(STATE SEAL)

2nd June 1986

An Enactment to amend the Malay Reservations
Enactment (F.M.S. Cap. 142).

[]

WHEREAS according to Clause 1 of Article 89 of the
Federal Constitution the existing law in the State of
Selangor with respect to Malay Reservations shall

continue in force until otherwise provided by an Enactment of the Legislature of that State passed and approved as described in Clause 1 of Article 89;

AND WHEREAS it is desired to make certain amendments to the Malay Reservations Enactment (F.M.S. Cap. 142) which is the existing law in the State of Selangor with respect to Malay reservations:

Now, THEREFORE, by virtue of Clause 1 of Article 89 of the Federal Constitution it is hereby enacted by the legislature of the State of Selangor as follows:

Short title
and com-
mencement.

1. This Enactment may be cited as the Malay Reservations (Amendment) Enactment 1985 and shall come into force on a date to be appointed by the Menteri Besar by notification in the *Gazette*.

Amendment
of section 2.

2. Section 2 of the Malay Reservations (F.M.S. Cap. 142) (hereinafter referred to as "the principal Enactment") is amended—

(a) by inserting immediately after the definition of "Malay holding" a new definition as follows:

" 'Malay holding company' means a company incorporated pursuant to any written law for the time being in force relating to companies—

- (i) all members of which are Malays; and
- (ii) the articles of association of which prohibit the transfer of its shares to any person who is not a Malay;" and

(b) by substituting for the last paragraph thereof the following:

"For the purposes of this Enactment, a Malay holding company shall be deemed to be a Malay and any registered interest in land of which such a company is proprietor shall be deemed to be a Malay holding."

3. The principal Enactment is amended by substituting the words "National Land Code or any previous land laws" for the words "Land Code" and the words "Land Administrator" for the word "Collector" wherever they appear therein.

Substitution of the words "Land Code" and "Collector".

4. Section 6 of the principal Enactment is amended—

Amendment of section 6.

(a) by substituting subsection (ix) with a new subsection (ix) as follows:

"(ix) Any person, other than a body corporate, but including a director or officer of a body corporate, who fails to comply with the provisions of any notice which has been served on him under subsection (iv) or (v) shall be liable on conviction to a fine not exceeding five hundred ringgit."; and

(b) by inserting immediately after the new subsection (ix), new subsections (x), (xi) and (xii) as follows:

"(x) Any body corporate which fails to comply with the provisions of any notice which has been served on it under subsection (iv) or (v) shall be liable on conviction to a fine not exceeding one thousand ringgit.

(xi) Where a person charged with an offence under this section is a body corporate, every person who, at the time of the commission of such offence is a director or officer of such body corporate may be charged jointly in the same proceedings with such body corporate, and where the body corporate is convicted of the offence charged, every such director or officer shall 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.

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(xii) Any person who would have been liable under the provisions of this section to any penalty for anything done or omitted if such thing had been done or omitted by him personally shall be liable to the same penalty if such thing had been done or omitted by his partner, agent or servant, unless he proves that he took reasonable precautions to prevent the doing or omission of such thing."

Amendment
of Section 6A

5. Section 6A of the principal Enactment is amended by substituting subsection (v) with new subsection (v) as follows:

"(v) Any person who fails to comply with the provisions of any notice which has been served on him under subsection (ii) shall be guilty of an offence and the provisions of subsections (ix), (x), (xi) and (xii) of section 6 shall apply mutatis mutandis in relation to such offence."

Inserting
of new
sections
19A, 19B,
19C, 19D,
19E.

6. The principal Enactment is amended by inserting immediately after section 19 new sections 19A, 19B, 19C, 19D and 19E as follows:

"Liability
of land to
forfeiture
where a
Malay
holding
company
ceases to
be such.

19A. If at any time whilst a Malay holding is owned by, charged or leased to, or is otherwise held in the name of, a Malay holding company such company ceases to be a Malay holding company as defined in section 2—

- (a) the land shall become liable to forfeiture to the State Authority; and
- (b) except in a case where action for the purpose of restoring the company as a Malay holding company is first required to be taken under section 19B, the Land Administrator shall proceed with the enforcement of the forfeiture in accordance with the provisions of section 19C.

Summary
action to
secure res-
toration of
the status
of a Malay
holding
company.

19B. (i) Where—

- (a) any Malay holding is liable under section 19A to forfeiture to the State Authority; and
- (b) it appears to the Land Administrator that action is capable of being taken by the Malay holding company in question within a reasonable time to restore itself as a Malay holding company;

the Land Administrator shall serve, or cause to be served, on the company a notice in Form D in the First Schedule specifying the action required to be taken in this regard and calling upon it to take such action within the time therein specified.

(ii) Upon the service of any notice under subsection (i) the Land Administrator shall endorse on the register document of title to the land in question a note to the effect that action is being taken under this section in respect of the land.

(iii) If the notice under subsection (i) is complied with, the note endorsed under subsection (ii) shall be cancelled and the land shall not be forfeited under section 19A.

(iv) If the notice under subsection (i) is not complied with, the Land Administrator shall take action in accordance with the provisions of section 19c.

Action to
enforce
forfeiture.

19c. (i) Subject to section 19B, the Land Administrator shall take action under this section whenever any Malay holding is liable to forfeiture under section 19A.

(ii) The Land Administrator shall—

- (a) cause a notice in Form E in the First Schedule to be served on the company; and

(b) cause a copy of that notice, to which there shall be appended the additional notice set out in the supplement to that Form, to be served on—

- (1) any person or body having a registered interest affecting the land (including a charge of any lease or sublease thereof);
- (2) any person or body having a lien over the land or over any lease or sublease thereof;
- (3) any person or body in occupation of any part thereof under any tenancy exempt from registration; and
- (4) any person or body having a claim protected by caveat affecting the land or any interest therein.

(iii) Upon the service of a notice under subsection (ii), the Land Administrator shall endorse, or cause to be endorsed; on the register document of title to the land in question a note to the effect that action is being taken under this section in respect of the land.

(iv) Upon the date, and at the time and place, specified in such notice, the Land Administrator shall hold an enquiry and on the conclusion thereof—

- (a) if it appears to him that the company has restored itself as a Malay holding company, he shall so declare by order, and shall cancel or cause to be cancelled any note endorsed under this section or section 19B;
- (b) if it appears to him just that further time should be allowed for enabling the company to restore itself as a Malay holding company, he shall make an

order specifying the action to be taken for that purpose, and the time within which it is to be taken; or

(c) in any other case, he shall make an order declaring the land forfeit to the State Authority.

(v) If the order under paragraph (b) of subsection (iv) is complied with, the Land Administrator shall cancel or cause to be cancelled any note endorsed under this section or section 19B.

(vi) If the said order is not complied with, the Land Administrator shall, on the expiry of the period specified therein, make a further order declaring the land forfeit to the State Authority.

Forfeiture
to take
effect upon
notifi-
cation in
the *Gazette*.

19D. (i) As soon as may be after the making of an order under section 19c with respect to any land, the Land Administrator shall publish in the *Gazette* a notification of forfeiture in Form F in the Second Schedule, and upon such publication, the forfeiture shall take effect as mentioned in section 19E.

(ii) Copies of any notification published under subsection (i) shall—

(a) be affixed in a conspicuous position—

(1) on the land and in the Penghulu's office or balai in the area in which the land is situated; and

(2) in that area, on such courthouses and mosques (if any) and in such markets and other public places (if any) as the Land Administrator thinks fit; and

(b) where the State Authority considers that publication in a newspaper is desirable, be published in such

newspapers circulating in the State as the Land Administrator thinks fit,

and the Land Administrator shall, as soon as may be after the notification is published, register or cause to be registered a memorial thereof upon the register document of title to the land in question.

Effect of
forfeiture.

19E. (i) Upon any forfeiture under this Enactment taking effect in relation to any land—

(a) the land shall revert to, and vest in, the State Authority as State land, freed and discharged from all titles and interests subsisting or capable of arising immediately before the forfeiture took effect; and

(b) there shall also vest in the State Authority without payment of compensation and subject to any provision to the contrary in the document of title to the land in question or, as the case may be, the lease, licence or permit in question, all buildings on the land (by whomsoever erected) other than any of temporary construction and capable of removal."

Amendment
of Section 7.

7. The principal Enactment is amended by adding immediately after Form C in the First Schedule Forms D, E, and F as follows:

FORM D

THE MALAY RESERVATIONS ENACTMENT
NOTICE TO A COMPANY TO RESTORE ITSELF
AS A MALAY HOLDING COMPANY

To

of

owner of the land scheduled below.

And whereas—

**(a)* I am of the opinion that the taking of action under section 19a of the Malay Reservations Enactment would not be appropriate.

**(b)* you have failed to comply with the notice served on you under section 19a of the Malay Reservations Enactment requiring you to restore yourself as a Malay holding company.

Now, therefore, in exercise of the powers conferred by section 19c of the Malay Reservations Enactment, I hereby require you to appear before me on the day of 19 at hours at to show cause why I should not forthwith declare the land forfeit to the State Authority.

Dated this day of 19

(L.S.)

Land Administrator,

District of

SCHEDULE OF LAND

*Town/Village/Mukim..... *Lot/L.O. No.

Description and No. of Title Area.....

SUPPLEMENT

To

of

*Chargee/Lessee/Sublessee/Tenant/Lien-holder/Caveator.

TAKE NOTICE that if you wish to show cause why the above land should not be declared forfeit, you should appear at the time and place specified above.

Dated this day of 19

(L.S.)

Land Administrator,

District of

* Delete as appropriate.

FORM F

THE MALAY RESERVATIONS ENACTMENT

NOTICE OF RESERVATION TO THE STATE AUTHORITY

Whereas, pursuant to the provisions of section 19c of the Malay Reservations Enactment, the land scheduled below has by order been declared forfeit to the State Authority.

Notice is hereby given that such forfeiture has this day taken effect and that, in consequence of the said land vesting in the State Authority—

- (a) any title or interest in the land heretofore subsisting or capable of arising is extinguished; and
- (b) the issue document of title to the land is void and is impoundable by the State.

Dated this day of 19

(L.S.)

Land Administrator,

District of.....

SCHEDULE OF FORFEITED LAND

<i>*Town/Village/ Mukim</i>	<i>*Lot/L.O. No.</i>	<i>Area</i>	<i>Description and No. of Title</i>
---------------------------------	----------------------	-------------	---

* Delete as appropriate.

Passed this 22nd day of November 1985.

[DUN. Sel. 30051/38; ~~PLN. Sel. (S) 158 Vol. 2 (26);~~ PTC Sel 16/10
PU. Sel. Sulit 51.]

MOHAMAD HASHIM BIN MAT AZIZ,
Clerk of the Legislative Assembly,
Selangor

**MINING ENACTMENT
(F.M.S. CAP. 147)**

**ENAKMEN LOMBONG
(F.M.S. CAP. 147)**

(Tiada Terjemahan BM)

- **MINING (SELANGOR) (AMENDMENT)
ENACTMENT 1/1958 (BI)**
- **MINING (SELANGOR) (AMENDMENT)
ENACTMENT 2/1969 (BI & BM)**
- **MINING (SELANGOR) (AMENDMENT)
ENACTMENT 7/1978 (BI)**



office copy

Printed by the Director General of Printing West Malaysia, with the authority of—

MALAYSIA

MINING ENACTMENT

(F.M.S. Cap. 147)

**TOGETHER WITH THE SUBSIDIARY
LEGISLATION MADE THEREUNDER**

*as extended to the State of
Malacca by Malacca Enact-
ment No. 6 of 1966 and to
the State of Penang by Penang
Enactment No. 3 of 1966*

Printed by the Director General of Printing West Malaysia, with the authority of—

- (a) the Yang di-Pertuan Agong under section 48 of the Interpretation and General Clauses Ordinance, 1948 (M.U. Ordinance No. 7 of 1948); and
- (b) the Commissioner of Law Revision under section 14 of the Revision of Laws Act, 1968 (Act 1).

and containing the amended law as in force on 30th June, 1975.

Harga: \$7.50

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MINING ENACTMENT
(F.M.S. Cap. 147)

LIST OF AMENDMENTS

Act/Ord/Enact/GN/ LN/PU	Provisions Amended/ Remarks	Effective date of amendment
F.M.S. 1/1936	s. 3, 6, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 27, 35, 35A, 38, 44, 47, 48, 54, 56, 57, 58, 64, 74, 75, 76, 77A, 79, 82, 82A, 84, 85, 94, 106, 107, 113, 114, 116, 124 130, 131, 132, 136	27-3-1936
G.N. 5714/1936	Sch. IV, VII, VIII, IX, X, XVIII, XIX, XX	24-2-1936
F.M.S. 6/1937	s. 113A	6-3-1937
F.M.S. 18/1937	s. 95, 99	23-7-1937
F.M.S. 3/1938	s. 147	6-4-1938
F.N. 171/1938	Notification effects substitution of titles of public office	14-1-1938
F.M. Ord. 1/1948	s. 5 (i), 13, 16 (iv), (v), 19 (i), 20, 21 (ii), 22 (i), (iii), (iv), 23, 24 (ii), (iii), 24A (i), 28, 49 (i), 54 (i), (iii), (iv), (vi), 58, 64, 65 (iv), 69, 70, 79 (iii), 80 91, 93, 94, 95 (i), 99 (vi), 112, 131 (ii), 132, Sch. VII, VIII, XIII, XV	6-3-1948
L.N. 420/1951	"Mining Assistants" substituted for "Over- seers and Assistant Overseers of Mines"	6-8-1951
F.M. Ord. 10/1953	s. 100, 100A	19-2-1953
F.M. Ord. 32/1953	s. 24 (ii) (a)	25-6-1953
FL.N. 161/1957	s. 11 (viii), 60	4-4-1957
S. Enact. 1/1958	s. 130 (applies to State of Selangor)	4-7-1955
FL.N. 233/1959	s. 95 (i), 131 (ii), Sch. VI, IX-Form (ii)	9-7-1959
FL.N. 297/1959	s. 131 (i)	3-9-1959

Act/Ord/Enact/GN/ LN/PU	Provisions Amended/ Remarks	Effective date of amendment
F.M. Act 1/1960 ...	Sch. X—in consequence of the repeal of Pt. XIV of Land Code F.M.S. Cap. 138 by F.M. Act 1/1960	5-5-1960
Phg. Enact. 12/1962	s. 48, 49	17-1-1963
✓ S. Enact. 13/1962 ...	s. 48, 49	17-1-1963
Pk. Enact. 18/1962 ...	s. 48, 49	14-2-1963
N.S. Enact 12/1962 ...	s. 48, 49	14-3-1963
P.U. 409/1966 ...	s. 3, 14 (iv), 35, 36 (i), 38 (ii), 97 (i) (b)	1-1-1966
M. Enact. 6/1966 ...	Extends the application of the Mining Enactment to the State of Malacca with modifications and amendments	4-8-1966
• Pg. Enact. 3/1967 ...	Extends the application of the Mining Enactment to the State of Penang with modifications and amendments	10-7-1967
✓ S. Enact. 2/1969 ...	s. 35 (applies to the State of Selangor)	1-1-1966
Phg. Enact. 3/1969 ...	s. 35 (applies to the State of Pahang)	1-1-1966
Pk. Enact. 3/1969 ...	s. 118B (applies to the State of Perak)	1-7-1969
Pk. Enact. 4/1974 ...	s. 16 (applies to the State of Perak)	1-12-1974
Act 95, s. 13 (1) ...	Repeals, subject to saving provision, all references to oil prospecting licences and oil mining leases	1-12-1966

MINING ENACTMENT

(F.M.S. CHAPTER 147)*

An Enactment to amend and consolidate the Law relating to mining.

[1st January, 1929].

1. This Enactment may be cited as the Mining Short title. Enactment.

2. Nothing in the Enactment shall invalidate any Saving of existing rights. title to occupy land for mining purposes lawfully given under any repealed Enactment or in the absence of an express provision in that behalf abrogate any of the rights or privileges expressly conferred thereby: provided that every such title, right or privilege shall be limited to the extent prescribed by the Enactment under or by virtue of which the same was granted or conferred; and provided further that, save as by such title or Enactment is expressly otherwise provided, it shall be incumbent upon a lessee or occupier of the said land to hold and mine the same in accordance with the covenants and conditions set forth in this Enactment and in all respects as if his title to occupy the same were a lease issued under this Enactment.

*As extended to the State of Malacca by Malacca Enactment 6/1966 and to the State of Penang by Penang Enactment 3/1966.

Note:

[In its application to the State of Malacca, the Enactment shall have effect subject to the amendments set out in the Mining Enactment of the Federated Malay States (Cap. 147) (Extended Application to Malacca) Enactment, 1966—see Malacca Enactment 6/1966 at page 143 *infra*.]

[In its application to the State of Penang, the Enactment shall have effect subject to the amendments set out in the Mining (Extended Application to Penang) Enactment, 1967—see Penang Enactment 3/1967 at page 149 *infra*.]

†The following provision of the Petroleum Mining Act, 1966 (*Act 95*) applies so far as it relates to this Enactment:

"13. (1) All references to oil prospecting licences and oil mining leases in the Mining Enactments of the States in West Malaysia shall be deemed to have been repealed: provided that any oil prospecting licence or oil mining lease issued under any of those Enactments shall continue to subsist for the duration of time for which it is issued and shall not be affected by this Act."

"Repeal and Saving F.M.S. Cap. 147. J. No. 62, K. No. 57, En. 10/39, Ps. 1/1340, Tr. 51/1336.

PART I

Inter-
pretation.

3. In this Enactment—

“Inspector” means an Inspector of Mines appointed under this Enactment;

“lessee” means the person for the time being registered as the lessee of land comprised in a mining lease and includes the holder of a mining certificate;

“manager” means the person for the time being recorded in the office of the Senior Inspector of Mines as the mining manager of the mine in connection with which the expression is used;

“mining” or “to mine” means to disturb, remove, cart, carry, wash, sift, smelt, refine, crush or otherwise deal with any rock, stone, gravel, clay, sand, soil or mineral by any mode or method whatever for the purpose of obtaining metal or mineral therefrom;

“mining land” or “land” means land comprised in a mining lease or mining certificate;

“mining lease” means a lease of State land for mining purposes issued by or under the authority of the Ruler of the State, and includes a lease for such purposes issued prior to the commencement of this Enactment;

“minor” means any person who has not completed the age of twenty-one years;

“occupier” includes every person registered by the Collector as the lessee or sub-lessee of mining land under this Enactment or under any repealed Enactments and includes the holder of an unregistered sub-lease for a period not exceeding twelve months;

“the register” means the register of mining leases and the register of mining certificates kept under this Enactment;

“sub-lease” means any sub-lease of the whole or a part of the area leased for any portion of the term of the mining lease and includes a sub-lease granted by a sub-lessee;

“Senior Inspector” means a Senior Inspector of Mines appointed under this Enactment and includes Chief Inspector.

* All words and expressions used herein and defined in the National Land Code and not hereinbefore defined shall be deemed to have the meanings attributed to them by that Code, save that “State land” shall include mining land.

PART II

AUTHORITY TO MINE AND ACQUISITION OF TITLE WITH SUCH AUTHORITY

4. The entire property in and control of State land is and shall be vested solely in the Ruler of the State.

Property in State land.

5. (i) Subject to the provisions of this Enactment the Ruler in Council may on behalf of the Ruler of the State lease State land for mining purposes for such term and in return for the payment of such annual rent as may be stated in the mining lease, and may impose covenants and conditions conformable to law to be expressed in the mining lease, and may direct whether the right to mine any such land shall be disposed of by public auction or tender or in compliance with an application lodged therefor or otherwise and whether premium shall or shall not be charged in respect thereof.

Disposal of State land.

*Passion delgado
to the
28.10.19/20*

(ii) Subject to the provisions of section 11 (viii) the date of any such lease shall be the date of the registration thereof.

6. State land may be leased only to—

- (a) an individual person, not being a minor;
- (b) a company authorized by its constitution to hold mining land and incorporated under the provisions of the Companies Act, 1965 or of any Ordinances repealed by that Act;
- (c) a foreign company as defined in the Companies Act, 1965 authorized by its constitution to hold mining land which has complied with Part XI Division 2, of the Companies Act, 1965 or with the British and Foreign Companies Enactment, 1912;
- (d) a body corporate authorized to hold mining land and incorporated by any written law;
- (e) a duly constituted representative under a certificate of representation.

To whom State land may be leased.

Act 125.

F.M.S. En. 9/1922.

7. No lease, certificate or other document of title whether registered or issued before or after the commencement of this Enactment shall vest in any person any right to prospect for, mine or take any oil shales or mineral oil unless such right be conferred in express terms by the document of title.

Oil rights withheld unless expressly granted.

Application
for mining
land, how
made.

8. Any person wishing to apply for land for the purpose of mining shall lodge in the Land Office of the district an application in the form in Schedule II with such variations of the form but not of the substance as the Collector may accept, setting out the position and approximate area of such land and giving an address at which notices shall be served, and any notice served at such address shall be deemed to be duly served.

How
application
to be dealt
with.

9. The Collector shall thereupon, if in his opinion the particulars contained in the application are sufficient, mark such application with a distinctive number and shall note thereon the day and hour of receipt and shall file the same in the Land Office and enter the particulars thereof in an index of applications to be kept in the Land Office. All applications shall be numbered and entered in the index according to the order in which the same are received, but so that priority of application shall give no claim or priority of claim to a mining lease.

Procedure
upon
approval of
application.

10. (i) Should an application be approved, permanent boundary marks shall be emplaced and the land surveyed.

(ii) Before causing any permanent marks to be emplaced or land to be surveyed the Collector may require any applicant to make a deposit of such amount as the Collector may determine towards the cost of emplacement or survey.

Mining
certificate and
provisions as
to same.

11. (i) When any application has been approved and the applicant desires to commence mining operations before the survey can be completed and the mining lease issued, it shall be lawful for the Collector to issue to the applicant a mining certificate, to be prepared in duplicate, substantially in the Form in Schedule III, having thereon a sketch plan of the land, and such applicant may then enter upon, occupy and mine the land therein described in accordance with the terms of the mining certificate.

(ii) In so far as the land approved to the applicant does not adjoin alienated land the Collector shall cause boundary marks to be emplaced before the issue of a mining certificate. If by reason of the failure of the applicant to maintain such boundary marks and to keep open the boundary lines between such marks any

portion of the land included in the mining certificate is subsequently alienated to some other person the title of such other person shall not be impeached and no action or proceeding shall be instituted or maintained against the State or any of its officers for any damage sustained by reason of such subsequent alienation.

(iii) In so far as the land approved to the applicant adjoins alienated land it shall not be necessary for the Collector to emplace further boundary marks, and the boundaries of such alienated land as marked on the ground at the time of survey shall, so far as they form common boundaries with the boundaries of the land approved to the applicant, be deemed to be the boundary of the land included in the mining certificate.

(iv) When the land approved to the applicant has been surveyed at some previous date it shall not be necessary for the Collector to emplace boundary marks, and the land included in the mining certificate shall be the land as marked on the ground at the time of such previous survey.

(ivA) The emplacement of boundary marks shall not be deemed to define exactly the area which has been approved.

(v) Every mining certificate shall be issued at the risk of the applicant who shall be liable in respect of any damage caused by his mining operations, whether such damage is due to the loss, removal or disturbance of boundary marks or not.

(vi) Before any mining certificate is issued the applicant shall pay the premium (if any) and rent for the current year.

(vii) Every such mining certificate shall, so far as the circumstances permit, confer the same rights and privileges and be subject to the same covenants, conditions, agreements, obligations, liabilities and other provisions of this Enactment as a mining lease for the same purposes under this Enactment.—

(viii) Any mining lease under this Enactment in respect of State land for which a mining certificate has previously been issued shall, if such mining certificate is still in force, be dated as from the date of such mining certificate, and all covenants, conditions, agreements, obligations and liabilities under such mining lease shall, unless the Ruler in Council other-

(ix) When a mining lease is issued in respect of State land for which a mining certificate has previously been issued and is still in force such mining lease shall be deemed to be subject to all the registered interests to which such mining certificate was at the date of issue of such mining lease subject and shall contain in such manner as to preserve their respective priorities memorials of all the said existing registered interests.

Withdrawal of application.

12. Any applicant may at any time upon payment of all expenses withdraw his application by a notice in writing addressed to the Collector.

Applicant not to be deemed to have acquired right to mining lease.

13. No applicant shall by the approval of his application, by paying survey fees, by signing a mining lease, or in any way other than by the registration of a mining certificate under section 11, be deemed to have acquired any right to claim the issue of a mining lease to him in respect of the land for which he has applied; and the approval of any application may, except as aforesaid, be cancelled by the Ruler in Council at any time before such mining lease has been registered by the Collector. This section applies to applications made before, as well as to those made after, the commencement of this Enactment.

PROVISIONS AS TO MINING LEASES

Implied rights of lessee.

14. Every mining lease shall vest in the lessee thereof in the absence of any express condition to the contrary the following rights, and such other rights, if any, as may be expressly set forth therein:

(i) the right to win and get all metals and minerals other than mineral oil and oil shales found upon or beneath the land and, subject to the provisions of subsection (iv), to remove, dispose of, and dress the same during such term as may be mentioned in the mining lease;

(ii) the right to roast and calcine (but not to smelt except in the case of gold) all such metals or minerals found upon or beneath the land without obtaining a licence under the Mineral Ores Enactment, but subject to the provisions of any other Enactment by which such right is affected.

F.M.S. Cap. 148.

(iii) the right to use such portions of the land as may be required for the purpose of erecting such houses, lines, sheds, or other buildings, or of growing such plants and vegetables, or of keeping such animals

and poultry; as may in the opinion of the Senior Inspector be reasonable for the purposes of the mine or for the use of the labourers;

(iv) the exclusive right, subject to the provisions of section 16, subsection (x), to all timber and other forest produce upon the land, but no right to remove beyond the boundaries of the land for any purpose (excepting only for the extraction therefrom of any metal or mineral ore) any timber or other forest produce or any gravel, stone, coral, shell, guano, sand, loam or clay obtained from the said land, or any bricks, lime, cement or other commodities manufactured from the materials aforesaid, except under licence granted under the provisions of the Land Code or the National Land Code, or any Rules made thereunder.

15. (Repealed.)

*16. There shall be implied in every mining lease in the following covenants and conditions on the part of the lessee:

Implied conditions on part of lessee.

(i) that the lessee will duly pay the rent and any royalty that may become due to the State at such time and place and in such manner as may from time to time be prescribed, and to such persons as may from time to time be authorized to receive the same;

*In its application to the State of Perak—

- (i) delete the full-stop at the end of subsection (xiv) and substitute a semi-colon therefore; and
- (ii) insert the following new subsection (xv)—

"(xv) that if at any time the land or any portion thereof in the opinion of the Ruler in Council, upon considering the report of the Senior Inspector, is no longer required for mining, or for purposes related to mining, the lessee shall, within one month from the service upon him of a written notice in that behalf, surrender to the Ruler of the State the land or such portion thereof as the Ruler in Council may by such notice direct; provided that he shall receive reasonable compensation in respect of such loss or damage, if any, as may have been sustained by him in consequence of such surrender, but so that such compensation shall not include any sum on account of any work done in connection with any previous mining operation or operations on the mining land or any land adjacent thereto but within the area, or areas, leased out to the lessee, and the value and/or cost of any undertaking, commercial or otherwise, as may have been carried out by him otherwise than in accordance with the terms and conditions of the mining lease and such compensation may in default or agreement be claimed and determined by suit in the appropriate Court."

(ii) that the lessee will duly maintain all marks by which the boundaries of the land are defined and will keep open all boundary lines;

(iii) (a) that the lessee will commence mining operations upon the land within a period of one year from the date of issue of the mining lease;

(b) that within a further period of six months the lessee shall employ at work thereon not less than such number of labourers as shall be mentioned in such mining lease, or labour-saving apparatus equivalent thereto calculated at the rate of one horse-power to eight labourers, the horse power of such apparatus being determined in the manner prescribed by Schedule IV;

(c) that thereafter the lessee shall not at any time during the term of the mining lease fail for a period of more than twelve consecutive months to substantially and efficiently carry on mining operations on the land and to keep at work thereon such number of labourers as shall be mentioned in the mining lease or labour-saving apparatus equivalent thereto calculated as aforesaid;

(iv) that if at any time there shall be discovered on any portion of the land which is in process of being worked for alluvial deposits any mineral in the form of lodes, beds, pockets, stockwards or similar formations, and the lessee be required, in writing by the Ruler in Council to work the same, he shall commence to do so in a proper and workmanlike manner within twelve months from the date of receipt of such requisition, and in default of so doing he shall surrender to the Ruler of the State, if so required, such portion of the land as the Ruler in Council may direct: provided that he shall receive reasonable compensation in respect of such loss or damage if any, as may have been sustained by him in consequence of such surrender, but so that such compensation shall not include any sum on account of the value of any mineral deposit which he has so failed to work as aforesaid, and such compensation may in default of agreement be claimed and determined by suit in the appropriate court;

(v) that if at any time the land or any portion thereof shall be found to contain oil shales or mineral oil, the lessee shall, within one month from the service upon him of a written notice in that behalf surrender to the Ruler of the State the land or such portion

thereof as the Ruler in Council may by such notice direct; provided that he shall receive reasonable compensation in respect of such loss or damage, if any, as may have been sustained by him in consequence of such surrender, but so that such compensation shall not include any sum on account of the value of any oil shales or mineral oil which the land may contain, and such compensation may in default of agreement be claimed and determined by suit in the appropriate court;

(vi) that the lessee will carry on all his mining operations in a safe, orderly, skilful, efficient and workmanlike manner, and will not cause danger or damage to the owners or occupiers of other lands, and will observe and perform all rules and orders made or given in pursuance of this Enactment or by virtue of any rules made thereunder;

(vii) that the lessee will not use or permit to be used any portion of the land for any purposes other than those mentioned in section 14 without the written authority of the Collector;

(viii) that all Government officers duly authorized in that behalf shall at all reasonable times have free access to the land and to all workings and buildings in or upon the same, and that all such officers as may be duly authorized by the Senior Inspector shall at all reasonable times have free access to the land for the purpose of making examination thereof by boring or otherwise and shall receive from the lessee all reasonable facilities for making such examination;

(ix) that the lessee shall truly fill in, exhibit, and cause to be maintained at the principal office or place of business on the land, and wherever the labourers are housed, a notice substantially in the form in Schedule V and will also exhibit in a conspicuous place upon any buildings specified by the Senior Inspector copies of such documents in such languages as may from time to time be required by the Senior Inspector;

(x) that the lessee will permit the taking and removal, without payment, from the land, by any person duly authorized in each particular case in writing by the Senior Inspector, of any earth, stone, gravel, timber and other road-making or building material which may be

required by the State for any public purpose and in the opinion of the Senior Inspector is not reasonably required for the purposes of the mine;

(xi) that the lessee shall cause to be kept true and sufficient books of account of the mining and other business carried on upon the land, and of the disposal of the metals and minerals obtained, and will, if so required, produce or cause to be produced such books for the inspection of the Senior Inspector or of any person duly authorized by him in that behalf;

(xii) that the lessee shall allow over or through the land such access to any adjoining land, whether held under mining title or not as shall not, in the opinion of the Senior Inspector, interfere with his rights under the lease;

(xiii) that the lessee shall allow the construction and use on the land of such water-courses as shall not in the opinion of the Senior Inspector interfere with his rights under the lease;

(xiv) that the lessee will take all due and proper precautions and will comply with all requirements of the Senior Inspector as to the safety of all persons employed on the land.

Provisions as
to rent.

17. (i) Rent payable on any mining lease or mining certificate shall be a first charge on the land comprised therein and shall fall due in full on the first day of January in each year.

(ii) Such rent shall become an arrear on the first day of April in the year in respect of which it is due.

(iii) When any such rent becomes an arrear there shall be payable by the lessee such fee as may be prescribed.

(iv) Upon any such rent becoming an arrear the Collector may serve on the lessee a notice of demand in the prescribed form, demanding payment of the same and of the fee due under subsection (iii) within one month of the date of service on him of the said notice.

(v) Proceedings under section 22 for forfeiture of any mining lease or mining certificates for breach of the condition set out in subsection (i) of section 16 may be taken notwithstanding that a notice of demand has not been served as provided by subsection (iv)

of this section, and the period of six months mentioned in subsection (i) of section 21 shall commence to run from the first day of January of the year in respect of which the rent is due.

(vi) For the purposes of this section "rent" shall include all payments which are in any Enactment expressed to be recoverable in the manner provided for the recovery of rent. Such payments, if annual, shall become an arrear as provided in subsection (ii) of this section, and in any other case on the fifteenth day after service of notice by the Collector on the person liable to pay the same, demanding payment thereof; and the provisions of section 16 (i) and section 22 shall apply in respect of all such payments.

(vii) No transfer, sub-lease, or charge of a mining lease or mining certificate, and no transfer of a sub-lease or charge shall be registered until all arrears of rent due in respect of such mining lease or mining certificate shall have been paid.

18. The implied covenants and conditions specified in section 16 and any express covenants and conditions imposed under section 5 shall continue binding on the lessee notwithstanding that he may have sub-leased the land or any part thereof, and shall also be binding on the sub-lessee or sub-lessees of the land and any other occupier thereof. Effect of sub-letting.

19. (i) Upon payment of the prescribed fee the Ruler in Council may from time to time by order direct that in regard to such lease the operation of all or any of the conditions implied by section 16 (iii) be suspended from such date and for such period and to such extent as may be specified on such order. Suspension of implied conditions.

(ii) Any order made under subsection (i) may be presented to the proper registering authority and shall thereupon, subject to the provisions of law in force for the time being relating to registration, be registered.

(iii) No order made under subsection (i) shall have effect until registered.

20. (i) Where any person is in occupation of several mining lands in the same State, whether as lessee, sub-lessee, or sub-sub-lessee, he may, with the written permission of the Ruler in Council in that behalf, keep at work upon any one or more of the said lands the number of labourers or labour-saving apparatus Aggregate area and labour force.

equivalent thereto required under subsection (iii) of section 16 in respect of the aggregate area of such lands and shall thereby be deemed to comply with the provisions of the said subsection.

(ii) The Ruler in Council may fix a period to any permission under this section.

Liability to forfeiture how incurred.

21. * (i) Breach of or default in observance of any of the covenants or conditions specified in—

section 16 (i) where the breach has continued for a period of six months or more; or

section 16 (iii) where the period prescribed thereby or the extended period authorized under section 19 has expired; or

section 16 (v);

shall render the mining lease liable to forfeiture.

(ii) Breach of, or default in observance of, any covenant or condition expressed in a mining lease by virtue of the powers conferred upon the Ruler in Council under section 5 shall if not repaired or made good within such time as the Ruler in Council may in each case direct render the mining lease liable to forfeiture.

Provisions in case of lease liable to forfeiture.

22. (i) Where there is reason to believe that a lessee has done or omitted to do something in consequence whereof his mining lease has become liable to forfeiture the Collector may serve on the lessee a notice in the Form in Schedule VI calling upon him within a period specified in such notice but which shall not be less than one month from the service of the notice to show cause to the satisfaction of the Ruler in Council why the lease should not be forfeited.

(ii) The Collector shall present a copy of such notice and shall make a memorial thereof in the register of mining leases or mining certificates.

(iii) If the lessee shall fail to satisfy the Ruler in Council that the lease ought not to be forfeited the Mentri Besar may by writing under his hand in the Form in Schedule VII declare the mining lease to be

* In the application of this subsection to the State of Perak insert "or section 16 (xv)" before the words "shall render the mining lease liable to forfeiture".

forfeited: provided that in the case of default by non-payment of rent payment of rent due within the period specified in the notice under subsection (i) of this section shall be cause to the satisfaction of the Ruler in Council why the lease should not be forfeited.

(iv) The declaration by the Mentri Besar shall be final and conclusive between all parties and shall not be called in question in any court of law.

23. (i) When the Mentri Besar has declared a mining lease to be forfeited the declaration of such forfeiture under the hand of the Mentri Besar in the Form in Schedule VII shall be notified in the *Gazette* and served upon the lessee.

Procedure
when lease
forfeited.

(ii) A copy of such notice shall be presented by the Collector and upon registration of the same the land shall revert to and vest in the Ruler of the State and all title of the lessee shall cease and be extinguished.

(iii) A copy of the *Gazette* containing such notice shall be conclusive evidence that the said mining lease has been forfeited and that the land comprised therein has reverted to and vested in the Ruler of the State.

24. (i) Any lessee desirous of obtaining a renewal of his mining lease shall make a written application therefor to the Collector not less than twelve months before the expiration of the current term of his mining lease.

Renewal of
mining leases.

(ii) The Ruler in Council shall consider such application and may in his absolute discretion—

(a) by order under his hand direct that the term of such mining lease be extended subject to the payment of such rent and premium, if any, and upon such covenants and conditions and for such period as may be specified in such order;

(b) grant to the applicant a fresh mining lease over such land, subject to the payment of such rent and premium and upon such covenants and conditions as he may impose; or

(c) reject such application.

(iii) The Ruler in Council may consider any application not made within the time limited for such purpose by subsection (i) but shall not be bound to do so.

(iv) Any order made under paragraph (a) of subsection (ii) may be presented to the proper registering authority and shall thereupon, subject to the provisions of law in force for the time being relating to registration, be registered.

(v) No order made under paragraph (a) of subsection (ii) shall have effect until registered.

Provision for carrying over charges when new lease issued in renewal of expired lease.

24A. (i) In this section

"old lease" means a lease in respect of which a lessee has made application for renewal under section 24 (i);

"new lease" means a lease granted by the Ruler in Council under section 24 (ii) (b) in respect of such application.

(ii) If the old lease is at the time of expiration of the term thereof subject to a charge which provides that any lease granted in renewal of the lease charged shall be subject to the said charge then the new lease shall be issued subject to the said charge and the Collector shall before issuing the new lease make the appropriate memorials in like manner as if the charge had been executed and presented in respect of such lease.

(iii) If the old lease is at the time of expiration of the term thereof subject to two or more charges which provide as aforesaid the Collector shall make the respective memorials in such order and manner as to preserve the priorities of the respective charges.

Acceptance of rent not to constitute waiver.

25. The acceptance by or on behalf of the Ruler of the State of any rent in respect of any mining land shall not be held to have operated or to operate hereafter as a waiver by the Ruler of the State of any right of forfeiture accruing by reason of the breach of or default in the observance of any covenant or condition to which the title to such mining land may be subject but so that (except in the case of a continuing breach) forfeiture shall in no case be enforced by means of proceedings started after a lapse of more than two years from the date of the accrual of the liability to forfeiture.

Mining land subject to this Enactment.

26. After the commencement of this Enactment all land held under any title to occupy land for mining purposes granted prior to such commencement, or under any such title granted after such commencement

in pursuance of a promise made by the Resident before such commencement, or under a mining lease or mining certificate granted under this Enactment shall be subject to this Enactment and shall not be capable of being transferred, transmitted, sub-leased, charged or otherwise dealt with except in accordance with the provisions of this Enactment.

PART III

THE REGISTER

27. After the land approved to the applicant has been surveyed the Collector shall cause to be prepared a mining lease for the said land in duplicate in the form in Schedule VIII with a plan of the land attached thereto. When the mining lease is ready for signature, the Collector shall cause to be served on the applicant at the address given in his application a notice in the form in Schedule IX (i) requiring him to attend and sign such mining lease and to pay any sums due in respect of premium, rent, or fees.

Preparation
and signing
of mining
lease.

In the event of the applicant failing to comply with the requirements of such notice within three months from the date of service thereof, the Collector may cancel the approval of such application, and, if a mining certificate has been issued under section 11, may cancel such mining certificate.

For the purpose of this Part "applicant" shall include the transferee of a mining certificate issued in respect of such application.

28. Whenever any mining lease has been signed by the applicant, the Collector shall forward the same to the Ruler in order that the same may be signed by him and the public seal of the State be affixed thereto, and, upon the return of the same duly executed, he shall cause to be served on the applicant at the address given in his application a notice in the Form in Schedule IX (ii) requiring him to accept such mining lease and to surrender his mining certificate if any and to pay any sum due. In the event of the applicant failing to comply with the requirements of such notice within three months from the date of service thereof, it shall be lawful for the Collector to cancel the approval of such application, and, if a mining certificate has been issued under section 11, to cancel such mining certificate, and the Collector shall return the mining lease to the Ruler for cancellation.

Procedure
after
signature by
applicant.

Extended application of preceding sections.

29. When any mining lease has been prepared in pursuance of an application made under any previous Enactment the provisions of the two last preceding sections shall be applicable in respect thereof and the Collector shall have the like power in respect of any mining certificate issued pursuant to such application as authority for the commencement of mining operations pending the issue of a mining lease as if such mining certificate had been issued under section 11.

Binding and marking mining lease.

30. Upon the return of any mining lease duly executed as provided in section 28 the Collector shall bind one duplicate thereof in a book to be called the "Register of Mining Leases", and each such lease shall constitute a separate folium of such book, and the Collector shall mark or cause to be marked both duplicates with the folium and volume so as to indicate the place of the lease in the register of mining leases and shall sign both duplicates.

Binding and marking mining certificate.

31. The Collector shall also bind one duplicate of every mining certificate in a book to be called the "Register of Mining Certificates", and each such certificate shall constitute a separate folium of such book, and the Collector shall mark or cause to be marked both duplicates with the folium and volume so as to indicate the place of the certificate in the register of mining certificates and shall sign both duplicates.

Mining lease and certificate when registered.

32. Every mining lease and every mining certificate shall so soon as both duplicates thereof have been marked and signed as provided by sections 30 or 31 be taken and deemed to be registered under the provisions and for the purposes of this Enactment.

Receipt to be signed.

33. Before the issue of any mining lease or mining certificate the lessee shall, if so required by the Collector, sign or affix his thumb mark to a receipt for it.

Effect of mining lease.

34. Any mining lease shall be deemed to alienate only the land within the boundaries as marked on the ground at the time of the survey on which the title is based.

PART IV

APPLICATION OF THE NATIONAL LAND CODE AND
SIMILAR PROVISIONS

*35. (i) Subject to subsections (ii) and (iii), the following provisions of the National Land Code shall apply to all mining land and to every document of titled thereto—

Application of
National
Land Code.

- sections 15 (except subsection (1) (a)), 19 and 20 in Part Two;
- ~~section 43 (a) in Part Three;~~ *Sol. En. 2/69*
- section 124 (except subsection (1) (a)) in Part Seven;
- sections 164 to 175 in Part Ten;
- section 199 (2) in Part Twelve;
- sections 205 and 211 in Part Thirteen;
- sections 214 to 219 in Part Fourteen;
- sections 241 to 280 in Part Sixteen;
- sections 292 to 314 in Part Eighteen;
- the whole of Part Nineteen (sections 319 to 339);
- the whole of Part Twenty (sections 340 and 341);
- sections 344 and 345 in Part Twenty-one;
- the whole of Part Twenty-two (sections 346 to 350);

* In its application to the State of Selangor—

- (i) Delete the words "Section 43 (a) in Part Three" appearing in subsection (i).
- (ii) Delete the word "and" in paragraph (d) of subsection (ii).
- (iii) Substitute a semi-colon and the word "and" for the full-stop in paragraph (e) of subsection (ii).
- (iv) Insert the following new paragraph immediately after paragraph (e) of subsection (ii):

"(f) in section 205 (2) of the Code the reference to section 43 of the Code shall be taken as a reference to section 6 of this Enactment and the word 'alienated' shall be deemed to be replaced by the word 'leased'."

(See—Selangor Enactment 2/1969).

In its application to the State of Pahang—

- (i) Delete the words "Section 43 (a) in Part Three" appearing in subsection (i).
- (ii) Delete the word "and" in paragraph (d) of subsection (ii).
- (iii) Substitute a semi-colon and the word "and" for the full-stop in paragraph (e) of subsection (ii).
- (iv) Insert the following new paragraph immediately after paragraph (e) of subsection (ii):

"(f) in section 205 (2) of the Code the reference to section 43 of the Code shall be taken as a reference to section 6 of this Enactment and the word 'alienated' shall be deemed to be replaced by the word 'leased'."

(See—Pahang Enactment 3/1969).

section 375 and sections 377 to 383 in Part Twenty-six;

the whole of Part Twenty-seven (sections 384 to 386);

the whole of Part Twenty-nine (sections 396 to 413); sections 417 to 419 in Part Thirty-one;

sections 430 to 432 in Part Thirty-three;

(ii) Unless the context otherwise requires, the provisions of the National Land Code mentioned in subsection (i) shall apply in relation to mining leases and mining certificates as they apply in relation to Mukim grants and Mukim leases as defined in the Code, and in the application of those provisions under that subsection—

(a) references to the Mukim Register shall be taken as references to the register of mining leases and the register of mining certificates kept under Part III of this Enactment;

(b) references to alienated land shall be taken as references to mining land;

(c) references to a lease or lessee shall be taken as references to a sub-lease or sub-lessee;

(d) references to a proprietor shall be taken as references to a lessee; and

(e) references to the Register shall be taken as references to the Collector; and

(iii) Where an application for an order for sale is made by a chargee of mining land and movable property of the chargor is security to the chargee for a debt due to him by the chargor, then, if either party so requests and the other party consents, the Collector shall transfer the application to the Court instead of holding an inquiry under section 261 of the National Land Code; and, where such a transfer is made—

(a) the application shall be disposed of as if it were an application to the Court under section 256 of the National Land Code; and

(b) if the chargee obtains, under the law for the time being regulating civil proceedings, an order for sale of the movable property, it shall be lawful for the Court, on any

order for sale which it may make on the application, to provide for the charged land and the immovable property to be sold together.

(iv) The application of Part Thirty-one of the National Land Code shall be confined to matters arising in the exercise by the Collector of his powers as a registering authority.

(v) The application of subsection (2) of section 199 of the National Land Code shall extend to any case where mining land reverts to the Ruler of the State.

35A. (i) When a lien is intended to be created over any mining land the lessee or holder may deposit his lease or mining certificate and the person with whom the same has been deposited may present a caveat. Upon registration of such caveat the lien shall be created. When the holder of such lien has obtained a judgment of Court for the actual sum due he shall be entitled to apply for and obtain forthwith an order for the sale of the mining land.

Creation
of lien.

(ii) The lease or mining certificate shall be delivered with the caveat upon presentation thereof.

36. (i) If any lessee wishes to sub-lease his land such lessee and the intended sub-lessee shall execute and present together with the mining lease a memorandum of sub-lease in the Form in Schedule X with such variations of the Form but not of the substance as the Collector may permit, and thereupon the Collector shall register the same in the manner provided in Part Eighteen of the National Land Code for the registration of dealings.

Sub-lease.

(ii) In the case of a sub-lease of a portion of the land comprised in any mining lease there shall also be attached to the instrument a plan coloured red of the land intended to be sub-leased intituled "Plan of that portion of the land comprised in lease No..... of date.....sub-leased by sub-lease No..... of date.....to.....," and the Collector after filling in the blanks in the same shall bind it in a book to be called "Plans of portions of land sub-leased."

(iii) A memorandum of charge or sub-lease shall be in duplicate and the original to be filed shall be that which bears stamps to the amount of the stamp duty payable on such instrument as an original.

(iv) The Collector shall not register any sub-lease of charged land unless the chargee shall have consented in writing to such sub-lease. Such written consent shall be attached to the original memorandum of sub-lease and filed therewith.

Sub-lease for
term not
exceeding
one year

37. Any sub-lease or agreement for a sub-lease granted for a term not exceeding one year shall be valid without registration, and every registered dealing with mining land shall be subject to any prior sub-lease, tenancy or agreement for a sub-lease not exceeding one year to a tenant in possession: provided that no right to purchase contained in any such sub-lease or agreement shall be valid as against any subsequent transferee, sub-lessee or chargee of such mining land unless the memorandum of sub-lease be registered or unless a caveat be registered, and provided further that no such sub-lease or agreement for a sub-lease of charged land shall be valid unless the chargee shall have consented thereto in writing.

Further
sub-lease.

38. (i) When any mining land against which a sub-lease is registered is intended to be further sub-leased for any term exceeding one year the parties to the transaction shall execute a memorandum of further sub-lease in the Form in Schedule X with such alterations as may be required, and shall present the same together with the duplicate memorandum of sub-lease.

(ii) The Collector may register a further sub-lease in the manner provided by Part Eighteen of the National Land Code provided that he shall make the memorial required by section 304 of the Code not in the register of mining leases but upon the memorandum of sub-lease filed in his office: provided further that upon the surrender of any sub-lease before the expiration of the term of any further sub-lease he shall make a further memorial of such further sub-lease in the register of mining leases and upon the duplicate mining lease issued to the lessee.

(iii) Nothing in this section contained shall authorize the registration of a further sub-lease of a further sub-lease.

39. Upon production of an order of the Senior Inspector or of the Court declaring that a sub-lease or further sub-lease has been cancelled or upon proof to the satisfaction of the Collector that a sub-lease or further sub-lease has been surrendered or cancelled by the parties thereto, the Collector shall make in the register or on the memorandum of sub-lease, as the case may be, a memorial that such sub-lease or further sub-lease has been surrendered or cancelled and shall write the word "surrendered" or "cancelled" upon the original memorandum of sub-lease or further sub-lease and shall affix his signature thereto.

Surrender of
sub-lease of
mining land.

40. (i) Except in the case of land held by trustees when mining land is held by more persons than one such persons shall be entitled to the land in undivided shares equally or in such other proportion as may be shown in the register, and any one of such persons may make claim to the Court to have a partition of the land effected.

Co-lessees.

(ii) Upon the death of any lessee his undivided share shall devolve upon his representative and not upon the surviving lessee or lessees.

(iii) When mining land is held by more persons than one such persons shall be jointly and severally liable to pay the rent reserved.

(iv) An undivided share may be transferred or charged but no portion not being the whole area of the land comprised in any mining lease shall be transferred or charged until the same shall have been surveyed and a division made.

41. (i) It shall be lawful for the person entitled under any document of title for mining land at any time to surrender his land, in whole or in part, upon application to the Collector and upon payment of all arrears, if any, due in respect thereof, and of all fees and charges, if any, which may be incurred in ascertaining the position and area of the land so to be surrendered. In all such cases the document of title held in respect of the land shall be forwarded to the Collector for cancellation.

How land
may be
surrendered.

(ii) If part only of the land is to be surrendered, the person entitled shall apply to the Collector to have such part demarcated and surveyed, and such application shall be accompanied by the document of title and by a deposit of such a sum as may, in the opinion of the Collector, be sufficient to cover the amount of all fees and charges incident to such surrender, and thereafter there shall be issued to the person entitled a lease in respect of that portion of his land which remains unsurrendered.

(iii) There shall be no surrender under this section unless the written consent to the same of all persons having interests registered against the document of title shall have been delivered to the Collector.

(iv) There shall be no surrender under this section of any mining land attached by the Court so long as such attachment remains in force.

(v) The Collector shall not be bound to accept a surrender of any land in respect of which all the requirements of this Enactment shall not have been complied with.

Exchange of
existing
documents
of titles
for new
mining leases.

42. Any person who at the commencement of this Enactment is in possession of mining land by virtue of any document of title may exchange such document for a mining lease under the provisions of this Enactment, without further payment except for survey, and registration fees, if any: provided that no such exchange shall be permitted if there be vested in any other person any concurrent right to work any metal or mineral in or upon the land described in such document of title; and provided further that nothing herein contained shall entitle any person to receive a lease for a greater area than that specified in the document of title under which he claims or for a longer period than the unexpired portion of the term thereby granted.

Procedure for
issue of
substituted
document
of titles.

43. (i) When any mining lease has been prepared in pursuance of an application under section 42 or in substitution for—

- (a) an agreement for a lease;
- (b) any document of title to land whereof a part has been surrendered to or resumed or acquired by the Government; or

- (c) any document of title to land for which owing to re-survey or otherwise it is, in the opinion of the Collector, necessary to substitute a corrected title,

the Collector may by notice, in the Form in Schedule XI, require the person entitled to receive such mining lease to attend at the land office within three months from the date of service of the notice and to sign or take out such mining lease, as the case may be.

(ii) The Collector may also by such notice require that the person entitled to receive such mining lease shall on the issue thereof deliver up the title in substitution for which such mining lease has been prepared, and if default be made in delivering up any document of title required to be delivered up under the provisions of this subsection the Collector may apply to the Court for an order that such document of title be cancelled or otherwise dealt with and the Court shall make such order in the matter as may be just.

PART V

INDIVIDUAL MINING LICENCES

44. The Ruler in Council (in the case of the State of Negri Sembilan, the Yang di-Pertuan Besar and Undang in Council) may, by notification in the *Gazette*, declare any area not being a reserved forest to be an area within which mining may be carried on under individual mining licence and may in like manner vary or rescind any such declaration; and so long as any such notification remains in force it shall be lawful for the Collector to issue licences for individual mining within the area specified in such notification.

Authority for issue of individual licence.

45. Every such licence shall be substantially in the Form in Schedule XII and shall convey to the person named therein in his own person only the right to mine any mineral other than oil shales and mineral oil being within the area defined by such licence.

Form of licence; right conveyed.

46. (i) Every such licence shall be subject to the following conditions and limitations:

Conditions and limitations of licence.

(a) it shall not remain in force after the 31st day of December of the year in respect of which it is issued;

(b) it shall not be transferable;

- (c) it shall convey to the licensee the right to work in such manner only as may be approved by the Senior Inspector or by an Inspector;
- (d) it shall be liable to immediate cancellation by the Senior Inspector should the licensee at any time during the continuance thereof make default in the observance of any of the conditions of such licence or of the provisions of this Enactment, or disobey or disregard any lawful order;
- (e) it shall be carried by the licensee at all times when he may be engaged upon any work which is in any way affected or controlled by the conditions of such licence or by the provisions of this Enactment, and shall be produced whenever lawfully required.

(ii) There shall be payable in respect of every such licence such fee as may be prescribed.

PART VI

PROSPECTING

Prospecting
how regulated.

47. No person shall prospect any State land, land reserved for a public purpose or alienated land except in accordance with the provisions of this Part.

Prospecting
of alienated
land.

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48. (i) The proprietor, or any person holding the written consent of the proprietor, of any land alienated otherwise than for mining purposes may, upon giving at least one week's notice of his intention to do so to the Senior Inspector, at any time prospect such land for metals or minerals.

(ii) Nothing in subsection (i) shall authorize any work to be done other than such work as may in the opinion of the Senior Inspector be reasonably necessary to enable the qualities of the land in respect of metals or minerals to be tested.

(iii) The proprietor of any land prospected under this section shall, upon receiving a written order from the Senior Inspector to so do, fill in all pits, shafts, or excavations made in the course of such prospecting, within such time as may be specified in such order.

49. (i) It shall be lawful for the Collector with the approval of the Ruler in Council—

(a) to grant licences to prospect

(1) State land; or

(2) State land and with the consent in writing of the lawful occupier thereof alienated land,

for metals or minerals; or

(b) to grant licences to prospect any land whether alienated or not, for oil shales and mineral oil;

upon such conditions and limitations as are stated in this Part and upon such express conditions as may be set forth in the licence, and for such period as the Ruler in Council may think fit.

(iA) It shall be lawful for the Ruler in Council to authorize a Senior Inspector to prospect on behalf of the State any land within the State, whether State land or land other than State land.

(ii) Where a licensee duly empowered in that behalf or a Senior Inspector authorized under section (iA) prospects any land other than State land he shall be liable to make compensation in the case of alienated land to the proprietor, lessee or lawful occupier thereof, and in the case of reserved land to the person having the control thereof, for any disturbance or damage caused by such prospecting operations; and such compensation may in default of agreement be claimed and determined by suit in the appropriate Court and shall, in the case of any compensation payable in the case of any land prospected by a Senior Inspector under the provisions of subsection (iA), be payable by the State.

(iii) No prospecting licence whether issued before or after the commencement of this Enactment shall convey any right to prospect for oil shales or mineral oil unless such right be conferred in express terms by

Licences to
prospect.

Provision to be made
by Act of 1911
p. 10. 1/1/11

Applications
for licence and
particulars
to be given.

50. Every application for a prospecting licence shall be in writing, and shall contain the following particulars:

- (a) the position, approximate area and boundaries of the land in respect of which the application is made;
- (b) the metal or mineral or the oil shales or mineral oil for which it is proposed to prospect;
- (c) the extent of the area in respect of which the applicant desires the prior right to receive a mining lease.

Applications
how to be
dealt with.

51. The Collector shall thereupon if in his opinion the particulars contained in the application are sufficient mark such application with a distinctive number, and shall note thereon the day and hour of receipt, and shall file the same in the Land Office and enter the particulars thereof in an index of applications for prospecting licences to be kept in the Land Office. All applications shall be numbered and entered in the index according to the order in which they are received, but so that priority of application shall give no claim or priority of claim to a prospecting licence.

Licences not
transferable.

52. (i) No licensee shall transfer or attempt to transfer his licence or authorize any other person to exercise any right or privilege under the licence, provided that nothing in this section shall apply to a bona fide agent or servant performing any act authorized by the licence on behalf of the licensee.

(ii) Nothing contained in subsection (i) shall affect the transmission of a licence upon the death, bankruptcy or other legal disability of the licensee.

Licenses to
work subject
to Senior
Inspector's
direction.

53. Every prospecting licence shall be in the Form in Schedule XIII and shall convey to the licensee the right to undertake and continue such work only as may, in the opinion of the Senior Inspector, be reasonably necessary to enable him to test the qualities of the land in respect of the metal or mineral or the oil shales or mineral oil specified in the licence.

54. (i) In the absence of an express provision therein to the contrary every prospecting licence shall convey to the licensee as from the date of the receipt of an application for a licence by the Collector the following rights and privileges:

Rights to
licensee.

- (a) the exclusive right to prospect within the area specified in the prospecting licence for the metals or minerals, or the oil shales or mineral oil specified therein;
- (b) the prior right to select from any part of the State land described in such prospecting licence such an area as may be set forth in the prospecting licence, and to receive a mining lease for the same upon such terms and conditions as the Ruler in Council may direct, if the Ruler in Council is satisfied that the licensee has at his own charges done a sufficient amount of prospecting work to entitle him to such land: provided that if the Ruler in Council is not satisfied that the licensee has done a sufficient amount of prospecting work to entitle him to a lease for the area stated in the licence the Ruler in Council may either refuse to authorize the issue of such a lease to him or may authorize the issue of a lease for such smaller area as the Ruler in Council may determine: provided further that such prior right to select shall be exercised within three months from the date of the expiration of the original prospecting licence or of any extension granted under subsection (iv).

(ii) No application for a mining lease in respect of any land specified in a prospecting licence shall be considered, and no portion of such land shall be alienated for any purpose until all rights of the licensee in respect of such land shall have been satisfied.

(iii) The period of every prospecting licence shall be fixed by the Ruler in Council.

(iv) If before the expiration of the period of any prospecting licence the licensee shall prove to the satisfaction of the Ruler in Council that he has good and sufficient reason for not having completed the work of prospecting, the period of such licence may, upon application by the licensee, be extended by the

Ruler in Council in respect of the whole or any part of the area comprised therein for such period as may be necessary to permit the licensee completing his work of prospecting. Such extension shall be effected by endorsement on the licence under the hand of the Mentri Besar, and such fee as the Ruler in Council shall determine shall be paid in respect thereof.

(v) There shall be payable in respect of every prospecting licence the prescribed fees together with the amount of all such reasonable expenses, if any, as may, in the opinion of the Collector, be necessary to defray the cost of fixing the position of the land to be included in such prospecting licence.

(vi) A prospecting licence may at any time after the expiration of three months from the date of issue thereof be cancelled by the Ruler in Council if the licensee shall have failed to make a bona fide commencement to prospect the land specified in the prospecting licence, or if he shall have altogether abandoned prospecting for a period to be fixed by the Ruler in Council and set forth in the prospecting licence.

(vii) Upon completion of prospecting for metals or minerals under any prospecting licence the licensee shall fill in all pits, shafts or excavations, unless the licensee obtains authority in writing from the Senior Inspector exempting him from this obligation. The Senior Inspector may grant any such exemption upon such conditions as he may think fit, and may call upon the licensee to provide security not exceeding one thousand dollars for the due fulfilment of such conditions.

Right of
licensee
where land
is not
State land.

55. Where a prospecting licence expressly authorizes the prospecting of land other than State land, the mining lease to which the licensee has under section 54 a prior right may include any part of the land, other than State land, which the licensee has by the prospecting licence been authorized to prospect, if the following conditions are complied with but not otherwise, that is to say—

(a) that, in the case of alienated land, the licensee shall have acquired all rights of other persons in the land desired to be included in the

mining lease, or shall have paid the cost of the acquisition thereof and the same shall have been acquired;

(b) that, in the case of land reserved for a public purpose, the reservation shall have been revoked.

56. Subject to any other provisions of law in force for the time being it shall be lawful for the licensee to remove from the land and dispose of all metals or minerals raised in the course of prospecting operations upon payment of such royalty or export duty as may be fixed by any law for the time being.

Rights of remove and dispose of minerals.

57. (i) Every licensee and every person lawfully prospecting under section 48 shall—

Inspection and accounts.

(a) permit the Inspector, and any person thereto authorized in writing generally or in any particular case by the Inspector, at all reasonable times to inspect any prospecting operations,

(b) render to the Senior Inspector and to the Director, Geological Survey, within one month of the expiry of the licence or the completion of the prospecting work, whichever event may first occur, and in such form as may be prescribed by rule, a full, true, particular and just account of the result of his prospecting operations.

(ii) Such account shall, if the Senior Inspector so require, be verified by a statutory declaration.

58. (i) It shall be lawful for the Collector with the approval of the Ruler in Council to grant permits to prospect State land or land reserved for a public purpose for metals, minerals, oil shales or mineral oils upon such express conditions as may be set forth therein and for such period as the Ruler in Council may think fit.

Permits to prospect State land.

Approved: [Signature]
 20-10-1955
 20-10-55

(ii) No such permit shall convey any right to receive a mining lease.

59. Every licensee shall produce his prospecting licence at all reasonable times when required to do so by the Collector, the Senior Inspector, or an Inspector.

Production of prospecting licence.

Prospecting licence may be cancelled.

60. Every prospecting licence shall be liable to be cancelled by the Ruler in Council upon proof of the breach of any of the conditions thereof or of any of the provisions of this Enactment.

PART VII

PROVISIONS REGARDING WATER

Control of and property in water vested in Ruler of State.

61. Subject to the terms of any express grant made by or on behalf of the Ruler of a State the entire property in and control of the waters of all rivers, streams and water-courses is and shall be vested solely in the Ruler of the State.

Alteration in water supply prohibited.

62. It shall not be lawful for the occupier of any mining land to make or permit any other person to make, without the sanction of an Inspector, any such alteration in the water supply of any lands as may prejudicially affect the water supply enjoyed by any other persons or lands.

Presumption if alteration made.

63. Whenever any such alteration shall have been so made, the occupier or occupiers of the lands benefited thereby shall, in the absence of proof to the contrary, be presumed to have made it.

Interference with river banks.

64. (i) No person shall in the course of mining operations alter or interfere with or permit any person to alter or interfere with the bank of any river, stream or water-course unless he has obtained permission for such alteration or interference under the provisions of subsection (iii).

(ii) Any person who shall in the course of mining operations alter or interfere with or permit any other person to alter or interfere with the bank of any river, stream or water-course may, by written order, be required to restore the same to the condition in which it was immediately prior to such interference or to re-make the same in such manner as may be specified in the order.

(iii) An application for permission under subsection (i) may be made to the Senior Inspector, who shall refer it to the Ruler in Council for his decision, provided that, in respect to any river named in a schedule to be approved by the Ruler in Council an application may

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be dealt with by the Senior Inspector and, in respect of any stream, or water-course not exceeding 15 feet in width between the banks, by the Inspector, without reference to the Ruler in Council.

Orders under subsection (ii), save in respect of the aforesaid scheduled rivers, may be made only by the Ruler in Council. In the case of scheduled rivers the Senior Inspector may make such orders.

(iv) The provisions of this section shall have effect notwithstanding anything contained in the Waters Enactment. F.M.S. Cap. 146.

65. (i) It shall be lawful for the Senior Inspector to issue to any person who is mining or about to mine any land a licence to divert, make use of and discharge such water as is therein mentioned, in such places, by such means, in such manner, in such quantities and on such conditions as he may think fit. Licence for use of water.

(ii) No such licence shall authorize the construction of any works—

- (a) upon alienated land, except with the permission of the owner thereof;
- (b) upon reserved land or reserved forest except with the consent of the officer or other person in charge of the reserve.

(iii) Every such licence shall be in the Form in Schedule XIV with such alterations of the Form but not of the substance as the Senior Inspector may adopt and shall be tenable for any period not exceeding twelve months, and shall be renewable at the discretion of the Senior Inspector.

(iv) Except with the approval of the Ruler in Council no licence shall be issued under this section in respect of any water which after the discharge thereof is or may be required for the cultivation of rice.

66. It shall be lawful for the Senior Inspector to cancel any such licence upon proof of the breach by the licensee or by any person in his employ or working upon his land of any of the conditions of such licence. Cancellation of licence.

Inspector's
power in
respect of
water.

67. An Inspector shall have power to give orders and issue permits concerning the distribution of any available water among the occupiers of any mining lands, and all persons affected by such order shall be legally bound to obey the same; every such order shall be given in writing if so required by any person affected thereby.

Water-wheel
not to be used
without
licence.

68. (i) No person shall use a water-wheel upon any land without the previous permission in writing of an Inspector.

(ii) Any permission granted under this section may be cancelled at any time by an Inspector.

Powers of
Ruler in
Council in
respect of
water.

see opinion
pp. 90-1
d. 10. 1. 68

69. (i) It shall be lawful for the Ruler in Council to grant, for a stated period and purpose, to any person a licence in the Form in Schedule XV with such variations as may be necessary, to erect, cut or construct upon or through any State or alienated lands, to be described in such licence, any pump, line of pipes, flume, race, drain, dam or reservoir, and, subject to such conditions as may be specified therein, to take, use and discharge the water in such quantities and in such manner as in the opinion of the Ruler in Council may be necessary for the purpose of effectually mining such lands as may be specified in such licence, and it shall be lawful for the licensee to enter upon such State or alienated lands for the purposes expressed in such licence, and to carry out all or any of the works thereby sanctioned, and to exercise all or any of the rights thereby granted; provided that he shall be liable to make compensation to the owner or lawful occupier of any alienated land upon which such work shall be carried out or such rights exercised.

(ii) It shall be lawful for the Ruler in Council to cancel without compensation any licence granted under subsection (i) hereof if the rights and privileges thereby granted have not been exercised to the satisfaction of the Ruler in Council by the licensee, for a period of two consecutive years or upon proof of the breach by the licensee or by any person in his employ or working upon his land of any of the conditions of such licence.

70. (i) The Ruler in Council shall have power at any time and without cause assigned, to revoke or alter any licence granted by him in accordance with the provisions of section 69 or to vary the terms and conditions thereof, upon payment to the licensee of compensation for any damage which he may sustain in respect of such revocation, alteration or variation.

Revocation or alteration of Ruler in Council's licence.

(ii) The compensation mentioned in sections 69 (i) and 70 (i) may in default of agreement be claimed and determined by suit in the appropriate court.

Assessment of compensation.

71. Where alienated land is affected by a licence granted under section 69 of this Enactment or under section 64 of the Mining Enactment, 1904, of any State or of the Mining Enactment, 1911, the Collector or Registrar of Titles, as the case may be, having custody of the register wherein the title to such land is recorded shall, before the licence is delivered to the licensee, make in the said register an entry of the grant of the licence and of the period thereof and shall certify on the licence that such entry has been made and shall on proof to his satisfaction of the revocation of any licence whereof an entry has been made as aforesaid make in the said register an entry of such revocation.

Record of water licence on titles affected.

72. The Senior Inspector shall have power to compel the lawful occupier of any mining land which is beneficially affected by reason of any such licence as is in section 65 and 69 mentioned, to permit any other person to enter upon such land, and thereupon, at his own expense, to erect, construct and maintain any pump, line of pipes, flume, race or water-course which in the opinion of the Senior Inspector may be necessary to enable such person to take advantage of any discharge of water from such land, and to convert the same to his own use: provided that no such erection, construction or maintenance shall be permitted or continued upon proof that the same is exercising or is likely to exercise any prejudicial effect or result upon or towards any actual or prospective mining operations which are or may be hereafter commenced or carried on upon the land so beneficially affected as aforesaid.

Occupier of land beneficially affected by water licence to permit use of discharged water to others.

73. (i) When a ditch has been constructed or a line of pipes has been laid under the provisions of section 69 (i) and the owner or occupier of the land through which the ditch or line of pipes passes desires to use or deal with his land in such a manner as to render it

Removal or alteration of pipe line.

necessary or convenient that the ditch or line of pipes should be removed to another part thereof he may require the licensee by notice in writing to remove or alter the ditch or pipe line within a stated but not unreasonable period.

(ii) If within that period the licensee omits to comply with the requisition the person making it may apply in writing to the Senior Inspector to order the removal or alteration.

(iii) The Senior Inspector receiving an application under the last preceding subsection may in his discretion reject the same or make an order absolutely or subject to conditions for the removal or alteration of the ditch or pipe line.

Purification
of water.

74. (i) Every occupier of mining land who shall use water in connection with his mining operations, whether for the generation of power or for the removal of mineral substances or for concentrating, milling or otherwise howsoever dealing with such substances, shall, whatever may be the nature and date of the document of title under which such use is enjoyed, make such provision as will ensure that all water so used shall, before it leaves the mining area on which it has been so used, be freed from all chemicals deleterious to animal or vegetable life.

(ii) No occupier of mining land shall allow effluent water from any mining area under his control containing solid matter in excess of the amount prescribed by rule to discharge into any river or natural water-course or otherwise to pass beyond his control.

(iii) The Senior Inspector or an Inspector shall on complaint made in writing of failure on the part of any person to comply with the requirements of subsections (i) and (ii) hold an enquiry into the matter of such complaint, and may, with or without such complaint as aforesaid, at any time order any person who shall fail to comply with the requirements of subsections (i) and (ii) to provide such spillways, retaining walls, brush dams, settling pits and other mechanical appliances or devices and to use such chemical methods as the Senior Inspector or Inspector may deem necessary for effectual compliance with the said subsections, and may also order such person to suspend his mining operations until such provisions has been made and such methods adopted.

(iv) Compliance with an order of the Senior Inspector or of an Inspector made under subsection (iii) shall not affect any liability incurred by any person through breach of the provisions of subsections (i) or (ii).

PART VIII

PROVISIONS REGARDING MINERAL OIL

75. (Repealed).

76. (Repealed).

PART IX

THE REGULATION OF MINING OPERATIONS

77. An Inspector may issue to the lawful occupier of any mining land a notice in the Form in Schedule XVI, with such variations of the Form but not of the substance as the Inspector may adopt, calling upon him to attend at a time and place to be stated in the notice for the purpose of pointing out the boundaries of his land, or of rendering aid in emplacing or repairing the boundary marks of his land, or to open and keep open the boundaries thereof, within a period to be specified in such notice, and thereupon such occupier shall be legally bound to comply with the same, and, if he shall fail to do so, the Senior Inspector may cause the work to be done and recover the cost from such occupier by action in any court having jurisdiction, and a certificate signed by the Senior Inspector shall be conclusive evidence of the amount recoverable.

Boundaries.

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77A. (i) Every occupier of mining land upon which more than twenty persons are employed shall notify in writing to the Senior Inspector the name and address of the manager of such mine. In default of such notification the occupier shall himself be presumed to be the manager.

Manager of mine to be recorded in Senior Inspector's office.

(ii) The Senior Inspector may refuse to approve any person so notified and may require the occupier to notify some other person as manager.

(iii) If the Senior Inspector approves the person notified as manager he shall make a record of the same in his office, and the person so recorded shall for the purposes of this Part be the manager of the mine.

(iv) If the person so recorded shall cease to be manager of the mine the occupier shall within three days notify in writing to the Senior Inspector the name of some other person as manager.

Gunpowder,
etc., not to be
stored in
mine or
building
except as
prescribed.

78. No gunpowder, dynamite, petroleum, or other inflammable oil in bulk, or other substance of an explosive or dangerous nature, shall be brought onto, stored, placed or used upon any land held under mining lease except in such places, in such quantities, in such manner and on such conditions as shall be prescribed by rules under this Enactment, and no detonator, match, or other highly inflammable substance or liquid shall be stored together with any other explosive substance or liquid.

Proceedings
upon
accident
in mine.

79. (i) Whenever any accident causing or resulting in—

- (a) loss of life or serious bodily injury to any person; or
- (b) serious injury to the property of any person (not being the lessee of or employed upon the mine) or of the State,

has occurred in any mine or upon any mining land or in connection with any work whatsoever incidental to or connected with mining operations it shall be the duty of the mining manager or other person in charge of the mine or mining land to report in writing to the Senior Inspector or Inspector with the least possible delay the facts of the matter so far as they are known to him, and the Senior Inspector or Inspector shall thereupon proceed to visit the place where the accident has occurred, and shall make a preliminary investigation of the circumstances and record the result of such investigation in writing, and if there has been any loss of life or there is reason to believe that any person has been fatally injured shall send a copy of such record to the nearest Magistrate.

(ii) In the event of loss of life or serious injury to any person due to or caused by any accident in or about a mine the place where the accident occurred shall be left as it was immediately after the accident until the Senior Inspector or Inspector has completed his investigations; provided that rescue work and work necessary for the general safety of the mine and the

persons employed thereon is not to be delayed and that work may continue after three clear days from the accident.

(iii) If upon such preliminary investigation it appears to the Senior Inspector or Inspector that there is reason to believe that the accident was due to any failure to comply with any of the provisions of this Enactment or of any rules made thereunder, or to the neglect of any lawful order given by the Senior Inspector or Inspector or of any regulation made by the manager under section 80, or the Senior Inspector or Inspector is not satisfied that the accident might not have been prevented if proper precautions had been taken and observed in the working of the mine or mining land, the Senior Inspector shall then, as soon as conveniently may be, hold an enquiry into the nature and cause of the accident, with or without assessors, in the manner hereinafter in this Enactment provided, and shall forward a copy of the evidence taken at such enquiry with his finding and such further report as may seem to him necessary to the Menteri Besar, and if he is of opinion that criminal proceedings ought to be instituted in connection with the accident against any person or persons to the Deputy Public Prosecutor also.

80. (i) The manager of any mine shall if so ordered by the Senior Inspector frame such regulations for the conduct and guidance of persons employed in or about the mine and its surrounding mining appliances and accessory works as appear under the particular circumstances best calculated to ensure their health and safety.

Regulations
by manager
of mine.

(ii) A copy of such regulations shall at once be sent to the Senior Inspector and if the Senior Inspector has not within thirty days from the receipt thereof objected to them in writing to the manager the said regulations shall come into force.

(iii) If the Senior Inspector does not approve of any proposed regulations he shall within thirty days after the receipt of them propose and transmit to the manager by whom they were framed any alteration in or addition to the same or the substitution of any other regulations therefor.

(iv) If the manager objects to any such alteration or addition or substituted regulations the matter in dispute shall be referred to the Ruler in Council whose decision shall be final and binding upon all parties.

(v) Any of such regulations shall cease to be in force so soon as the Senior Inspector with the consent of the Ruler in Council shall in writing withdraw his approval thereof.

(vi) A copy of such regulations shall be kept posted in a conspicuous place in the principal building on the mine so that all persons employed in such mine shall have access to and opportunity to read it.

(vii) Fines inflicted under any such regulations while in force shall be recoverable and enforceable by order of a Magistrate in the manner provided by the Criminal Procedure Code for the recovery and enforcement of fines, or such fines may be deducted by the manager of the mine from the salary of any person employed in or about the mine who has in the opinion of such manager become liable to pay the same, and any such person aggrieved by the decision of the manager may appeal within thirty days to the nearest Magistrate who may confirm, vary or reverse the decision of the manager.

(viii) A copy of the regulations in force certified as correct by the manager shall be admissible in evidence in any court.

Overburden
not to be
deposited on
unworked
land.

81. Except so far as may be necessary in order to make the first opening to mine any land the occupier thereof shall not deposit any overburden or tailings upon any unworked land without the permission of an Inspector.

Tailings and
overburden.

82. (i) An Inspector may direct any occupier of mining land to deposit his tailings or overburden on any State or mining land. If the occupier of the land on which the tailings or overburden are to be deposited can satisfy the Senior Inspector that there are reasonable grounds for believing that such land is of mineral value or that his mining interests are adversely affected, the occupier in whose favour the order is to be made shall give security to the occupier of the land on which the tailings or overburden are to be deposited by bond with sureties or by cash deposit to the satisfaction of the Senior Inspector to compensate the occupier of the land affected for any loss or damage which he may suffer by reason of the overburden or tailings being deposited on his land.

(ii) In the absence of reasonable proof as to the value of the land, it shall rest with the occupier in whose favour the above-mentioned direction is given, to prove that the land is of no mineral value.

82A. Where on the written application of the occupier of any mining land the Senior Inspector, after hearing both parties, if they desire to be heard, is satisfied that in order to the safe and efficient working of such land and the extraction therefrom of any tin-ore it is necessary that such occupier should in the course of his mining operations enter on and do any works on any adjoining mining land, the Senior Inspector may by written order direct the occupier of such adjoining mining land to permit entry to be made and any works to be done on such land by such first-named occupier to such extent and in such manner and subject to such conditions as to payment of compensation or otherwise as may be specified in such order.

Orders by
Senior
Inspector
permitting
encroachment.

83. (i) An Inspector shall have power to give such orders as may be necessary to control the disposal of all earth, sludge, dirt, tailings or other refuse matter from any mine, prospecting working, washing-shed, stamping-house, water-course or other place.

Orders by
Inspector.

(ii) An Inspector shall have power to order such precautions to be taken and such dams, spillways, channels and other works to be constructed and maintained as may in his opinion be necessary to ensure that earth, sludge, dirt, tailings or other refuse matter from any mine, washing-shed, stamping-house, water-course or other place shall not be carried or washed away by storm water or by water used for the purpose of working any mine to any place not being a place where the same may lawfully be deposited.

84. (i) Subject to subsection (iii) it shall not be lawful for any occupier of mining land, notwithstanding the terms of any document of title thereto, to commence or carry on, or allow to be commenced or carried on, upon such land any underground workings or workings of the nature of shafts or pits without a licence in writing under the hand of the Senior Inspector so to do.

Underground
workings.

(ii) The Senior Inspector may, in his discretion, grant or refuse any such licence, and may grant the same subject to any such terms or conditions as to

Senior
Inspector
may refuse
licence.

fit. In the event of the Senior Inspector refusing any such licence or imposing any such conditions he shall, if so required by the applicant, state in writing the reasons for such refusal or for imposing such conditions; provided that such licence shall not be refused to any person applying therefor who may be expressly authorized by any document of title to mining land to work the same by underground methods, and provided further that the licensing of these methods shall confer on the licensee no legal right to follow a vein or lode outside the original limits of the mining lease.

(iii) An Inspector may issue to any occupier of mining land a permit, to remain in force for a period not exceeding one month, to sink shafts or make pits for the purpose of testing such land.

Requirements
of licences.

85. Every such licence shall be in the Form in Schedule XVII and shall—

- (a) describe the limits of the land;
- (b) contain such conditions as may be necessary for the protection of life and property;
- (c) be liable at any time to cancellation or alteration by the Senior Inspector upon proof of breach of the conditions of the licence, or if it shall appear to the Senior Inspector that further work under the licence cannot be carried on efficiently, or is likely to cause danger to life or property.

Open pit, etc.,
to be fenced
and shafts to
be filled in.

86. The occupier of any mining land, whether alienated before or after the commencement of this Enactment, in which any open pit, shaft or adit exists shall—

- (a) if so required in writing by an Inspector erect and thereafter maintain such fencing as may be necessary to prevent the occurrence of any danger or damage to man or beast;
- (b) surround with a substantial wall or fence the top of any shaft which for the time being is out of use or used only as an air-shaft;

- (c) immediately fill in every shaft or pit so soon as the same ceases to be required for further use, and every shaft or pit which the Inspector may by written order direct to be filled in:

Provided that no person shall be liable to any penalty for failure to comply with any such order of the Inspector as aforesaid if he prove to the satisfaction of any court before which the proceedings are taken that the shaft or pit in respect of which the order was given was at the time of such order required for further use.

87. Such occupier shall at all times, where necessary, securely timber and support all shafts, adits, levels, galleries and underground passages in such a manner as to ensure the safety of all persons working in or passing through the same.

Shafts, etc., to be timbered and supported.

88. Such occupier shall provide and maintain such ladder or other ways as will furnish effectual means of exit from any underground working or of ascent and descent of persons without the assistance of winding machinery.

Ladderways.

89. All parts of every underground working shall be properly and sufficiently ventilated to the satisfaction of the Senior Inspector or an Inspector.

Ventilation.

90. Save as is provided by this Enactment, no person shall work any land by ground sluicing or gravel pumping or by any method of removing or excavating earth by the direct action of water.

Hydraulic working prohibited save as herein provided.

91. (i) The Senior Inspector may grant to any person a licence, for a period not exceeding twelve months and subject to such conditions, as shall be therein stated, to work mining land by any of such means as are in section 90 mentioned.

Licence for hydraulic mining.

(ii) The Senior Inspector, with the sanction of the Ruler in Council, may grant to any person a similar licence for such period exceeding twelve months as may be therein stated.

(iii) Every such licence shall be in the Form in Schedule XVIII with such alterations of the form but not of the substance as the Senior Inspector may adopt and shall specify the land upon which the waste matter from such workings shall be retained.

(iv) If such waste matter is to be retained upon land not leased by the licensee security may be required in the manner provided by section 82 before the issue of any such licence.

Senior Inspector may cancel or suspend licence.

92. The Senior Inspector shall have power to cancel or to suspend for such period as he may think fit the operation of any licence issued under the provisions of sections 91 upon proof that the licensee has failed to observe or comply with any of the conditions thereof, or upon proof that he is carrying on mining operations in such manner as to injure or be likely to injure the property of the State or to impair or be likely to impair the lawful rights, privileges or possessions of any other person.

Removal of dredging-machine from one mining block to another.

93. (i) Where the occupier of two or more blocks of mining land which are not contiguous has been carrying on mining operations on one of such blocks by means of a dredging-machine and shall prove to the satisfaction of the Ruler in Council that for the economical working of another of such blocks it is necessary that the dredging-machine be removed to such other block along a passage to be excavated by the dredging-machine through the intervening lands, it shall be lawful for the Ruler in Council to grant to such occupier a licence, subject to such conditions as may be specified therein, to remove the dredging-machine through the said lands, and thereupon it shall be lawful for such occupier to enter upon the said lands and to do all such things as may be necessary to enable the dredging-machine to be removed accordingly.

(ii) Every licence granted under this section shall be subject to the implied conditions that the licensee shall not carry on mining operations upon, nor remove any metal or mineral from, any land to which the licence applies.

Compensation for damage caused by removal.

94. (i) Any person desiring to make any claim for compensation in respect of any loss or damage which may have been sustained by him by reason of anything done or omitted to be done by a licensee acting in pursuance of a licence granted under the preceding section shall submit particulars of such claim in writing to the Ruler in Council not later than six months after such loss or damage shall have been sustained, and the Ruler in Council, after such enquiry as he may think

party to the dispute of such compensation, not exceeding one thousand dollars, to any other party as may be reasonable. Such matters are as follows:

- (a) concerning the claim of any person to be entitled to erect, cut, construct or use any pump, line of pipes, flume, race, drain, dam or reservoir for mining purposes, or to have any priority of water taken, diverted, used or delivered as against any other person claiming the same;
- (b) concerning disputed boundaries: provided that the provisions of sections 403 and 404 of the National Land Code, shall not be affected;
- (c) concerning any wrongful act committed, or any act wrongfully omitted, or alleged to have been committed or omitted, in the course of mining operations by any person against any other person;
- (d) concerning acts, omissions, or matters in the course of, connected with, or auxilliary to mining operations requiring explanations which may have come to his knowledge.

(ii) The Senior Inspector shall have power in his discretion to cancel a sub-lease upon proof to his satisfaction that—

- (a) the sub-lessee has failed for a period of six months from the date at which payment became due to pay to the sub-lessor the amount of any moneys which he is by the terms of his sub-lease bound to pay;
- (b) the sub-lessee has not worked the land in accordance with clause 4 of the sub-lease in Schedule X, or has by his default rendered the land liable to forfeiture under this Enactment;
- (c) the sub-lessee has not during a period of six months employed the number of labourers specified in the sub-lease or labour saving apparatus equivalent thereto for not less than one month in mining the land;
- (d) the sub-lessee has committed a breach of clause 7 of the sub-lease in Schedule X.

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98. There shall be charged by a Senior Inspector fees ^{Fees.} in respect of processes issued by him, and the rate of such fees shall be such as may from time to time be approved for the court.

99. The mode of procedure in any complaint shall ^{Procedure.} be as follows:

(i) the person complaining shall lodge a memorandum in writing at the office of the Senior Inspector, specifying shortly the subject matter of the complaint and the remedy sought to be obtained, or he may make his complaint in person, at any time or place, to the Senior Inspector, who shall forthwith reduce it to writing; and upon receipt of such memorandum or oral complaint the Senior Inspector shall, if he thinks the complaint is based on good grounds, issue a summons to the party against whose conduct such complaint is made, stating the nature of the complaint and the time and place at which the same will be enquired into, and he shall also notify and call all persons whose interests may, in his opinion, be affected by such enquiry.

(ii) at the time and place appointed the parties shall attend and state their case before the Senior Inspector, and may call evidence, and the Senior Inspector, having heard such statements and evidence and, if necessary, make an examination of the place in question, shall give his decision.

(iii) if any party interested shall have been duly summoned by the Senior Inspector to attend such enquiry and shall have made default in so doing, it shall be lawful for the Senior Inspector to hear and decide such complaint in the absence of such party, notwithstanding that the interests of such party may be prejudicially affected by such decision.

(iv) if at the time of receiving any such complaint as is mentioned in this section it appears to the Senior Inspector that all the parties interested, together with their witnesses, if any, can, without prejudice to the interests of any persons concerned, be forthwith assembled, and that the time and place are suitable for the holding of such enquiry, and that the interests of justice and of the persons

so interested as aforesaid will best be served by holding an immediate enquiry, it shall be lawful for the Senior Inspector to forthwith cause all such persons to be assembled, and thereupon to proceed to hold his enquiry and to adjourn the same, at any stage of the proceedings, to such other time and place as he may appoint, or to give his decision or order thereon, or to reserve the same for further consideration, as to him may seem just.

(v) the Senior Inspector shall be entitled to appoint one or more assessors to be nominated by him, to assist him in such enquiry.

(vi) every person not being a Government officer summoned to serve as an assessor and taking part as assessor in any such enquiry held with the aid of assessors shall be entitled to receive from the public funds such remuneration as the Mentri Besar may from time to time fix by notification in the *Gazette*.

(vii) any person summoned to attend as an assessor who without lawful excuse fails to attend as required by the summons or having attended departs without having obtained the permission of the Senior Inspector or fails to attend after an adjournment of the enquiry after having been made aware that his attendance will be required shall be liable upon order made by the Senior Inspector to a fine not exceeding fifty dollars.

(viii) when any person is so fined in his absence the Senior Inspector shall forthwith send him a written notice of the fact requiring him to pay the fine or to show cause before the Senior Inspector within seven days for not paying the same.

(ix) any such fine may be enforced in manner provided by the Criminal Procedure Code for the recovery of fines.

Cases to be transferred at request of defendant.

100. Any case in which a person is charged with an offence under this Enactment shall, on the application of such person made at the time when he is charged with such offence, be transferred by a Senior Inspector from his court to a Sessions Court.

100A. In any case under section 97 (ii) the Senior Inspector shall if so requested by any party to the proceedings at any time before he has delivered judgment transfer the case to the Sessions Court.

Cases to be transferred at request of parties.

PLA 50/77

101. A Senior Inspector may, at any time before he has delivered judgment, order any case pending in his court to be transferred to the Sessions Court.

When Senior Inspector may transfer case.

PLA 50/77

102. The Sessions Court may, at any time before the Senior Inspector has delivered judgment, order any case pending in a Senior Inspector's court to be transferred to the Sessions Court.

When Senior Inspector shall transfer case.

PLA 50/77

103. It shall be lawful for any ^{civil} court other than the Court, before which there may at any time be pending a suit in which there arises any issue relating to mining operations or mining land to transfer such issue to a Senior Inspector's court for trial, and the Senior Inspector shall thereupon try and determine such issue, and his decision may be enforced in the same manner, and shall be subject to the like appeal, as if the questions in dispute had come before him under section 97.

Power to Civil Courts to transfer cases to Senior Inspector.

104. It shall be lawful for a Senior Inspector to enquire into and decide any matter coming before him under this Enactment either in any court-house in the district or in any other place in which the Senior Inspector may think fit to enquire into and decide the same, and any proceedings before a Senior Inspector may be conducted in any language which the Senior Inspector may allow.

Senior Inspector may sit anywhere and conduct business in any language.

105. (i) A Senior Inspector shall keep a record of all cases heard and complaints decided by him and shall take notes in writing of all evidence given before him.

Senior Inspector to keep record and take notes.

(ii) Any person interested in any dispute, decision or order shall be entitled to obtain a copy of such record and notes upon payment of the prescribed fee.

106. (i) A Senior Inspector may send a copy, certified under his hand and seal, of any decree or order made by him to any court within the local limits of whose jurisdiction the subject matter of the decree is situated, and such court shall enforce the decree of the Senior Inspector in the same manner in which it would enforce its own decree or order notwithstanding that the amount stated in such decree or order is in excess of the ordinary jurisdiction of the court.

Enforcement of Senior Inspector's decrees.

PLA 50/77

(ii) The same fees only shall be payable upon the enforcement of such decree or order as would be payable upon the enforcement of a like decree or order, made by the said court.

Recd. 10/1/77

Appeal to
Court from
decisions
of Senior
Inspector.

Recd. 10/1/77

107. (i) Any person aggrieved by any decree, order or decision made or given under the powers vested in a Senior Inspector by sections 66, 73, 74, 82A, 85 (c), 92, 97 (i) and (ii) or by any finding or sentence arrived at or imposed under the powers vested in a Senior Inspector by section 136 may appeal to the Court: provided that there shall be no appeal to the Court from any such decree, order or decision in so far as the same may relate to the distribution or utilisation of water in cases where no rights in respect of such water are vested by licence or other written authority in the person aggrieved; and provided further that there shall be no appeal to the Court from any order or decision under section 85 (c) unless the same be made or given on the ground of breach of the conditions of the licence or that further work under the licence cannot be carried on efficiently.

(ii) No appeal to the Court shall be admitted after the expiration of thirty days from the date of the decree, order or decision appealed against.

Senior
Inspector
may require
owner of
mining land
to give
information.

108. (i) A Senior Inspector shall have power to issue a notice requiring any lessee or occupier of mining land, or any person employed on or about such land, to appear before him at any reasonable time and place, and to require such lessee, occupier or other person to give such information as he may be possessed of, and every such lessee, occupier or other person shall be legally bound to comply with such notice.

Senior
Inspector
may call for
plans and
returns.

(ii) A Senior Inspector may by written notice require lessees or occupiers of mining land or persons having the management thereof to keep such plans of their workings as he may approve and to furnish to him accurate copies of any such plans prepared in such manner as he may require or copies of any plans of their workings which may be in their possession.

(iii) Lessee or occupiers of mining land or persons having the management thereof shall furnish returns containing information as to their mining operations of such description and at such times as the Senior Inspector may either generally or in particular cases approve.

(ii) to call for and inspect, whenever he may deem necessary, any document of title to mining land or licence in respect of mining land or water or any dulang pass;

(iii) to satisfy himself by personal examination that all the conditions of such documents of title and licences and dulang passes are being faithfully observed;

(iv) whenever he shall have reason to believe that any person is unlawfully carrying on, or is doing any act with a view to unlawfully carrying on, mining operations upon or under any State or reserved land or any land alienated for agricultural purposes, forthwith to visit and inspect such land, and to make such enquiry into the matter as may be necessary; and if after such enquiry it appears to him that any person is unlawfully acting as aforesaid, to call in the assistance of the police, if necessary, and to take proceedings against such person;

(v) to satisfy himself, by personal inspection, that the requirements of this Enactment are consistently observed, and to report to the Senior Inspector any matter in respect of which he may be of opinion that any enquiry or order is necessary;

(vi) to take measures to ensure the use of proper precautions in all mining operations for the prevention of danger, damage or inconvenience to life or property;

(vii) to make such orders as he may consider necessary in cases of dispute between occupiers of mining land in respect of their occupation or use of such land.

**Inspector's
powers.**

115. The powers of an Inspector shall be as follows :

(i) to give all such lawful orders as may be necessary to enable him effectually to perform the duties imposed upon him by section 114 and to exercise such powers as are vested in him by the provisions of this Enactment, and every such order shall be given in writing if so required by any person affected thereby;

(ii) to arrest without warrant and take before the Senior Inspector or a Magistrate any person whom he may find committing an offence against the provisions of this Enactment.

116. In any case in which it appears to an Inspector that the condition of a mine or of any mining land, or of any of the lands or works or appliances appurtenant to or auxiliary to such mine or lands, is such as to be likely to be a source of danger to life or property, the Inspector shall have power to order immediate cessation of work in and the removal of all persons from the mine or any part thereof, or to allow work to continue on such precautionary measures being taken as he may deem necessary.

Power of Inspector where works are dangerous to life or property.

MINING ASSISTANTS

Mining Assistants.

117. (i) The duties of Mining Assistants shall be to assist the Inspector of Mines, to whom they are subordinate.

(ii) Mining Assistants shall, so far as is necessary for the purpose of carrying out their duties, have the powers of a police constable.

(iii) Mining Assistants may arrest without warrant persons found carrying on mining operations without lawful authority.

(iv) Mining Assistants may perform the duties imposed upon an Inspector of Mines by section 114 (iv).

PART XI

TRESPASSES AND PENALTIES

118. Any person found to be prospecting or carrying on mining operations upon any land, or doing any act with the view to prospecting or carrying on mining operations upon the same, without having received lawful authority to prospect the same or to carry on such mining operations thereon under any of the provisions of this Enactment, or in breach of any of the conditions of such authority shall be liable, on conviction, to a fine not exceeding one thousand dollars, and all machinery, tools, plant, buildings or other property, together with any ore or other product which may be found upon, or proved to have been obtained from the said land shall be liable to forfeiture.

Fine and forfeiture for prospecting land or mining thereon without authority.

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Loitering
or lurking
about or in
a mine.

118A. (i) Any person found loitering or lurking about the surface of or underground in any mine may be brought before a Magistrate and shall, unless he can satisfy such Magistrate that he was not so loitering or lurking for any unlawful purpose, be guilty of an offence and shall be liable if so found—

Five hundred (a) about the surface between the hours of sunrise and sunset to a fine of ~~£ fifty~~ dollars or to imprisonment for one month;

One thousand (b) about the surface between the hours of sunset and sunrise to a fine of ~~two hundred~~ dollars or to imprisonment for three months;

Five hundred (c) underground to a fine of ~~five hundred~~ dollars or to imprisonment for six months.

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(ii) Any person who, having been convicted of an offence under subsection (i) or for the theft of any metal or mineral from mining land, is subsequently convicted of an offence under this section shall be liable to a fine of ~~one~~ thousand dollars or to imprisonment for twelve months.

Five

(iii) (a) In addition to the powers of an Inspector under subsection (i) of section 115 any Police Officer, Mining Assistant, the owner or occupier of any mine or any manager of or a person employed in such mine may arrest without warrant any person found committing or reasonably suspected to have committed an offence against the provisions of subsection (i).

(b) Every person so arrested shall be taken with all convenient despatch to the nearest Police Station.

Use of a vessel
fitted with
equipment
or device for
prospecting
or mining
operations.

*118B. (i) Any registered owner of a vessel fitted with any equipment or device used or capable of being used for prospecting or mining operations, and any person found in possession or control of such vessel, in circumstances in which it is reasonable to presume that such owner or person intends to use such vessel for the purpose of carrying out prospecting or mining operations without any lawful authority, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and such vessel including equipment or device or other property fitted or carried therein shall be liable to forfeiture.

* Applies to the State of Perak only. (See—Perak Enactment 3/1969).

(ii) If an authorized officer has reasonable grounds for suspecting that any vessel fitted with equipment or device as aforesaid is concealed, lodged or anchored at any place and has grounds for believing that by reason of the delay in obtaining a search warrant such vessel is likely to be removed, such officer may by virtue of his office search and seize such vessel including any equipment or device or property found therein and may without warrant arrest the person in charge of such vessel, if any; and the authorized officer shall thereupon produce such vessel and such equipment, device or property together with the person in charge of the vessel, if any, before a Magistrate.

(iii) Notwithstanding that any person has not been convicted of an offence under this section, the Court may if satisfied after due inquiry that the vessel seized under subsection (ii) had been used or is adapted so as to be capable of being used for prospecting or mining operations, order the forfeiture of the vessel.

(iv) In this section—
“authorized officer” means an Inspector of Mines, Mining Assistant, or any police officer not below the rank of Inspector or any Port Officer;

“vessel” includes any boat or other vessel or craft used in navigation.

119. (i) Any person who shall wilfully neglect to comply with the requirements of any notice duly served upon him under sections 27, 28, 29, 43, 77 or 108 shall be liable to a fine of one hundred dollars, and any person who, after the service upon him of a second notice to the same effect, shall neglect to comply with the same shall be liable to a fine of two dollars a day for every day during which such neglect shall continue.

Penalties for disobedience to certain notices.

thousand

thirty

(ii) Any person neglecting to produce any metals or minerals in accordance with a notice published under section 132 (ii), and every person knowingly selling or buying or otherwise disposing of or dealing in the same, before they have been so produced, shall be liable to a fine of two hundred and fifty dollars.

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En. 7/78

five thousand

120. (i) Any person who shall make default in observing any of the covenants and conditions of his document of title to any mining land as prescribed by this Enactment shall be liable to a fine of two hundred

Penalties for infringing conditions of title.

and fifty dollars, and where such default is a continuing one, he shall be additionally liable to a fine of five dollars for every day during which such default shall be continued.

(ii) Any person who shall, without permission in writing from the Collector, erect or permit to be erected upon mining land any house or other building for purposes other than those mentioned in section 14 (iii) shall be liable to a fine of two hundred and fifty dollars, and the Collector may cause such house or other building to be destroyed.

Fine for
breach
of conditions
of mining
licence or
dulang pass.

121. Any holder of an individual mining licence or dulang pass who shall make default in observing any of the conditions of such licence or pass shall be liable to a fine of ~~fifty~~ ^{one hundred} dollars.

Penalty for
breach of
condition
of licence.

122. Any holder of a licence under Part VI, Part VII, Part VIII or Part IX of this Enactment who shall make default in observing any of the conditions of such licence shall be liable to a fine of ~~one~~ ^{ten} thousand dollars.

Penalty for
breach of
provisions of
Part VI.

123. Any person who shall contravene any of the provisions of Part VI shall be liable to a fine of ~~two hundred and fifty~~ ^{five thousand} dollars.

Penalty for
disobeying
sections, or
order under
sections.

ten
to hundred
one hundred

124. Any person who shall contravene the provisions of sections 62, 64 (i), 67, 68 (i) or 74 (i) or (ii) or who shall fail to obey any order given under sections 64 (ii) or 74 (iii) shall be liable to a fine of ~~five hundred~~ ^{ten} dollars, and additionally to a fine of ~~ten~~ ^{one hundred} dollars a day for every day during which such contravention or disobedience shall continue.

Penalty for
disobeying
order of
breach of
provisions
of Part IX.

125. Any person who shall fail to comply with any direction, condition or restriction imposed on him under section 76 or to obey any order given under section 83 or shall commit a breach of any of the provisions of Part IX shall be liable to a fine of ~~one~~ ^{ten} thousand dollars and additionally to a fine of ~~ten~~ ^{one} hundred dollars a day for every day during which such disobedience or breach shall continue.

Penalty for
negligent
conduct.

126. In the event of any person employed in or about a mine doing any act in such an unskilful or unworkmanlike manner as to be likely to cause danger or damage to any person on or about such mine or

ailing to take all such due and proper precautions as may be necessary to ensure the safety of any person on or about such mine, such person shall be liable to a fine of ~~two hundred and fifty~~ ^{five thousand} dollars or to ~~one~~ ^{six} month's rigorous imprisonment.

127. Any person who shall fail to obey any lawful order made by a Senior Inspector or an Inspector, shall, in cases where no penalty is specifically provided, be liable to a fine of ~~five hundred~~ ^{Other penalties for disobedience of Senior Inspector's or Inspector's order.} dollars, and in cases where such default may be continuing, to an additional fine of ~~ten~~ ^{one hundred} dollars for every day during which such default may continue.

128. Where a person who is an owner or occupier of mining land or any manager of or person employed in or about a mine commits a breach of any of the provisions of this Enactment which in the opinion of any court before which the proceedings are taken was reasonably calculated to endanger the safety of persons employed in or about the mine, or to cause serious personal injury to any of such persons, or to cause a dangerous accident, and was caused as the result of personal default or personal negligence of the person accused, such person shall be liable to a fine of ~~one~~ ^{five} thousand dollars or to imprisonment for six months.

129. Any person offending against the provisions of any rule made under this Enactment shall, in cases where such offence is of a continuing nature, be liable, in addition to any fine prescribed under section 130 (k), to a further fine of ~~ten~~ ^{one hundred} dollars for every day during which such offence may continue.

PART XII
GENERAL

130. (i) The Ruler in Council (in the case of the State of Negri Sembilan the Yang di-pertuan Besar and Undang by and with the advice and consent of the State Council) may from time to time make rules for fully and effectually carrying out and giving effect to the various purposes, provisions and powers in this Enactment contained.

Such rules may provide for—

- (a) the fixing of premia, rents and fees under this Enactment;

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Other penalties for disobedience of Senior Inspector's or Inspector's order.

one hundred

Penalty for offence dangerous to life or safety.

five

Penalty for continuing breach of Rules.

one hundred
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Power to make Rules.

- * (aa) allowing remission, rebate or deferment of payment of rent and remission of fees;
- (b) adding to and varying the rules prescribed by Schedule IV;
- (c) prescribing the procedure to be followed under any section of this Enactment;
- (d) prescribing the powers and duties of officers appointed under this Enactment;
- (e) altering, adding to or rescinding any of the forms contained in the schedules and prescribing additional forms;
- (f) the regulation of mining operations, whether alluvial, hydraulic, lode or otherwise, and the adoption in or about mines of any precautions necessary or desirable for the prevention of accidents and protection of human life;
- (g) the prohibition of the employment of specified classes of persons in underground workings;
- (h) the regulation of the construction, maintenance and use of lines of pipes for the conveyance of mineral oil;
- (i) the regulation, whether by licences or otherwise, of refineries and works for the extraction of oil from oil shales, and the conduct of the operations thereof;
- (j) the furnishing by owners or managers of mines of statistical returns and the keeping and production by them of books and plans;
- (k) prescribing the fine with which the contravention of any rule made under this Enactment shall be punishable, but so that such fine shall not exceed ~~one~~ ^{ten} thousand dollars;
- (l) any other matters, whether similar or not to those above mentioned, as to which rules may be necessary or desirable for enforcing the provisions or purposes of this Enactment.

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(ii) All rules made under this section shall be published in the *Gazette* and shall thereupon have the force of law.

(iii) (Repealed).

* Paragraph (aa) applies to the State of Selangor only.
(See—Selangor Enactment 1/1958).

131. (i) The Minister charged with the responsibility for mining may from time to time fix a royalty to be paid in respect of minerals and metals won within the State, which shall be notified in the *Gazette*, and may also, either generally or in any particular case, grant total or partial remission of payment of any such royalty.

Royalty.

(ii) The Minister charged with the responsibility for mining may from time to time by notification in the *Gazette* fix, for the purpose of royalty, the value of any mineral or metal, and may from time to time alter any value so fixed.

132. (i) The Ruler in Council may commute any such royalty for an annual payment (hereinafter called a commutation fee) calculated upon the number of labourers employed in any mining operations and may from time to time alter or rescind such commutation fee.

Commutation of royalty.

(ii) Where such commutation fee is imposed, it shall be lawful for the Ruler in Council to require, by notice published in the *Gazette*, that all metals or minerals won by those on whom the commutation fee is imposed shall be produced before the Senior Inspector, or such other officer as may be duly authorized in that behalf, and shall not be sold or otherwise disposed of until they have been so produced.

133. All lands alienated otherwise than for mining purposes before or after the commencement of this Enactment shall be liable to be acquired for mining purposes by the Ruler of the State in Council in the manner provided by the Land Acquisition Act.

Resumption of alienated land. F.M. Act 34/60.

134. No title, licence or other authority issued under this Enactment shall exempt any person from liability in respect of any damage occasioned by such person to the property of the Government or of any person.

Miner's liability for damage.

135. Whenever it is proved to the satisfaction of any court having jurisdiction that a breach of any of the provisions of this Enactment, or of any rules made thereunder, has been committed by any person employed on the land in respect of which such breach has been committed, the employer shall be held to be liable for such breach, and to the penalty provided therefor, unless he shall prove to the satisfaction of

Employer liable.

such court that the same was committed without his knowledge or consent and that he had taken all reasonable means to prevent the same and to enforce the observance of such provisions; provided that nothing contained in this section shall be deemed to exempt such first-mentioned person from liability in respect of any penalty provided by this Enactment for any breach proved to have been committed by him.

Trial of offences.

136. (i) All offences punishable under sections 119, 120, 121, 123, 124, 126, 127 or 129 and offences against the provisions of any rule under this Enactment punishable with fine not amounting to one thousand dollars shall be triable by the Senior Inspector or a Magistrate of the First or Second Class, and all offences punishable under sections 118, 122, 125, or 128 and offences against the provisions of any rule punishable with fine which may amount to ~~one~~ ^{ten} thousand dollars shall be triable by the Senior Inspector or a Magistrate of the First Class.

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(ii) A sentence of imprisonment of either description in default of payment of fine may be imposed by the Senior Inspector. Any term of imprisonment so imposed shall be in accordance with the scale contained in section 283 of the Criminal Procedure Code, and the provisions of that section shall apply to any term of imprisonment imposed by the Senior Inspector.

(iii) A warrant for the execution of any sentence of imprisonment so imposed shall be signed by the Senior Inspector and lodged with the officer in charge of the prison in which such person is to be confined, and such warrant shall be a sufficient authority for the detention of such person.

(iv) An appeal shall lie to the Court from any judgment or sentence of a Senior Inspector and for the purposes of such appeal the provisions of Chapter XXX of the Criminal Procedure Code shall apply to the court of a Senior Inspector as though such court were the court of a Magistrate.

(v) The court of a Magistrate of the First Class shall, notwithstanding anything in the Subordinate Courts Act, 1948 contained, have power to impose the full punishment provided by this Enactment for any offence triable by such court.

Act 92.

137. It shall be lawful for any court before whom a conviction may be had under this Enactment, to direct that any sum not exceeding one half of any fine recovered or one half of the value of any property or product forfeited upon such conviction shall be paid to any person upon whose information or evidence such conviction was obtained.

Rewards to informers.

PART XIII

ANCESTRAL MINING LAND

138. "Ancestral mining land" shall mean such ascertained areas of mining land as have been specially granted in Perak by the State prior to the commencement of the "Mining Enactment, 1899", to persons who have established an ancestral claim thereto and are still held by such persons or members of their families in pursuance of such grant.

Meaning of "Ancestral mining land."

139. No quit-rent shall be payable in respect of any ancestral mining land.

Quit free.

140. The right of a holder of ancestral mining land shall be limited to the working of alluvial tin only.

Limited rights.

141. Such land shall be subject in all respects to the provisions of this Enactment with the following exceptions:

Special provisions.

- (a) no person shall be registered as the holder of such land unless he be a member of the family of the original grantee; provided that a person registered as sub-lessee of such land shall not for the purposes of this subsection be deemed to be thereby registered as the holder thereof;
- (b) no such land shall be sub-leased for any period exceeding ten years from the date of the sub-lease or the term of the natural life of the sub-lessor;
- (c) the right to such land shall be liable to forfeiture if not exercised for a period of two consecutive years.

SCHEDULE II*

[Section 8]

District of

APPLICATION FOR MINING LAND

No. of 19.....

Received by me this day of 19.....

Collector

Address.....

Date.....

Sir,

I have the honour to apply that I may be granted a lease under the Mining Enactment, for..... acres of State land as described below, which I desire to work for..... (state the metal or mineral for which it is proposed to work).

2. The land can be pointed out by....., who lives at.....

3. My address, to which any communication concerning this application may be sent to me by post, is

I am, Sir,
Your obedient servant,

(Signature)

To

The Collector..... at.....

DESCRIPTION OF THE LAND APPLIED FOR

Mukim.....

Locality.....

Distance from nearest town, village or milestone

(Stating direction).....

Area (in acres).....

Position of the land (see instructions overleaf).

INSTRUCTIONS FOR DEFINING THE POSITION OF THE LAND APPLIED FOR

(To be printed on the back of the Application Form)

1. If the land applied for adjoins or is close to land already alienated a sketch showing it in its approximate position with respect to such alienated land must be given on the blank space hereunder and the lot number and plan number of such alienated land must be quoted.

*Note: There is no SCHEDULE I.

2. If the land applied for is not close to any alienated land its approximate distance from the nearest alienated land, with the direction, should be stated and a sketch must be given on the blank space hereunder showing its approximate position with respect to some known point, together with all intervening features such as streams or paths.

3. When possible, the exact boundaries of the land applied for should be stated, given an initial point and stating the bearing and length of each boundary in turn back to such point.

SCHEDULE III

[Section 11 (i)]

MINING CERTIFICATE

This is to certify that permission has this day been granted to..... of..... to enter upon, occupy and mine the land hereinafter described, subject to the provisions of the Mining Enactment, and to the employment thereon of not less than..... labourers and pending the issue of a mining lease under the said Enactment.

DESCRIPTION OF THE LAND

District.....
 Mukim.....
 Locality.....
 Position.....
 Approximate area..... acres.
 Dated at..... this..... day of..... 19.....
 Application No.....
 Certificate No.....

Collector of Land Revenue

District of.....

State of.....

SCHEDULE IV

[Section 16]

Horse-power—(a) The horse-power of each unit shall be calculated as follows:

(i) for steam engines—

$$HP = \frac{P L D^2 N}{21,000}$$

where P = mean effective pressure in pounds per sq. inch;

L = length of stroke in feet;

D = diameter of the cylinder in inches;

N = Number of revolutions per minute.

For compound engines, the horse-power shall be the sum of the horse-powers of each engine as found by the above rule.

In the case of a steam engine to which the above rule does not apply the actual horse-power transmitted through the shaft will be taken as the horse-power.

(ii) For internal combustion engines—

The actual brake horse-power of the engines shall be taken as the horse-power.

(iii) For water-driven engines—

D = diameter of jet in inches;

P = pressure in pounds per square inch;

Q = quantity of water in cubic feet per minute discharged from the jet;

Horse-power = $D^2 \times P \times \sqrt{P} \times .017$;

$Q = D^2 \times 3.7 \sqrt{P}$

(iv) For electric generators and motors—

Electric generators and motors shall be rated at one horse-power for every 746 watts.

(b) If any special case should arise to which the above formulae would not apply, it shall be subject to an order by the Chief Inspector of Mines.

SCHEDULE V

[Section 16 (ix)]

NOTICE AS TO ADDRESS, ETC.

Name and address of lessee or holder of mining certificate.....

Name and address of occupier or of sub-lessee.....

Name and address of advancer.....

Nature and number of title under which the land is held.....

Mukim of.....

Lot No.....

Area.....

SCHEDULE VI

[Section 22 (i)]

NOTICE TO LESSEE TO SHOW CAUSE WHY LEASE SHOULD NOT BE FORFEITED

To.....

Whereas there is reason to believe that *.....

In consequence whereof your Lease No..... dated the day of.....19..... comprising the land following—namely:

Situation †.....

Area.....

Boundaries.....has become liable to forfeiture; now, with the approval of the Ruler in Council, I hereby call upon you, within.....months from the service on you of this notice, to show cause to the satisfaction of the Ruler in Council why the said lease should not be forfeited.

Dated thisday of.....19.....

.....
Collector

*Here state the act or omission by which the forfeiture is alleged to have been incurred.

† Fill in particulars of land.

SCHEDULE VII

[Section 22 (iii)]

NOTICE OF FORFEITURE

To.....

Whereas a notice was duly served upon you on the..... day of..... 19..... calling upon you to show cause within..... months to the satisfaction of the Ruler in Council why Mining Lease No..... should not be forfeited;

And whereas you have failed to show such cause within the time aforesaid;

Now therefore, I.....Mentri Besar of the State of..... by virtue of the powers conferred on me by section 22 (iii) of the Mining Enactment, hereby declare the said Mining Lease No..... to be forfeited.

.....
Mentri Besar

State of.....

SCHEDULE VIII

[Section 27]

MINING LEASE

District of.....

No.....

This mining lease is issued by His Highness the.....
to..... and those claiming under.....
to occupy for the term of..... years from.....
that lot of land in the mukim of..... estimated to
contain..... acres..... roods..... poles more
or less which said lot of land with the dimensions abuttals and
boundaries thereof is delineated on revenue survey plan number
..... deposited in.....

Subject to the payment therefor of the annual rent of.....
dollars..... cents and to the employment thereon
of not less than..... labourers and to the
provisions covenants and conditions set out in the Mining Enact-
ment, and to the express conditions set forth hereunder:

EXPRESS CONDITIONS

In witness whereof the said His
Highness has hereunto set his hand
and caused the public seal of the
State to be affixed at.....this
.....day of.....
19..... in the presence of.....

Signed by the said.....
this.....day of.....
19....., in the presence of.....

Registered at..... this.....day
of..... 19.....

No.....
No. of former title.....
Presentation No.....

.....
Collector of Land Revenue.

(L.S.)

District of.....

State of.....

SCHEDULE IX

FORM (i)

[Section 27]

NOTICE TO SIGN LEASE

To..... of.....

Take notice that you are hereby required to attend either personally or by your duly appointed agent at the Land Office at..... within three months from the date of the service of this notice and there to sign Mining Lease No..... which has been prepared in pursuance of your Application No.....

In default of your failing to comply with the requirements of this notice within three months from the date of service hereof you will be liable to the penalties provided by section 119 of the Mining Enactment, and your application and mining certificate will be liable to cancellation.

Dated at the Land Office at..... this
..... day of..... 19.....

.....
Collector of Land Revenue,
District of.....
State of.....

FORM (ii)

[Section 28]

NOTICE TO TAKE OUT LEASE

To..... of.....

Take notice that you are hereby required to attend either personally or by your duly appointed agent at the Land Office at..... within three months from the date of the service of this notice, and to pay the sum of \$..... due by you on account of..... and to surrender your Mining Certificate No..... and accept Mining Lease No..... which has been prepared in pursuance of your Application No.....

In default of your so attending you will be liable to the penalties provided by section 119 of the Mining Enactment, and the approval of your application and mining certificate will be liable to cancellation and the said mining lease will be returned to the Ruler for cancellation.

Dated at the Land Office at..... this
day of..... 19.....

.....
Collector of Land Revenue,
District of.....
State of.....

(NOTE: The words as to the surrender of the mining certificate to be deleted if not required.)

SCHEDULE X

[Section 36 (i)]

MEMORANDUM OF SUB-LEASE

District of Mukim

No.

I/We..... hereinafter called the sub-lessor, being registered lessee/lessees of piece of mining land at..... described in..... lease No..... of date..... and subject to such encumbrances, liens and interests as are endorsed thereon:

In consideration of the sum of dollars..... paid to me/us by..... hereinafter called the sub-lessee the receipt of which I/we hereby acknowledge and of the payment of tribute as hereunder set forth:

Do hereby sub-lease to the said..... (a) all that portion of the said piece of mining land coloured red upon the plan hereunto attached, and estimated to contain..... acres..... roads and..... poles, more or less, for the period of (b)..... subject to the provisions of the Mining Enactment, and to the following conditions, restrictions and exceptions:

1. That the sub-lessee shall pay to the sub-lessor, or to his/their duly appointed agent, tribute upon all ore removed from the said land at the rate of.....

2. That the said tribute shall be paid (c).....

3. That the sub-lessee shall be liable upon suit before the Senior Inspector or any Court to pay to the sub-lessor the sum of \$..... as a penalty for each and every breach of the conditions above set out which he/they may commit.

Put in words

4. That the sub-lessee shall work the said land in an orderly skilful and workmanlike manner and subject to the provisions of the Mining Enactment and shall be liable to indemnify the sub-lessor for any expenses which he/they may incur, whether as fine inflicted on him/them or otherwise, on account of any breach of this condition by the sub-lessee.

(a) If the whole land is to be subleased strike out the words "that portion of" and from "coloured red" to "attached and" inclusive.

(b) Add terms of sub-lease—e.g., "five years" or "of the said lease or of any renewal thereof for which renewal the sub-lessor hereby undertakes to apply if so desired by the sub-lessee".

(c) Add time when, place where, and manner in which tribute is to be paid—e.g., "immediately after each sale of ore, of which sales the sub-lessor shall have full notice and the right to be present and to buy such ore at the price at which it is being offered for sale" or "after each smelting", etc.

5. That the sub-lessor or his/their duly appointed agent may at all reasonable times enter upon and view the land, and may inspect any books of account of ore produced from the land.

6. That the..... shall be liable to pay to the State the annual rent due upon the land.

7. That the sub-lessee shall/shall not be entitled to transfer or assign this sub-lease without the written authority of the sub-lessor.

8. That this sub-lease shall be liable to cancellation at any time at the discretion of the Senior Inspector or the Court upon proof:

(i) That the sub-lessee has/have failed to pay to the sub-lessor the amount of any moneys which he is/they are by terms of this sub-lease bound to pay for a period of six months from the date at which such payment became due.

(ii) That the sub-lessee has/have not worked the land in accordance with clause 4 of this sub-lease or has/have by his/their default rendered the land liable to forfeiture under the Mining Enactment.

(iii) That the sub-lessee has/have not during a period of six months employed at least.....labourers or labour saving apparatus equivalent thereto as prescribed in section 16 (iii) (b) of the Mining Enactment for not less than one month in mining the land.

(iv) That the sub-lessee has/have committed a breach of clause 7 of this sub-lease.

*9.

Dated this..... day of..... 19.....

.....
Sub-lessor

I/We do hereby accept this sub-lease to be held by me/us as sub-lessee for the term and subject to the conditions, restrictions and exceptions above set forth.

.....
Sub-lessee

Memorial made in the Register.....volume.....

.....
folio.....

.....
Collector

* Here insert any further conditions, restrictions or exceptions.

SCHEDULE XI

[Section 43]

NOTICE TO EFFECT EXCHANGE OF TITLE

To.....of.....

Take notice that whereas pursuant to*.....
 a mining lease has been prepared for issue in substitution for
registered in your name, you are
 hereby required to attend either personally or by your duly
 appointed agent at the Land Office at.....within
 three months from the date of the service of this notice and there
 to sign/accept the said lease, in default whereof you will be liable
 to the penalties provided by section 119 of the Mining Enactment.

† You are also required on issue of the said lease to deliver
 up.....

Dated at the Land Office at.....this.....day
 of.....19.....

.....
 Collector.

*State whether application of owner, terms of agreement for lease,
 surrender, resumption or order of Collector.

† Delete if not required.

SCHEDULE XII

[Section 45]

INDIVIDUAL MINING LICENCE

This licence authorizes.....of.....
 personally, and not otherwise, to mine any mineral deposit other
 than oil shales or mineral oils within the following area—namely,

(Here describe the area over which the licence extends)

This licence expires on the 31st December, 19.....; it does not
 apply to any person other than the said.....
 and is subject to the conditions and limitations contained in the
 Mining Enactment.

Dated this.....day of.....19.....

Fee paid \$.....

.....
 Collector.

SCHEDULE XIII

[Section 53]

PROSPECTING LICENCE

This licence authorizes.....of.....

(a) to prospect.....for the following metal or mineral--
namely.....for the period of.....commencing
from the.....day of.....19.....
within the area hereunder described, subject to the
conditions and limitations contained in Part VI of the
Mining Enactment.

(b) to select within the area hereunder described an aggregate
of.....acres of State land in blocks of not less
than.....acres each and upon payment of a
premium of \$.....an acre to receive a lease
or leases for the same on proof to the satisfaction of
the Ruler in Council that the licensee has done a
sufficient amount of prospecting work to entitle him to
such lease or leases.

(c) Special conditions.

This licence is liable to cancellation by the Ruler in Council
if the licensee shall cease altogether to work within the area
hereunder described for a period of.....

DESCRIPTIONS OF PROSPECTING AREA

Position.....
Approximate area.....
Boundaries.....
Dated this.....day of....., 19.....
Fee paid \$.....

.....
Collector.

MINING ENACTMENT

SCHEDULE XIV

[Section 65]

LICENCE FOR USE OF WATER

Water Licence No.....
Renewal of No.....
Vide Mines No.....

Permission is hereby granted to.....the lawful
occupier for the time being of the mining land described as plan
No....., held under mining lease.....in
the mukim of....., in the district of.....to
take from a point as shown on the attached tracing, and to carry
by means of ditches, flumes, pipes or other works, and to use
on the said mining land.....cubic feet of water
per minute from the.....at the point as shown on
the attached tracing for a period ending.....19.....
on the terms and in the manner herein set out and subject to the
provisions of the Mining Enactment.

TERMS AND CONDITIONS

(1) Ditches, flumes, pipes or other works may only be constructed on and through alienated land with the permission of the owner or in the case of Government reserves with the consent of the officer in charge of the reserve.

(2) No existing rights shall be interfered with in any way.

(3) The licensee shall be responsible for any damage done to other lands or Government property caused through the use of this water and shall repair without notice or delay any such damage done.

(4) The said water shall be used only on the above-mentioned leases and its use shall not be discontinued for periods of more than one month.

(5) *(Here insert any further conditions)*

Dated at.....this.....day of.....19.....

Senior Inspector of Mines.

SCHEDULE XV

[Section 69 (i)]

WATER LICENCE

Granted by the Ruler in Council under the provisions of section 69 of the Mining Enactment.

Subject to existing rights in respect of water from the riverthe Ruler in Council of..... hereby grants to.....(hereinafter called the licensee) the prior right or licence to divert from the river..... at a point marked A on the plan attached to this licence and to take and use for a period of..... years commencing fromor for the term of the leases in Schedule A hereto or any renewal thereof, whichever is the lesser term, a quantity of water from the said river if and when available not exceeding..... for the purpose of the mining operations to be lawfully conducted upon the lands specified in Schedule A hereto and on any other lands which may from time to time be added by the Ruler in Council.

The Ruler in Council also grants to the licensee the right to erect, cut and construct upon and through the lands described in Schedule B hereto a pump, line of pipes, flume, race, drain, dam or reservoir as may be necessary to the undertaking, and to take and use the water therefrom subject to the provisions on that behalf contained in the Mining Enactment.

This licence is subject to the following conditions:

1. The licensee shall submit in duplicate on or before..... for the approval of.....detailed dimensioned working drawings, plans and sections all properly drawn to scale together with a plan showing the course of the line of pipes (or as the case may be).

2. The construction shall not be commenced until the plans have been approved and signed by.....and no deviation from the approved plans shall be allowed without the consent in writing of the Ruler in Council.

3. The licensee shall complete all the works and shall make actual and effective use of the water hereby granted upon some part of the lands specified in Schedule A hereto on or before or such later date as may be allowed in writing by the Ruler in Council.

4. The licensee will construct and maintain at his own cost, charge and expense all works of whatever nature as approved by for the exercise of the right hereby granted.

5. If at any time the Ruler in Council after such enquiry as he may deem necessary, is satisfied that the quantity of water which the licensee is permitted by this licence to take is in excess of the quantity reasonably required for the purposes to which the same may be lawfully applied he may give notice under his hand to the licensee that the quantity of water shall be reduced in such manner as he may in such notice direct, and thereafter the quantity of water to be taken shall be reduced accordingly.

6. The right hereby granted is not to be taken as a guarantee of the volume of water available or a guarantee that it shall not be contaminated with earth, clay, sand, stone or other debris from State land or from lands now being worked or cleared for any purpose or to be worked or cleared for any purpose in the future, nor shall the Government of be in any way liable for any failure in the volume of water or by reason of its contamination as aforesaid.

7. If the water or any portion thereof taken under the provision of this licence is employed by the licensee for the generation of electrical power, such electrical power shall be utilised solely upon the lands held by the licensee for the time being enumerated in Schedule A and solely for purposes incidental to mining operations upon the said lands.

8. If any damage be caused to any public or private property by any operations of the licensee in the course of or incidental to the exercise of the right hereby granted the licensee shall be liable to make full compensation in respect of such damage, and will indemnify and hold harmless the Government of against any claims, cost, charges or expenses that may be preferred or may arise in respect of any such damages.

9. If owing to the diversion of the water hereby granted from its natural channel it should be found necessary to raise or divert any public road or railway or to construct or re-construct any public bridge or culvert the cost of so doing shall be borne by the licensee as may be directed by the Ruler in Council.

10. For the better performance of the preceding conditions the Ruler in Council may by writing under his hand direct the licensee to give security in such sum and in such manner as he may direct, and the licensee shall comply with such direction.

11. This licence may be cancelled by the Ruler in Council upon proof of the breach by the licensee of any of the foregoing conditions.

Dated at this day of 19.....

Mentri Besar,

State of

SECRETARY GENERAL ASSISTANT.
LEADER OF THE HOUSE MEMBERS.
3211-1000.

MINING ENACTMENT

SCHEDULE XVI

[Section 77]

NOTICE TO CLEAR BOUNDARIES, ETC.

To.....of.....

Take notice that, by virtue of the powers conferred on me by section 77 of the Mining Enactment, you are hereby required to.....

In default of your doing so I shall cause the work to be done at your expense.

Dated this.....day of 19.....

Inspector of Mines,
District of.....
State of.....

SCHEDULE XVII

[Section 85]

LICENCE TO WORK UNDERGROUND

No.....

Issued under section 85 of the Mining Enactment.

Name of Owner.....

Name of Advancer.....

Name of Sub-lessee (if any).....

Mining title.....No.....Plan No.....

District.....Mukim.....

Locality.....

Permission is hereby granted to.....of.....
to work the land described in the above-mentioned title by under-
ground mining and to sink shafts for that purpose for the period
from....., 19..... to 31st December, 19.....
upon the following conditions:

1. That this licence shall be conspicuously and continuously exhibited on this land.

2. That all shafts which are no longer required shall be immediately filled in.

3. That all requirements of any Inspector of Mines as regards drainage and the provisions of sections 86 to 89 of the Mining Enactment shall be promptly and carefully complied with, and that when any shaft has remained unused for any length of time special precautions against noxious gases shall be adopted before resuming work in it.

4. That all shafts shall be timbered to a depth of at least six feet from the surface of the ground, provided that, where the wall of the shaft shows the slightest tendency to crumble or wherever an Inspector of Mines may require it, such shaft shall be timbered to the bottom or to such further depth as may appear necessary.

5. That all pumping shafts shall be timbered from the surface to the bottom of shaft and, where a double shaft is used, a ladder partition shall be constructed to the same depth.

6. That under no circumstances, except for the purpose of replacing and repairing the same, shall any timber, once fixed and placed in position, be removed from the side of any shaft without the express permission of an Inspector of Mines.

7. That all apparatus used for raising or lowering men and materials shall be of sound construction and amply strong for the purpose.

8. That all ladders, windlasses, brakes, ropes, winding gear and other material used in and about shafts and all timbering shall be kept in a state of efficiency and proper repair.

9. That no boy under the age of 16 years or any female shall be employed in any underground working.

10. That no shaft shall be sunk within 30 feet of any other shaft without the express permission of an Inspector of Mines.

11. That no shaft shall be sunk within 150 feet of the centre of any public road or railway line.

12. That the Rules issued under the Mining Enactment governing underground mining be observed in every particular.

13. That this licence shall be liable at any time to cancellation or alteration by the Senior Inspector upon proof of breach of any of these conditions or of any other conditions rendering it so liable.

14. (*Here insert any further conditions*)

Dated at.....this.....day of....., 19.....
Senior Inspector of Mines.

SCHEDULE XVIII

[Section 91 (iii)]

LICENCE FOR HYDRAULIC MINING

(Issued under section 91 of the Mining Enactment)

Name of lessee.....

Name of sub-lessee (if any).....

Transfer of sub-lease to.....

Name of advancer.....

No. and nature of title as per Schedule "A".....

Permission is hereby granted to.....of.....
to work the land described in Schedule "A" by ground sluicing
for the period from.....19..... to.....
19..... upon the following conditions:

1. That all tailings be deposited on the land described in
Schedule "B" vide attached plan.

- 2. That if necessary a dam shall be erected to retain the detritus within the above-mentioned limits.
- 3. That no injury be done to State or other land or river.
- 4. That this licence shall be posted in the main kongsi on the land for which it is issued.
- 5. That this licence shall be liable to cancellation or suspension for non-observance of any of these conditions or of any other conditions rendering it so liable.
- 6. *

SCHEDULE "A"

SCHEDULE "B"

(Area to be mined)

(Dumping area)

M.L.

Lot

M.L.

Lot

.....

.....

.....

.....

.....

.....

.....

.....

Dated.....19.....

Senior Inspector of Mines.

* Any other conditions.

SCHEDULE XIX

[Section 113]

ALTERNATIVE FORMS

No.....

A

DULANG PASS

Permission is hereby given to.....living at..... to wash for tin-ore with a dulang only on (a) lands alienated for mining purposes with the permission of the lawful occupier thereof or (b) State lands, but only within the following area

2. Any ore obtained under this pass can only be delivered or sold within the following area.....

3. The presentation of this pass and sales book by the registered holder thereof to a buyer duly licensed under the Mineral Ores Enactment shall be sufficient evidence that the holder

4. This pass (a) expires on the 30th June, 19....., (b) is not transferable, nor replaceable in case of loss, (c) is liable to cancellation by the Inspector without any reason being assigned, (d) must be carried, with the sales book, on the person when the holder is washing for or carrying tin-ore.

5. Not more than.....katis in any one calendar month may be sold under this pass.

6. The right thumb mark of the holder of this pass shall be affixed at the time of each sale in the space provided thereon.

FURTHER CONDITIONS

Fee \$.....

Mines Office,

.....

Right thumb print

.....
Inspector of Mines.
.....

B

DULANG PASS

Permission is hereby given to.....living at..... to wash for alluvial gold with a dulang only on (a) land alienated for mining purposes with the permission of the lawful occupier thereof, or (b) State land; but only within the area defined in this pass.

2. This pass (a) expires on the 30th June, 19....., (b) is not transferable, (c) is liable to cancellation by the Inspector without any reason being assigned, (d) must be carried on the person when the holder is washing for or carrying alluvial gold.

3. Valid for washing for alluvial gold only in the valley of the.....

FURTHER CONDITIONS

Fee \$.....

Mines Office,

.....

Right thumb print

.....
Inspector of Mines.
.....

MINING ENACTMENT

77

SCHEDULE XX

[Section 17]

NOTICE OF DEMAND

To.....

Take notice that you are hereby required to pay at the Land Office at..... within one month of the service of this notice on you the arrears due by you in respect of the land hereunder mentioned together with the fee under section 17 (iii) of the Mining Enactment:

DESCRIPTION OF LAND

Arrears Due

.....	\$.....
.....	\$.....
Fee under section 17 (iii)	\$.....
TOTAL	\$ <u> </u>

Given under my hand and seal this.....day of.....19.....

.....
Collector of Land Revenue.

District of.....

State of.....

(L.S.)

MINING ENACTMENT

79

MINING RULES, 1934

(F.M.S. G.N. 2426/34)

Amendment.

Publ. (A) 16/79

Sol. P. 4. 14/84

MINING RULES, 1934.

F.M.S. G.N. 2426/34.
(Amd. P.U. 409/66)

Under Section 130

†The Residents of Perak, Selangor, Negri Sembilan and Pahang, each in respect of the State whereof he is Resident, with the approval of the Chief Secretary, have made the following rules:

INTRODUCTORY

1. (i) These rules may be cited as the Mining Rules, 1934, and shall come into force on the 1st day of June, 1934.

(ii) Upon the coming into force of these rules, the Mining Rules, 1928, published as Notification No. 8298 in the *Gazette* of 21st December, 1928, together with all amendments made thereto and heretofore in force, shall be repealed.

(iii) In these rules the expression "the Enactment" means the Mining Enactment.

(iv) Where in respect of any matter a fee is prescribed under Table I or II in rule 2 and also under the National Land Code, the fee prescribed under the said Table I or II shall be chargeable in place of the fee prescribed under the National Land Code.

PART I

PREMIA, RENTS AND FEES

2. Subject to any special instructions by the Ruler in Council in exceptional cases, the premia, rents and fees to be charged under the Enactment shall be as follows:

TABLE I

** PREMIA AND RENT

(i) The premium payable on State land disposed of by public auction or tender under section 5 of the Enactment will ordinarily be the price bid or tendered by the successful bidder or tenderer.

The reserve price on lands to be disposed of by auction or tender will be fixed by the Ruler in Council.

When premium is charged on State land disposed of under the said section, without auction or tender, the premium shall be such as may be either generally or in particular cases fixed by the Ruler in Council.

For Negri Sembilan only—Rates of premium on lands alienated under the Mining Enactment—

N.S. G.N.
628/53.

(1) New alienations Minimum \$100/- per acre.

(2) Renewals of existing Mining Leases:—

(a) Premium \$5 per acre for each year of the term of renewal.

† The powers of the Residents are now vested in the Rulers in Council

- (b) Penalty Premium ... \$20 per acre to be charged under circumstances of either lateness of application or bad labour conditions, or both.

PK. O.N.
1285/50.
Sd. G.N.
362/52.
N.S.G.N.
10/51.
Fhs. G.N.
172/50.

(ii) The annual rent to be reserved in every mining lease and mining certificate issued under the Enactment shall be at the rate of \$2/- per acre. In computing rent on this basis any fraction of a dollar less than ten cents and any fraction of an acre less than one rood shall be calculated as ten cents and one rood, respectively.

*Subs by
P.L. (A) 16/79*

(iii) When any mining lease or mining certificate has been registered after the thirtieth day of June in any year rent for six months only shall be paid in respect of such year.

(iv) The rent due on account of the year in which any mining lease expires shall be so much only as will complete the total amount of rent due in respect of the term of the mining lease.

This Table
applies to
PERAK only.
PK. G.N.
690/49.

TABLE II

PERAK

OFFICE FEES

	\$	c.
1. Engrossment and registration of mining lease ...	6	00
2. Engrossment and registration of mining certificate	4	00
3. Issue of duplicate issue document of title under section 175 of the National Land Code:		
(a) if mining lease	6	00
(b) if mining certificate	4	00
4. Individual mining licence	10	00
5. Prospecting licence for every 1,000 acres and under not less than	50	00
5A. Prospecting permit	10	00
6. Copy of Senior Inspector of Mines' record and notes (section 105)	10	00
and in addition for every 100 words ...	1	50

PK. G.N.
116/50.

* For Perak only: rate of \$2/- per acre, provided that, in the case of renewals of the terms of mining leases, the annual rent to be reserved shall be at the rate of \$1/- per acre on renewal of terms expiring on or before the 31st day of December, 1950, and \$2/- per acre on renewal of terms expiring after that date. [PK. G.N. 1285/50.]

* In its application to the State of Selangor

See Sol. P.L. 43/66 in force from 1.1.67

MINING ENACTMENT

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	\$	c.
6A. Copy of record of Senior Inspector of Mines' inquiry [section 79 (iii)]	10	00
and in addition for every 100 words ...	1	50
7. Issue of any notice (payable by the person at whose instance or on whose behalf the notice is issued)	1	00
8. Inspection of register	10	00
and in addition for each title inspected ...	2	00
9. Inspection of any Mines Office, Land Office or Revenue Survey Office plan—for each plan inspected	1	00
10. Registration of a caveat—for first title affected ...	10	00
For every other title affected	2	00
11. Registration of any instrument or making any memorial not otherwise provided for—for the first title affected	4	00
For every other title affected	1	00
12. Filing statutory declaration or sworn statement ...	2	00
13. Making application under section 254 (3) of the National Land Code	2	00
14. Order of sale under section 263 of the National Land Code	4	00
15. Expenses of sale under section 263 of the National Land Code, other than cost of newspaper advertising	2	00
16. Deposit of an instrument creating a trust under section 344 (3) of the National Land Code ...	4	00
17. For adding the words "as trustee", etc., under section 344 (1) of the National Land Code for the first title affected	2	00
For every other title affected	1	00
18. Making application to remove caveat under section 326 of the National Land Code	2	00
19. Filing of copy of power of attorney under section 310 (1) of the National Land Code	4	00
20. Making of any note required to be made under section 310 (2) (c) of the National Land Code	1	00
21. Fee for issue of any notice or other process under section 168, 261 or 326 of the National Land Code, and sections 22 (i), 27 and 43, Mining Enactment	1	00
22. Examining a copy of any instrument and certifying		

	\$	c.
23. Supply of certified copy under section 383 of the National Land Code—for every title affected ...	2	00
24. Preparation of certified copy of any document not otherwise specified—for each folio of 100 words	1	00
25. Deposit of any instrument not otherwise provided for	4	00
26. Commission on sales by auction not conducted by a licensed auctioneer:		

Gross amount realised by sale for calculating percentage commission	Percentage commission
On the first \$1,000	4 %
On the excess over \$ 1,000 up to \$10,000	2 %
" " " " \$10,000 up to \$20,000	1 %
" " " " \$20,000 up to \$60,000	½ %
" " " " \$60,000	¼ %

Provided that the total commission payable on any one sale shall not exceed \$1,000. For the purpose of this provision all property belonging to one person sold under any one order of sale shall be deemed to be the subject of one sale.

	\$	c.
27. On the giving of a direction of the State Authority under section 124 of the National Land Code	10	00
28. <i>(Deleted.)</i>		
29. Order under the section 19 (i), Mining Enactment, per acre, not to exceed	4	00
30. Registration of an order issued under section 24 (ii) (a), Mining Enactment:		
For each title affected	10	00

EXEMPTIONS

- (a) Caveat by Collector.
- (b) Engrossment and registration of a title where free survey has been granted.
- (c) Registration of a memorandum of surrender of land to the Ruler of the State.
- (d) Cancellation of entry of prohibitory order under section 338 or 339 of the National Land Code.
- (e) Endorsement under section 351 or 352 of the National Land Code.
- (f) Cancellation of a caveat under section 326 of the National Land Code.
- (g) Note under section 310 (2) (b) of the National Land Code.
- (h) *(Deleted.)*
- (i) Endorsement, cancellation or other entry under section 124 of the National Land Code.

- (j) Registration of order under section 19 (i), Mining Enactment.
- (k) The registration, engrossment or other Mining office fees for the replacement of any document which in the opinion of the proper Registering authority has been lost whilst in the possession of Government.

TABLE III
PERAK

This table applies to Perak only.

(A) SURVEY FEES

Fees for the survey of mining land shall be the actual cost of such survey as certified by the Chief Surveyor. Pk. G.N. 115/56.

(B) FEES FOR THE PREPARATION OF MINING CERTIFICATES

I. Where any field work is required for the sole purpose of preparing the certificate— Pk. G.N. 1140/49.

	\$	c.
10 acres and under	30	00
For each additional acre	1	50

II. In all other cases for each lot—

100 acres and under	3	00
Exceeding 100 acres and not exceeding 1,000 acres	7	50
Exceeding 1,000 acres	15	00

(C) CHARGES FOR EMLACING BOUNDARY STONES AND PIPES

In addition to the survey fees prescribed above the following charges shall be payable for boundary stones and pipes and shall in default of payment, be recoverable in the manner prescribed by sections 97 to 100 of the National Land Code for the recovery of sums due on account of rent: Act 56/65.

	\$	c.
For each boundary stone emplaced	2	00
For each pipe emplaced	5	00

Pk. G.N. 588/49.

In further addition to the prescribed survey fees the Government in cases where mining lands lie at a considerable distance from any surveyed lands, reserves the right to charge the whole or part of the cost of the connection necessary to fix the mining lands in their correct position on the district map at a rate not exceeding two dollars per chain of traverse run.

(D) FEES FOR RE-DRAFTING PLANS IN CASES IN WHICH NO FRESH SURVEY IS REQUIRED

	\$	c.
100 acres and under	3	00
Exceeding 100 acres and not exceeding 1,000 acres	7	50
Exceeding 1,000 acres	15	00

Pk. G.N. 1140/49.

*3. In the case of surveys for which fees had already been deposited, at the time of the coming into force of these Rules, at rates previously in force, such surveys may be carried out at such previous rates. Pk. G.N. 115/56.

This Table
applies to
SELANGOR
only.

Sel. G.N.
423/49.

*Sub by P.O. (A)
R/79
Open
P.O. write
Sel. P.O. 12/1/50*

Sel. G.N.
284/50.

TABLE II
SELANGOR
OFFICE FEES

	\$	c.
1. Engrossment and registration of mining lease ...	6	00
2. Engrossment and registration of mining certificate	4	00
3. Issue of duplicate issue document of title under section 175 of the National Land Code:		
(a) if mining lease	6	00
(b) if mining certificate	4	00
4. Individual mining licence	10	00
5. Prospecting licence for every 1,000 acres and under not less than	50	00
5A. Prospecting permit	10	00
6. Copy of Senior Inspector of Mines' record and notes (section 105)	10	00
and in addition for every 100 words	1	50
6A. Copy of record of Senior Inspector of Mines' inquiry [section 79 (iii)]	10	00
and in addition for every 100 words	1	50
7. Issue of any notice (payable by the person at whose instance or on whose behalf the notice is issued)	1	00
8. Inspection of register	10	00
and in addition for each title inspected	2	00
9. Inspection of any Mines Office, Land Office or Revenue Survey Office plan—for each plan inspected	1	00
10. Registration of a caveat—for first title affected ...	10	00
For every other title affected	2	00
11. Registration of any instrument or making any memorial not otherwise provided for—for the first title affected	4	00
For every other title affected	1	00
12. Filing statutory declaration or sworn statement ...	2	00
13. Making application under section 254 (3) of the National Land Code	2	00
14. Order of sale under section 263 of the National Land Code	4	00
15. Expenses of sale under section 263 of the National Land Code other than cost of newspaper advertising	2	00
16. Deposit of an instrument creating a trust under section 344 (3) of the National Land Code ...	4	00

MINING ENACTMENT

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	\$. c.
17. For adding the words "as trustee", etc., under section 344 (i) of the National Land Code for the first title affected	1 00
For every other title affected	1 00
18. Making application to remove caveat under section 326 of the National Land Code	2 00
19. Filing of copy of power of attorney under section 310 (i) of the National Land Code.	4 00
20. Making of any note required to be made under section 310 (2) (a) of the National Land Code	1 00
21. Fee for issue of any notice or other process under section 168, 261 or 326 of the National Land Code, and sections 22 (i), 27 and 43, Mining Enactment	1 00
22. Examining a copy of any instrument and certifying the same to be a true copy	2 00
23. Supply of certified copy under section 383 of the National Land Code—for every title affected ...	2 00
24. Preparation of certified copy of any document not otherwise specified—for each folio of 100 words	1 00
25. Deposit of any instrument not otherwise provided for	4 00
26. Commission on sales by auction not conducted by a licensed auctioner:	

Gross amount realised by sale for calculating percentage commission

On the first \$1,000	4 %
On the excess over \$ 1,000 up to \$10,000	2 %
" " " " \$10,000 up to \$20,000	1 %
" " " " \$20,000 up to \$60,000	½ %
" " " " \$60,000	¼ %

Provided that the total commission payable on any one sale shall not exceed \$2,000. For the purpose of this provision all property belonging to one person sold under any one order of sale shall be deemed to be the subject of one sale.

	\$ c.
27. On the giving of a direction of the State Authority under section 124 of the National Land Code ...	10 00
28. <i>(Deleted).</i>	
29. Order under section 19 (i), Mining Enactment, per acre, not to exceed	4 00
30. Registration of an order issued under section 24 (ii) (a), Mining Enactment	
For each title affected	10 00

EXEMPTIONS

- (a) Caveat by Collector.
- (b) Engrossment and registration of a title where free survey has been granted.
- (c) Registration of a memorandum of surrender of land to the Ruler of the State.
- (d) Cancellation of entry of prohibitory order under section 338 or 339 of the National Land Code.
- (e) Endorsement under section 351 or 352 of the National Land Code.
- (f) Cancellation of a caveat under section 326 of the National Land Code.
- (g) Note under section 310 (2) (b) of the National Land Code.
- (h) *(Deleted)*.
- (i) Endorsement, cancellation or other entry under section 124 of the National Land Code.
- (j) Registration of order under section 19 (f), Mining Enactment.

This Table
applies to
SELANGOR
only.

Sel. G.N.
375/56.

TABLE III

SELANGOR

(A) SURVEY FEES

Fees for all surveys, whether on first alienation or otherwise, shall be the actual cost of surveys as certified by the Chief Surveyor, Selangor.

Provided that surveys for which fees have been deposited at rates in force before the first day of January, 1954, may be carried out at such previous rates.

Sel. G.N.
688/49.

(B) FEES FOR THE PREPARATION OF MINING CERTIFICATES

I. Where any field work is required for the sole purpose of preparing the certificate—

	\$	c.
10 acres and under	30	00
For each additional acre	1	50

II. In all other cases for each lot—

100 acres and under	3	00
Exceeding 100 acres and not exceeding 1,000 acres	7	50
Exceeding 1,000 acres	15	00

(C) CHARGES FOR EMPLACING BOUNDARY STONES AND PIPES Sec. G.N. 688/49.

In addition to the survey fees prescribed above the following charges shall be payable for boundary stones and pipes and shall in default of payment, be recoverable in the manner prescribed by sections 99 to 100 of the National Land Code for the recovery Act 56/63. of sums due on account of rent:

	\$	c.
For each boundary stone emplaced	1	50
For each pipe emplaced	5	25

In further addition to the prescribed survey fees the Government in cases where mining lands lie at a considerable distance from any surveyed lands, reserves the right to charge the whole or part of the cost of the connection necessary to fix the mining lands in their correct position on the district map at a rate not exceeding two dollars per chain of traverse run.

(D) FEES FOR RE-DRAFTING PLANS IN CASES IN WHICH NO FRESH SURVEY IS REQUIRED Sec. G.N. 688/49.

	\$	c.
100 acres and under	3	00
Exceeding 100 acres and not exceeding 1,000 acres	7	50
Exceeding 1,000 acres	15	00

REMISSION OF RENT

2A. (i) The Ruler in Council, in any case in which he considers sufficient grounds exist, may in his absolute discretion grant a proprietor of a mining lease or mining certificate such partial or total remission of the rent thereon, as he shall think fit. For the purposes of this rule the term "proprietor" means a lessee or sub-lessee of a mining lease and also includes the holder of a mining certificate. Sec. G.N. 380/55.

(ii) The Ruler in Council may, either generally or in any particular case or class of cases or in respect of any specified area or areas, and subject to such conditions and restrictions as he may prescribe, delegate in writing to Senior Inspectors of Mines or Inspectors of Mines the powers conferred upon him by paragraph (i) of this Rule.

3. In case of surveys which have been attended by special difficulty or have involved special expense the Ruler in Council may in its discretion direct that, notwithstanding the fact that fees in accordance with the scale prescribed in Table III have been deposited, the actual cost of such survey shall be payable by the applicant and may, in the first instance, require the applicant to deposit a sum sufficient to cover the estimated cost of such survey.

This Table
applies to
NEGRI
SEMBILAN
only.

N.S. G.N.
237/49.

TABLE II
NEGRI SEMBILAN
OFFICE FEES

	\$	c.
1. Engrossment and registration of mining lease ...	6	00
2. Engrossment and registration of mining certificate	4	00
3. Issue of duplicate issue document of title under section 175 of the National Land Code:		
(a) if mining lease	6	00
(b) if mining certificate	4	00
4. Individual mining licence	10	00
5. For any period not exceeding one year—		
(a) Prospecting Licences—		
(i) For any area up to and including 1,000 acres	100	00
(ii) For the 2nd 1,000 acres or less	75	00
(iii) For the 3rd and subsequent 1,000 acres or less	50	00
Extension may be granted for periods not exceeding six months at half the above fees.		
(b) Prospecting Permit—		
(i) For each permit for any area below 100 acres	50	00
(ii) For each permit for any area of 100 acres and below 500 acres	100	00
(iii) For each permit for any area of 500 acres and below 1,000 acres	200	00
(iv) For each permit for any area of 1,000 acres and above	300	00
6. Copy of Senior Inspector of Mines' record and notes (section 105)	10	00
and in addition for every 100 words	1	50
6A. Copy of record of Senior Inspector of Mines' inquiry [section 79 (iii)]	10	00
and in addition for every 100 words	1	50
7. Issue of any notice (payable by the person at whose instance or on whose behalf the notice is issued)	1	00
8. Inspection of register	10	00
and in addition for each title inspected	2	00
9. Inspection of any Mines Office, Land Office or Revenue Survey Office plan—for each plan inspected	1	00
10. Registration of a caveat—for first title affected	10	00
For every other title affected	2	00

N.S. G.N.
255/51.

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11. Registration of any instrument or making any memorial not otherwise provided for—for the first title affected	4 00
For every other title affected	2 00
12. Filing statutory declaration or sworn statement ...	2 00
13. Making application under section 254 (3) of the National Land Code	2 00
14. Order of sale under section 263 of the National Land Code	4 00
15. Expenses of sale under section 263 of the National Land Code, other than cost of newspaper advertising	2 00
16. Deposit of an instrument creating a trust under section 344 (3), of the National Land Code ...	4 00
17. For adding the words "as trustee", etc., under section 344 (1), of the National Land Code, for the first title affected	2 00
For every other title affected	1 00
18. Making application to remove caveat under section 326 of the National Land Code ...	2 00
19. Filing of copy of power of attorney under section 310 (1) of the National Land Code	4 00
20. Making at any notes required to be made under section 310 (2) (a) of the National Land Code ...	1 00
21. Fee for issue of any notice or other process under sections 168, 261 or 326 of the National Land Code, and sections 22 (i), 27 and 43, Mining Enactment	1 00
22. Examining a copy of any instrument and certifying the same to be a true copy	2 00
23. Supply of certified copy under section 383 of the National Land Code—for every title affected ...	2 00
24. Preparation of certified copy of any document not otherwise specified—for each folio of 100 words	1 00
25. Deposit of any instrument not otherwise provided for	4 00
26. Commission on sales by auction not conducted by a licensed auctioneer:	

Gross amount realised by sale for calculating percentage commission	Percentage commission
On the first \$1,000	4 %
On the excess over \$ 1,000 up to \$10,000 ...	2 %
" " " " \$10,000 up to \$20,000 ...	1 %
" " " " \$20,000 up to \$60,000 ...	½ %
" " " " \$60,000	¼ %

Provided that the total commission payable on any one sale shall not exceed \$2,000. For the purpose of this provision all property belonging to one person sold under any one order of sale shall be deemed to be the subject of one sale.

	\$	c.
27. On the giving of a direction of the State Authority under section 124 of the National Land Code	10	00
28. <i>(Deleted.)</i>		
29. Order under section 19 (j), Mining Enactment, per acre, not to exceed	4	00
30. Registration of an order issued under section 24 (ii) (a), Mining Enactment:		
For each title affected	10	00

EXEMPTIONS

- (a) Caveat by Collector.
- (b) Engrossment and registration of a title where free survey has been granted.
- (c) Registration of a memorandum of surrender of land to the Ruler of the State.
- (d) Cancellation of entry of prohibitory order under section 338 of the National Land Code.
- (e) Endorsement under section 351 or 352 of the National Land Code.
- (f) Cancellation of a caveat under section 326 of the National Land Code.
- (g) Note under section 310 (2) (b) of the National Land Code.
- (h) *(Deleted.)*
- (i) Endorsement cancellation or other entry under section 124 of the National Land Code.
- (j) Registration of order under section 19 (j), Mining Enactment.

This Table applies to NEGRI SEMBILAN only.

TABLE III NEGRI SEMBILAN (A) SURVEY FEES

N.S. G.N.
78/54.
G.N. 145/54.

* Fees for all types of survey under the Mining Enactment shall be the actual cost as certified by the Chief Surveyor.

N.S. G.N.
332/49.

(B) FEES FOR THE PREPARATION OF MINING CERTIFICATES

- I. Where any field work is required for the sole purpose of preparing the certificate—

	\$	c.
10 acres and under	30	00
For each additional acre	1	50

* These Survey fees came into effect on 1st April, 1954.

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	\$ c.
II. In all other cases for each lot—	
100 acres and under	3 00
Exceeding 100 acres and not exceeding 1,000 acres	7 50
Exceeding 1,000 acres	15 00

(C) CHARGES FOR EMBLACING BOUNDARY STONES AND PIPES

In addition to the survey fees prescribed above the following charges shall be payable for boundary stones and pipes and shall in default of payment, be recoverable in the manner prescribed by sections 97 to 100 of the National Land Code for the recovery of sums due on account of rent: *Act 38/65.*

	\$ c.
For each boundary stone emplaced	2 00 <i>N.S.G.N. 290/49.</i>
For each pipe emplaced	5 00

In further addition to the prescribed survey fees the Government in cases where mining lands lie at a considerable distance from any surveyed lands, reserves the right to charge the whole or part of the cost of the connection necessary to fix the mining lands in their correct position on the district map at a rate not exceeding two dollars per chain of traverse run.

(D) FEES FOR RE-DRAFTING PLANS IN CASES IN WHICH NO FRESH SURVEY IS REQUIRED *N.S.G.N. 332/49.*

	\$ c.
100 acres and under	3 00
Exceeding 100 acres and not exceeding 1,000 acres	7 50
Exceeding 1,000 acres	15 00

3. In case of surveys which have been attended by special difficulty or have involved special expense the Ruler in Council may in its discretion direct that, notwithstanding the fact that fees in accordance with the scale prescribed in Table III have been deposited, the actual cost of such survey shall be payable by the applicant and may, in the first instance, require the applicant to deposit a sum sufficient to cover the estimated cost of such survey.

TABLE II
PAHANG
OFFICE FEES

This Table
applies to
PAHANG
only.

	\$ c.
1. Engrossment and registration of mining lease ...	6 00
2. Engrossment and registration of mining certificate	4 00
3. Issue of duplicate issue document of title under section 175 of the National Land Code:	
(a) if mining lease	6 00
(b) if mining certificate	4 00

Pbg. G.N. 434/49.

Phg. G.N.
169/50.

	\$	c.
4. Individual mining licence	10	00
5. Prospecting licence for every 1,000 acres and under not less than	50	00
6. Copy of Senior Inspector of Mines' record and notes (section 105)	10	00
and in addition for every 100 words	1	50
6A. Copy of record of Senior Inspector of Mines' inquiry [section 79 (iii)]	10	00
and in addition for every 100 words	1	50
7. Issue of any notice (payable by the person at whose instance or on whose behalf the notice is issued)	1	00
8. Inspection of register	10	00
and in addition for each title inspected	2	00
9. Inspection of any Mines Office, Land Office or Revenue Survey Office plan—for each plan inspected	1	00
10. Registration of a caveat—for first title affected ...	10	00
For every other title affected	2	00
11. Registration of any instrument or making any memorial not otherwise provided for—for the first title affected	4	00
For every other title affected	1	00
12. Filing statutory declaration or sworn statement ...	2	00
13. Making application under section 254 (3) of the National Land Code	2	00
14. Order of sale under section 263 of the National Land Code	4	00
15. Expenses of sale under section 263 of the National Land Code, other than cost of newspaper adver- tising	2	00
16. Deposit of an instrument creating a trust under section 344 (3) of the National Land Code ...	4	00
17. For adding the words "as trustee", etc. under section 344 (1) of the National Land Code, for the first title affected	2	00
For every other title affected	1	00
18. Making application to remove caveat under section 326 of the National Land Code	2	00
19. Filing of copy of power of attorney under section 310 (f) of the National Land Code	4	00
20. Making of any note required to be made under section 310 (l) of the National Land Code ...	1	00

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	\$	c.
21. Fee for issue of any notice or other process under sections 168, 261 or 326 of the National Land Code, and sections 22 (i), 27 and 43, Mining Enactment	1	00
22. Examining a copy of any instrument and certifying the same to be a true copy	2	00
23. Supply of certified copy under section 363 of the National Land Code—for every title affected ...	2	00
24. Preparation of certified copy of any document not otherwise specified—for each folio of 100 words	1	00
25. Deposit of any instrument not otherwise provided for	4	00
26. Commission on sales by auction not conducted by a licensed auctioneer:		

Gross amount realised by sale for calculating percentage commission	Percentage commission
On the first \$1,000	4 %
On the excess over \$1,000 up to \$10,000 ...	2 %
" " " " \$10,000 up to \$20,000 ...	1 %
" " " " \$20,000 up to \$60,000 ...	½ %
" " " " \$60,000	¼ %

Provided that the total commission payable on any one sale shall not exceed \$2,000. For the purpose of this provision all property belonging to one person sold under any one order of sale shall be deemed to be the subject of one sale.

	\$	c.
27. On the giving of a direction of the State Authority under section 124 of the National Land Code	10	00
28. (Deleted.)		
29. Order under section 19 (i), Mining Enactment, per acre, not to exceed	4	00
30. Registration of an order issued under section 24 (ii) (a), Mining Enactment:		
For each title affected	10	00
31. Dulang Pass	5	00

EXEMPTIONS

- (a) Caveat by Collector.
- (b) Engrossment and registration of a title where free survey has been granted.
- (c) Registration of a memorandum of surrender of land to the Ruler of the State.
- (d) Cancellation of entry of prohibitory order under section 338 of the National Land Code.

- (e) Endorsement under section 351 or 352 of the National Land Code.
- (f) Cancellation of a caveat under section 326 of the National Land Code.
- (g) Note under section 310 (2) of the National Land Code.
- (h) *(Deleted.)*
- (i) Endorsement or other entry under section 124 of the National Land Code.
- (j) Registration of order under section 19 (i), Mining Enactment.

This Table
applies to
PAHANG
only.

Fig. G.N.
433/49.

TABLE III

PAHANG ...

(A) SURVEY FEES

(Including cost of plan and tracing)

	\$	c.
10 acres and under	74	25
For each additional acre up to 25 acres	4	95
25 acres	148	50
For each additional acre up to 50 acres	396	00
50 acres	247	50
For each additional acre up to 100 acres	3	30
100 acres	412	50
For each additional acre up to 200 acres	1	65
200 acres	577	50
For each additional acre up to 300 acres	1	49
300 acres	726	00
For each additional acre up to 500 acres	1	32
500 acres	990	00
For each additional acre up to 1,000 acres	1	15
1,000 acres	1,567	50
For each additional acre above 1,000 acres		99

Proviso: Survey for which fees have been deposited at rates previously in force may be carried out as such previous rates.

Fig. G.N.
434/49.

(B) FEES FOR THE PREPARATION OF MINING CERTIFICATES

- I. Where any field work is required for the sole purpose of preparing the certificate—

	\$	c.
10 acres and under	40	00
For each additional acre	2	00

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	\$	c.
II. In all other cases for each lot—		
100 acres and under	4	00
Exceeding 100 acres and not exceeding 1,000 acres	10	00
Exceeding 1,000 acres	20	00

(C) CHARGES FOR EMPLACING BOUNDARY MARKS Fig. G.N.
190/50.

In addition to the survey fees prescribed above the following charges shall be payable for boundary marks and shall in default of payment, be recoverable in the manner prescribed by sections 97 to 100 of the National Land Code for the recovery of sums due on account of rent:

	\$	c.
For each boundary mark (other than a pipe) emplaced	2	00
For each pipe emplaced	5	00

In further addition to the prescribed survey fees the Government in cases where mining lands lie at a considerable distance from any surveyed lands, reserves the right to charge the whole or part of the cost of the connection necessary to fix the mining lands in their correct position on the district map at a rate not exceeding two dollars per chain of traverse run.

(D) FEES FOR RE-DRAFTING PLANS IN CASES IN WHICH NO FRESH SURVEY IS REQUIRED Fig. G.N.
433/49.

	\$	c.
100 acres and under	4	00
Exceeding 100 acres and not exceeding 1,000 acres	10	00
Exceeding 1,000 acres	20	00

3. In case of surveys which have been attended by special difficulty or have involved special expense the Ruler in Council may in its discretion direct that, notwithstanding the fact that fees in accordance with the scale prescribed in Table III have been deposited, the actual cost of such survey shall be payable by the applicant and may, in the first instance, require the applicant to deposit a sum sufficient to cover the estimated cost of such survey.

PART II
GENERAL

4. Any person offending against the provisions of any of these rules shall, unless any other penalty is prescribed, be liable on conviction to a fine not exceeding five hundred dollars and for a second or subsequent offence to a fine not exceeding one thousand dollars.

5. Any person aggrieved by any requirement, direction or decision given by the Senior Inspector in exercise of these rules

*See P.H.
28/52.*

6. (i) The manager or assistant manager of a mine shall dwell on the mine or on the land adjacent to the mine unless exempted by the Inspector.

(ii) Any occupier who is not managing his own mine shall appoint some person as manager and shall duly inform the Inspector of such appointment.

(iii) Any such manager so appointed under the preceding rule shall, as well as the occupier, be held responsible for the safety of all persons employed on the mine.

7. In any mine where the Senior Inspector may so direct, an ambulance or stretcher, splints, bandages and other first-aid appliances shall be kept ready to hand in the care of a person capable of using them.

8. No person unless properly authorized in that behalf shall wilfully remove, alter or render useless any fencing, timber, means of signalling, flange, brake, indicator, ladder, platform, steam-gauge, water-gauge, safety valve or anything in or about a mine provided for the safety of any miner or other person.

9. At any mine where the Senior Inspector may so direct, a book shall be kept wherein the manager or person appointed by the manager shall certify at such intervals as the Senior Inspector may direct that he has personally examined the mine, the buildings, winding machinery, ropes and other appliances used in or about the mine and has found them to be in good order or otherwise as the case may be; and shall specify any repairs or alterations which in his opinion are required to ensure greater safety to the persons employed in or about such mine, and shall so soon as such repairs or alterations have been executed enter a record thereof in the said book.

10. Nothing in these rules shall be construed to impose the obligation of keeping any such book or copy thereof for more than 12 months after the book has ceased to be used for entries therein under these rules.

11. Abandoned workings and tailings retention works shall be made safe and filled in or otherwise treated in accordance with such instructions as the Inspector may issue.

12. When opening out on old tailings or approaching old mine holes, sufficient bores must be sunk ahead of the face to ascertain the nature of the ground.

13. (i) No person shall permit effluent water to pass beyond his control containing more than 800 grains of solid matter per gallon, or such other number of grains and size of solid matter per gallon as the Menteri Besar may, in writing, direct.

(ii) No person shall construct or allow to exist in connection with a dumping area, any means whereby the final effluent from such dumping area may pass out from such area otherwise than by flowing over the top of the spillways or by such other means as may be approved by the Inspector.

(ii) No person shall employ any means of temporarily raising the top of any spillways without sanction of the Inspector.

13A. (i) A Senior Inspector of Mines may require any holder of a prospecting licence or permit and any person lawfully prospecting under section 48 of the Mining Enactment to render to him such number of copies of the account required by section 57 of the said Enactment as he shall direct containing the particulars required under each of the headings set out in the schedule hereto. G.N. 1809/40.

(ii) In any notice requiring the rendering of such account such holder or other person shall be informed whether or not samples of bedrock will be required by the Director, Geological Survey, and, if so required, such holder or other person shall accordingly furnish the said samples.

(iii) When the prospecting is for lodes or for coal, iron ore, bauxite or other massive deposits the form of account to be rendered may be varied or modified as the Chief Inspector of Mines may direct.

SCHEDULE

The Mining Enactment (Cap. 147)

[Section 57]

ACCOUNT OF PROSPECTING RESULTS OF ALLUVIAL AREAS

- (a) Total depth of each bore or pit.
- (b) Depth to pay dirt of each bore or pit.
- (c) Thickness of pay dirt of each bore or pit.
- (d) Value of pay dirt of each bore or pit in
katties per cubic yard (Tin)
cents per cubic yard (Gold)
- (e) Average value of each bore or pit from top to bottom in
katties per cubic yard (Tin)
cents per cubic yard (Gold)
- (f) Nature of bedrock.
- (g) Average value over the area prospected.
- (h) Average value over any selected area.
- (i) Average depth of the area prospected.
- (j) Average depth of any area selected.
- (k) A plan to the scale of eight chains to the inch showing the position of all bores and/or pits put down, showing depth and value of each bore and the nature of the bottom.

PART III

RULES REFERRING TO OPEN MINES

14. (i) Except with the written permission of the Mentri Besar and in accordance with the terms of such permission no open mining shall be carried on within 66 feet of

- (a) the edge of any road or railway formation, or
- (b) where the road or railway line is carried on an embankment the toe of such embankment, or
- (c) the boundary of any land set apart for a road or railway and so shewn in the plan on the mining lease.

(ii) In all open mines benches shall be left at intervals of not more than 50 feet measured vertically in the faces of the slopes adjacent to any railway.

(iii) If it is desired to carry open mining adjacent to a railway to a depth in excess of fifty feet the width of such benches must be equal in aggregate to half the additional vertical depths.

(iv) Except with the written permission of the Mentri Besar and in accordance with the terms of such permission no open mining shall be carried on within 66 feet of any permanent building or public work, or within 40 feet of the boundary of any land set apart for a public work and so shewn in the plan on the mining lease.

(v) In all open mining the slope of the faces adjacent to any railway or road or permanent building or public work, or to any land set apart for a railway or road or public work and so shewn in the plan on the mining lease shall not be cut to a steeper grade than $1\frac{1}{2}$ horizontal to 1 vertical without the written permission of an Inspector; provided that an Inspector may at any time order a flatter slope.

(vi) Any occupier of mining land or any public department aggrieved by any permission or order of an Inspector under the preceding sub-section or by any refusal to give such permission or make such order may appeal to the Ruler in Council whose decision shall be final.

(vii) (a) In all open mining the slopes of the faces adjacent to any railway, road, permanent building or public work and all the ground comprised in the mining lease between such slopes and the railway, road, permanent building or public work shall be efficiently drained.

(b) No water shall be allowed to lie on areas above working faces or water brought to or past such working faces where such water is liable to percolate behind the faces.

(viii) In all open mines the method of removing material by under-mining shall not be allowed. No vertical working place shall have a height of more than ten feet; where the thickness of material to be excavated exceeds ten feet in vertical depth, the work shall be done in terraces or at an angle of safety to the satisfaction of an Inspector of Mines. Nothing in this sub-rule shall apply to mines where the material is excavated solely by mechanical means.

(ix) For the purposes of this rule:

- (a) The edge of the railway formation shall be deemed to be a line 8 feet from the centre of the nearest track and parallel thereto.
- (b) The depth of any mine shall be the vertical depth measured from railway formation level or where the railway is carried on an embankment from the toe of such embankment.
- (c) The expression "open mine" includes all mines except underground mines.
- (d) "Road" means a road maintained by the Government.
- (e) The edge of the road formation shall be deemed to be a line 15 feet from the centre of the metalled surface and parallel thereto.

(x) Suitable means of escape in case of emergency must be provided from all working places.

(xi) No inclined haulage-way shall be used as a thoroughfare.

PART IV

RULES COMMON TO OPEN MINES AND UNDERGROUND MINES

15. (i) All inclined haulage-ways whether self-acting or operated by power shall be provided with such safety appliances

as the Senior Inspector may approve or require and the rails shall be laid and kept true to gauge, level, line or curvature and shall be provided with such guard-rails, points, switches, curvatures and crossings as may in the opinion of the Senior Inspector be necessary.

16. There shall be provided at the brow of every inclined haulage-way such device as shall prevent the cars moving on to the inclined portion until required to do so. All such inclined haulage-ways shall be provided with appliances for signalling unless the Senior Inspector grants exemption in writing.

17. All hoisting or hauling appliances shall be fitted with brakes which shall be capable of holding without slipping twice the maximum load with the engine uncoupled and shall thereafter be maintained in efficient working order.

18. All metallic ropes used for hoisting or hauling shall possess a factor of safety of at least 5. All such ropes shall be properly inspected by the manager or person appointed by the manager at least once a week and the record of such inspections kept.

19. A clear view shall be kept for the driver of any hauling appliance between his station and the brow of a haulage-way unless the Senior Inspector gives express permission to the contrary.

PART V

RULES REFERRING TO UNDERGROUND WORKINGS

20. No boy under the age of 16 years and no woman or girl shall be employed in any underground working.

21. No shaft shall be sunk nor underground excavation made within 150 feet of the centre of any road or railway or State land set apart for a road or railway and so shown in the plan on the mining lease or of any building other than a building in the possession of the person by whom or by whose orders the shaft is sunk without the written permission of the Menteri Besar.

22. No shaft shall be sunk within 30 feet of any other shaft and no shaft shall be sunk nor underground excavation made within 50 feet of any bridle-path or 150 feet of any river without the written permission of the Inspector.

23. Unless exempted by the Inspector every windlass worked by manual power shall be provided with a brake capable of sustaining twice the full load and shall have attached to the rope marks whereby those working the windlass may know the position of the load in the shaft or haulage-way.

24. The drum of every machine used for lowering or raising persons or materials shall be fitted with such appliances as in the opinion of the Senior Inspector will prevent the rope slipping off. The rope shall be securely fastened to the drum, and there shall be at least two turns of the rope on the drum when the cage, ski or bucket is at the bottom.

25. When or where other approved means of descent or ascent in shafts are not available a sling approved by an Inspector shall be provided and attached to the rope and used when raising or lowering miners or other persons.

26. All reasonable precautions shall be taken to render all shafts and underground workings secure and safe for all persons employed in or about them.

27. Adequate stationary lights shall be kept burning in all shaft stations which are being used.

28. Whenever there is any indication, whether from infiltration of water or otherwise, of the close proximity of old workings notice shall without delay be given to the Inspector. All persons employed in the workings shall immediately come to the surface and no person shall re-enter the workings with a naked light until every reasonable precaution shall have been taken to ensure the absence of an explosive or noxious mixture of gas and air.

29. Where there is or may be an accumulation of water any working approaching such accumulation shall have bore holes kept in advance, and such additional precautionary measures shall be taken as may be deemed necessary to obviate the danger of a sudden breaking through of water.

30. (i) No shaft or underground working place which has been out of use shall be brought into use or the use thereof resumed until effectual measures have been taken for the dissipation of all noxious gases therefrom.

(ii) Tests for carbon dioxide or foul air must be made by means of a lighted candle and not by an acetylene or other lamp.

31. (i) Unauthorized entrance into closed or disused parts of a mine is prohibited and wherever possible shall be prevented by boarding or otherwise.

(ii) No shaft, pit or underground working shall be abandoned before notice has been given to the Inspector and a plan submitted showing the position with regard to the nearest boundary stone.

32. (i) All reasonable precautions shall be taken to ensure that every mine shall be kept so ventilated that the health of persons working in the shafts, winzes, levels and underground working places thereof and using the roads to and from such working places shall not be injured by insufficient ventilation; and in every working place, where in the opinion of the Inspector the ventilation is not sufficient, some mechanical or other appliance adapted to ensure adequate ventilation shall be provided.

(ii) In the case of a mine where the communication consists of a single shaft only that shaft shall be completely divided by a partition into compartments, whereof one shall be used as an up-cast shaft and the other as down-cast shaft, if, in the opinion of the Inspector, it is necessary.

(iii) Where possible air shall be made to travel freely to all working faces before ascending the up-cast shaft.

33. The top of all working, ventilating and pumping shafts and all entrances between the top and bottom of such shafts shall be kept properly fenced so as to prevent accident to man or beast provided that any such fence may with proper precautions be temporarily removed for the purpose of repairs or other necessary operations.

34. No person shall travel or be permitted to travel in a cage, skip or other means of conveyance at the same time as any explosives or any drills, tools, or heavy articles, except when the same are required for the purpose of effecting repairs in the shaft: Provided always that this section shall not apply to any banksman, onsetter or other person who shall be specially authorized by the manager to travel with such explosives, drills, tools or other articles, nor to any person in charge of sinking operations.

35. Every working shaft exceeding 150 feet in depth, which is used or intended to be used for raising or lowering the persons or minerals shall, unless the Senior Inspector grants exemption in writing, be provided with mechanical haulage, guides and proper means of communicating distinct and definite signals between the top of the shaft and the lowest level from which winding is carried on and the various intermediate stations for the time being in use.

The workman at the bottom of a shaft where sinking is being carried on shall be provided with efficient means of interchanging distinct signals with the surface.

36. (i) Signals shall be as follows, except where another code of signals has been approved by the Senior Inspector:

- One ring — To raise.
- One ring — To stop.
- Two rings — To lower.
- Three rings — Men on cage.
- Four rings — Slow. Timber or machinery on cage.
- Five rings — Danger signal. After this all movements of cage to be dead slow.
- Seven rings — Change gear.
- Eight rings — All clear. After use of "five" or "four" signals.

To get to any particular level, ring thrice for "men on", then the number of the level, then the "raise" or "lower" signal whichever is required.