



LAWS OF MALAYSIA

REPRINT

Act 474

LAND DEVELOPMENT ACT 1956

As at 1 November 2018

PUBLISHED BY
THE COMMISSIONER OF LAW REVISION, MALAYSIA
UNDER THE AUTHORITY OF THE REVISION OF LAWS ACT 1968
2018

LAND DEVELOPMENT ACT 1956

| | | | | | | |
|---------------|-----|-----|-----|-----|-----|--|
| First enacted | ... | ... | ... | ... | ... | 1956 (Ord. No. 20 of 1956) |
| Revised | ... | ... | ... | ... | ... | 1991 (Act 474 w.e.f. 30 September 1991) |

PREVIOUS REPRINTS

| | | | | | |
|-----------------------|-----|-----|-----|-----|------|
| <i>First Reprint</i> | ... | ... | ... | ... | 2001 |
| <i>Second Reprint</i> | ... | ... | ... | ... | 2006 |

LAWS OF MALAYSIA

Act 474

LAND DEVELOPMENT ACT 1956

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LAWS OF MALAYSIA**Act 474****LAND DEVELOPMENT ACT 1956**

An Act to provide for the establishment of a Federal development authority and local development boards to promote and carry out projects for land development and settlement, for making funds available therefor, and for purposes connected therewith.

*[Peninsular Malaysia—1 July 1956, L.N. 205/1956;
Sabah and Sarawak—1 January 1968, P.U. 645/1967]*

PART I**INTRODUCTORY****Short title and application**

1. (1) This Act may be cited as the Land Development Act 1956.
- (2) This Act shall apply throughout Malaysia.

Interpretation

2. In this Act, unless the context otherwise requires—

“Chairman” means the Chairman of the Authority, and includes any temporary Chairman appointed under section 15;

“corporation” means a corporation established under section 42;

“development area” means any area in and for which a local land development board has been established;

“Federal Land Development Authority” or “Authority” means the Federal Land Development Authority established under section 3;

“financial year” means the period of twelve consecutive months—

- (a) in the case of the Authority, from the first day of July in each year or from such other date as the Authority may from time to time determine;
- (b) in the case of a board, from the first day of April in each year or from such other date as the State Authority may from time to time direct;

“Fund” or “Land Development Funds” means the Land Development Fund established under section 7;

“local authority” means any municipality or other local government authority established in accordance with any written law;

“local land development board” or “board” means a local land development board established under section 30;

“member” or “member of the Authority” means any member of the Authority appointed under section 15, and includes the Chairman, a temporary Chairman and any temporary member;

“Minister” means the Minister charged with responsibility for the Federal Land Development Authority;

“State Authority” has the same meaning assigned thereto in the National Land Code [*Act 56 of 1965*];

“Treasury” shall have the meaning assigned to it under the Financial Procedure Act 1957 [*Act 61*].

PART II

FEDERAL LAND DEVELOPMENT AUTHORITY

Establishment, Duties and Powers

Establishment, duties and powers of Authority

3. (1) There shall be established for the purposes of this Act a body, to be known as the Federal Land Development Authority.

(2) The Authority shall have the following duties:

- (a) to undertake and carry out land development projects;
- (b) to promote and assist in the investigation, formulation and implementation of projects for development, settlement and management of land in the Federation;
- (c) to promote, stimulate, facilitate and undertake economic, social, residential, agricultural, industrial and commercial development and management and other ancillary activities and services in any area for which the Authority has been vested with the power to carry out land development projects or any other area which has been acquired, purchased, leased by or alienated to or is otherwise held or enjoyed by the Authority or its corporations or companies for the performance of its functions;
- (d) to undertake and carry out such activities as may assist in the modernization of the agricultural sector in the area mentioned under paragraph (c); and in particular activities relating to the production, utilization, processing and marketing of crops, livestock and fresh water fisheries;
- (e) to assist, guide, advise, manage, administer and coordinate economic, social, residential, agricultural, industrial and commercial activities whether within or outside the area mentioned under paragraph (c).

(3) The Authority shall have power, for the purpose of the discharge of its duties under subsection (2)—

- (a) to carry on all activities the carrying on whereof appears to it to be requisite, advantageous or convenient for or in connection with the discharge of its said duties including the provision of infrastructure and social amenities and other ancillary services;
- (b) to promote and co-ordinate the carrying on of any such activities by boards, corporations, companies and other bodies or persons and to give assistance to such boards, corporations, companies and other bodies or persons including financial assistance, by way of grant, loan or otherwise;

- (c) with the approval of the Minister to enter into a partnership, joint venture, undertaking, co-operation in any manner, an arrangement for the sharing of profits or to carry on such activities in association or otherwise, with any person, public authority, corporation, company or other body (including the Government of the Federation or any State Government) carrying on or engaging in any such activities and to take or otherwise acquire shares and securities of any such public authority, corporation, company or other body, and to sell, hold on, reissue with or without guarantee, such shares and securities or otherwise dispose of or deal with them;
- (ca) with the approval of the Minister, to establish or promote the establishment of companies to carry on or engage in any activity which has been planned or undertaken by the Authority (including the taking over of the function of a corporation which has been wound up and dissolved under section 43);
- (d) to make loans, subject to such conditions as the Authority may think fit, in accordance with this Act;
- (e) to do anything and to enter into any transaction (whether or not involving expenditure, borrowing in accordance with this Act in that behalf, granting of loans or investment of money, the acquisition, use and disposal of any movable or immovable property, including rights) which in its opinion is calculated to facilitate the proper discharge of its functions or is incidental or conducive thereto.

(4) The Authority shall not promote, carry out, assist or participate in any such project or activity as is referred to in this section in the State of Sarawak, until the concurrence of the Yang di-Pertua Negeri has first been obtained, and in any other State, until such measures for consultation with the Government of such State or with any Department of the Federal Government as appear to the Minister to be appropriate have been taken.

(5) The Authority may, with the approval of the Minister—

- (a) establish, maintain and administer or continue to maintain and administer and subsequently wind up, such funds into which shall be paid sums contributed by the persons participating in the land development and settlement

projects carried out by the Authority, sums donated by any person or body and such other sums as may be determined by the Authority; and

- (b) utilize the funds mentioned under paragraph (a) for the purpose which the Authority may consider necessary for the welfare and benefit of the persons, and the dependants of the persons, participating in the land development and settlement projects carried out by the Authority.

Powers of the Minister in relation to the Authority

4. (1) The Minister may, after consultation with the Authority, give to the Authority directions of a general character and not inconsistent with this Act as to the exercise and performance of its duties and functions in relation to matters which appear to him to affect the interests of Malaysia and the Authority shall give effect to all such directions.

(2) The Authority shall furnish the Minister with such returns, accounts and other information with respect to its property and activities as he may from time to time require.

Disposal of capital assets

5. The power conferred on the Minister by section 4 to give directions to the Authority shall extend to the giving of directions—

- (a) as to the disposal of capital assets; or
- (b) as to the application of the proceeds of such disposal,

notwithstanding that the directions may be of a specific character:

Provided that no such direction shall, so long as any sum borrowed by the Authority in accordance with this Act remains outstanding, be given except with the concurrence of the Treasury.

Additional functions of the Authority

6. In addition to the duties imposed by this Act, the Authority may undertake such other functions and administer and expend such other moneys for such purposes as the Federal Government

or any State Government may assign to the Authority and in so doing the Authority shall be deemed to be fulfilling the purposes of this Act and the provisions of this Act shall apply to the Authority in respect of such functions and the administration and expending of such moneys:

Provided always that the accounts of such moneys shall be kept separate and apart from those of the Fund and of every board.

The Land Development Fund

Establishment of Land Development Fund

7. (1) All advances, whether by way of grant, loan or otherwise, made under this Part, shall be made out of a fund, to be called the Land Development Fund, to be administered and controlled by the Authority into which shall be paid—

- (a) such capital sums as may be provided from time to time for the purposes of the Authority by the Dewan Rakyat;
- (b) such capital sums as may be allocated from time to time to the Authority from loan funds;
- (c) sums borrowed by the Authority for the purpose of meeting any of its obligations or discharging any of its duties;
- (d) any property, investments, mortgages, charges or debentures acquired by or vested in the Authority; and
- (e) all other capital assets which may in any manner become payable to or vested in the Authority in respect of any matter incidental to its powers and duties.

(2) The charges on any amount which may be allocated to the Authority from loan funds shall be met by the Authority:

Provided that all or any part of such charges may be met from the general revenues of Malaysia with the approval by resolution of the Dewan Rakyat.

(3) In this section the expression “loan funds” means such sums as may be made available from time to time to the Government by way of loan.

Financial Provisions

Duty to conserve Fund

8. It shall be the duty of the Authority to conserve the Fund by so exercising and performing its functions and duties under this Act as to secure that the total revenues of the Authority are, subject to any directions given by the Minister under section 4, and taking one year with another, sufficient to meet all sums properly chargeable thereto including provisions in respect of—

(a) its obligations under subsection 7(2) and section 9; and

(b) depreciation and interest on capital:

Provided that the Minister may, with the concurrence of the Treasury direct that such expenditure or class or description of expenditure as may be specified in such direction shall be treated as irrecoverable.

Reserve fund

9. (1) The Authority shall establish a reserve fund.

(2) The management of the reserve fund, the sums to be paid from time to time to the credit thereof and the application thereof shall be as the Authority may determine:

Provided that no part of the reserve fund shall be applied otherwise than for the purposes of the Authority.

Powers of expenditure

10. The Authority may from the fund and its other resources—

(a) pay any expenses lawfully incurred by the Authority, including survey, legal and other fees and costs, and the remuneration of agents, technical advisers, officers or servants appointed or employed by the Authority, including travelling expenses, subsistence allowances and contributions to any provident fund established by the Authority under this Act;

- (b) pay any other expenses, costs or expenditure properly incurred or accepted by the Authority in the execution of its duty or in the discharge of its functions under this Act;
- (c) purchase or hire plant, equipment, machinery, stores and any other materials and pay the cost of the acquisition of any land and the erection of any buildings and the carrying out of any works and undertakings in the execution of its duty or in the discharge of its functions under this Act;
- (d) repay any moneys borrowed under this Act and the interest due thereon or set apart any sum required to be transferred to a sinking fund for the purpose of making provision for the repayment of such moneys and the interest thereon.

Gifts

11. The Authority may accept any gifts made to the Authority for all or any of the purposes specified in subsections 3(2) and (3) and, subject to the terms of any gift, apply them for those purposes in accordance with this Act.

Borrowing powers

12. The Authority may from time to time borrow, at such rate of interest and for such period and upon such terms as to the time and method of repayment and otherwise as the Minister may approve, any sums required by the Authority for meeting any of its obligations or discharging any of its duties:

Provided that no such sum borrowed as aforesaid shall, save by leave of the Minister, be used to repay moneys borrowed or to pay interest on moneys borrowed.

Power to issue stock, etc.

12A. (1) The Authority may, from time to time, with the approval of the Minister, borrow money by the issue of bonds, debentures or debenture stock, or raise capital by the issue of shares or stock

of such class and value and upon such terms as it may deem expedient, for all or any of the following purposes:

- (a) the provision of working capital;
- (b) the fulfilling of the duties of the Authority under this Act;
- (c) the fulfilling of such additional functions as may be undertaken by the Authority under this Act;
- (d) the redemption of any shares or stock which it is required or entitled to redeem;
- (e) any other expenditure properly chargeable to capital account.

(2) The Authority may make rules not inconsistent with this Act to provide for such matters in connection with shares, stock, bonds, debentures or debenture stock issued under this Act as may appear necessary or expedient to the Authority, and, in particular, for regulating the method of issue, transfer, redemption, or other dealing with such shares, stock, bonds, debentures or debenture stock.

Bank guarantee

12B. The Authority or its corporation established under section 42 may, in the normal course of performing its duties, issue one or more bank guarantees to any person for such purpose and to such extent as the Authority may, with the approval of the Minister, determine.

Investments

13. The fund and the reserve fund, without prejudice to section 3, and any sinking fund, may be invested in any of the investments authorized by the Trustee Act 1949 [*Act 208*], for the investment of trust funds, or in such other manner as the Minister may from time to time approve.

*Accounts and Audit***Accounts and audit**

14. (1) The Authority shall keep or shall cause to be kept proper accounts and other records in respect of its operations and of all corporations established by the Authority, and shall cause to be prepared statements of account in respect of each financial year.

(2) The accounts of the Authority and of each such corporation shall be audited by auditors to be appointed annually by the Authority.

(3) After the end of each financial year, as soon as the accounts of the Authority and of each such corporation shall have been audited, the Authority shall cause copies of the statements of account to be transmitted to the Ministers, together with a copy of any report or observations made by the auditors on any statement or on the accounts made by the auditors on any statement or on the accounts of the Authority or of any such corporation.

(4) A copy of every such statement and report or observations shall be laid before the Dewan Rakyat.

*Incorporation, Constitution and Procedure***Constitution of Authority**

15. (1) The Authority shall be by virtue of this Act a body corporate to be known as the Federal Land Development Authority, and shall have perpetual succession and may sue and be sued in its said name and may do all other matters and things incidental or appertaining to a body corporate and not inconsistent with this Act.

(2) The Authority shall consist of—

- (a) a Chairman, who shall be appointed by the Minister and shall hold office during his pleasure; and
- (b) not more than twelve or less than six members, who shall be appointed by the Minister and shall, subject to this Act, hold office for such term not exceeding three years and subject to such conditions as the Minister shall determine.

(3) If the Chairman is unable to exercise his functions under this Act owing to illness, absence from Malaysia or for any other cause whatsoever, the Minister may appoint a person, whether a member of the Authority or not, to be a temporary Chairman, who shall perform all the duties and exercise all the powers which under this Act are exercisable by the Chairman.

(4) The Minister may appoint any person to be a temporary member of the Authority during the temporary incapacity through illness or during the temporary absence from Malaysia of any member.

(5) Any person ceasing to be a member of the Authority shall be eligible for re-appointment.

(6) The Minister may at any time accept the resignation of any member of the Authority.

(7) The Minister may at any time revoke the appointment of any member of the Authority, if he thinks it expedient so to do, without assigning any reason therefor.

Common seal

16. (1) The Authority shall have a common seal, which shall bear such device as the Authority may approve and such seal may from time to time be broken, changed, altered and made anew by the Authority, as the Authority may think fit.

(2) Until a seal is provided by the Authority under this section a stamp bearing the inscription "Federal Land Development Authority" may be used as the common seal.

(3) The common seal, or the stamp referred to in subsection (2) so long as it is used as the common seal, shall be in the custody of the Chairman and all deeds, documents and other instruments requiring the seal of the Authority shall be sealed with the seal or stamp of the Authority in the presence of the Chairman and of a member or an officer of the Authority authorized by the Authority to act in that behalf, who shall sign every such deed, document or other instrument to which such seal or stamp is affixed and such signing shall be sufficient evidence that such seal or stamp was duly and properly affixed and that the same is or is used as the lawful seal of the Authority.

(4) The seal or stamp of the Authority shall be officially and judicially noticed.

(5) (*Deleted by L.N. 477 of 1965*).

Salaries and fees payable to members of Authority

17. There shall be paid to members of the Authority such salaries, fees and allowances for expenses as the Minister may from time to time determine.

Committees

18. (1) The Authority may appoint committees for any purposes rising out of or connected with any of its duties, functions and powers under this Act.

(2) Any committee appointed under this section may appoint one or more sub-committees.

(3) Any committee or sub-committee so appointed shall conform to any instructions from time to time given to it by the Authority or the committee by which it was appointed, and the Authority or such committee may at any time discontinue or alter the constitution of any committee or sub-committee so appointed.

Members not to vote on matters in which they are interested

19. (1) A member shall not at any meeting of the Authority, or of a committee thereof, take part in any discussion of, or vote in respect of, any contract or arrangement proposed to be entered into by the Authority in which he or any company of which he is a director or manager or any firm in which he is a partner has directly or indirectly any interest.

(2) A member shall not be deemed to have a share or interest in any such contract or arrangement by reason only of his being a shareholder in a company with which it is proposed that the Authority should enter into such contract or arrangement unless he has a controlling interest in such company.

Quorum and proceedings of Authority

20. The quorum at all meetings of the Authority shall be four and, subject to this Act, the Authority may make standing orders regulating its own procedure generally, and the procedure of any committee appointed in accordance with section 18 and, in particular, regarding the holding of meetings, the notice to be given of such meetings, the proceedings thereat, the keeping of minutes, the custody, production and inspection of such minutes, and the opening, keeping, closing and audit of accounts.

Officers and Servants

Powers and duties of Chairman

21. (1) The Chairman shall exercise supervision and control over the acts and proceedings of all officers and servants of the Authority in matters of executive administration, and in matters concerning the accounts and records of the Authority and subject to any regulations made under section 24 or 29, dispose of all questions relating to the service of such officers and servants and their pay, privileges and allowances.

(2) The Chairman may, subject to such conditions and restrictions as he may consider necessary, delegate the exercise of all or any of the powers or the performance of all or any of the duties conferred on him by or under this Act to the General Manager appointed under section 22:

Provided that no such delegation shall affect the exercise of any such power or the performance of any such duty by the Chairman.

Appointment of a General Manager, officers and servants

22. The Authority may from time to time appoint and employ a General Manager and such officers and servants as may be necessary, in the opinion of the Authority, for the purpose of this Act.

Power to appoint and dismiss officers and servants

23. (1) Subject to any regulations made under section 24 or 29, the power of appointing, promoting, suspending, dismissing, fining, reducing or granting leave to the officers and servants of the Authority shall be exercised by the Chairman:

Provided that in the case of officers and servants whose monthly salary exceeds five hundred ringgit such powers, with the exception of the power of suspension, shall not be exercised without the previous approval of the Authority.

(2) The power of dispensing with the services of any officer or servant of the Authority for any reason other than the misconduct of such officer or servant, or of permitting any such officer or servant to retire on a gratuity or compassionate allowance shall, subject to the aforesaid provisions, be exercised by the Authority alone.

(3) Any officer or servant aggrieved by any decision of the Chairman in the exercise of his powers under subsection (1) may appeal to the Authority.

Authority to frame regulations governing conditions of service

24. (1) The Authority may from time to time in its discretion frame regulations governing the conditions of service of its officers and servants.

(2) Without prejudice to the generality of the foregoing provisions of this section such regulations may provide for—

- (a) regulating the amount of the salaries, fees and allowances payable to the officers and servants of the Authority;
- (b) regulating the grant of leave to such officers and servants;
- (c) authorizing the payment of all allowances to such officers and servants while absent on leave;
- (d) determining the remuneration to be paid to the persons appointed to act for any such officers or servants during their absence on leave;

- (e) regulating the period of service of all such officers and servants; and
- (f) determining the conditions under which gratuities or compassionate allowances may be paid to such officers and servants injured or to the surviving relatives of any of such officers or servants, killed in the execution of their duty.

(3) Any regulations made under this section shall not come into operation until they have been submitted to and approved by the Minister.

Provident fund, pensions and superannuation schemes

- 25.** (1) With the approval of the Minister the Authority may—
- (a) establish, maintain, administer or continue to maintain and administer and subsequently wind-up a provident fund for the benefit of its officers and servants or any section of such officers and servants and make regulations in respect thereof;
 - (b) enter into arrangements or agreements with any local land development board or corporation for the establishment, maintenance and administration and subsequent winding up of a joint provident fund for the benefit of such officers and servants and of the officers and servants or a section of the officers and servants of such board or corporation and subject to any such arrangement or agreement, make regulations in respect thereof;
 - (c) establish, maintain and administer a pension scheme for payments of pensions, gratuities or other allowances on superannuation, resignation, retirement or discharge of officers and servants of the Authority or any section of such officers and servants and for the establishment and maintenance of a pension fund and make regulations in respect thereof; and
 - (d) establish and administer a superannuation scheme for the granting of such gratuities and allowances on death, superannuation, resignation, retirement or discharge of

subordinate officers and servants of the Authority as may be deemed expedient and for the granting of such gratuities and allowances as may be deemed expedient to any one or more of the surviving dependants of any person who having been employed as a subordinate officer or servant of the Authority dies after having been superannuated or discharged or after having resigned or retired may make regulations in respect thereof.

(2) No gratuity, allowance or other payment payable out of any such provident fund or under any such pension or superannuation scheme nor any right or interest acquired by any person there under shall be assignable or transferable or liable to be attached, sequestrated or levied upon for or in respect of any debt or claim whatsoever other than a debt due to the Authority.

(3) Any moneys paid out of any such provident fund on the death of any person shall be deemed to be impressed with a trust in favour of the persons entitled thereto under the will or intestacy of such deceased person, but shall not be deemed to form part of his estate or be subject to his debts.

(4) Any person may by will or by a memorandum under his hand appoint a trustee or trustees of the moneys payable on his death out of any such provident fund and may make provision for the appointment of a new trustee or new trustees of such moneys and for the investment thereof.

(5) If at the time of the death of any person or at any time afterwards there is no trustee of such moneys or it is expedient to appoint a new trustee or new trustees, then and in any such case a trustee or trustees or a new trustee or new trustees may be appointed by the High Court or a Judge thereof.

(6) The receipt of a trustee or trustees duly appointed, or in default of any such appointment and of written notice thereof to the Authority the receipt of the legal personal representative of a deceased person, shall be a discharge to the Authority for any moneys payable on his or her death out any such provident fund.

(7) Any officer or servant of the Authority who is a contributor to any such provident fund shall, if he is dismissed the service of the Authority for fraud or dishonesty or misconduct, which

involves pecuniary loss to the Authority, or retires from or resigns his office with intent to escape discharge or dismissal in consequence of such fraud, dishonesty or misconduct, forfeit, at the absolute discretion of the Authority, all or any part of his contribution to the fund and the interest accrued thereon and the accumulations thereof as the Authority in its discretion thinks fit.

(8) Any employee of the Authority who would otherwise be entitled to any benefit under any such pension scheme shall, if he is dismissed from the service of the Authority for fraud or dishonesty or misconduct, which involves pecuniary loss to the Authority, or retires from or resigns his office with intent to escape discharge or dismissal in consequence of such fraud, dishonesty or misconduct, forfeit and lose the whole or such part of such benefit as the Authority may in its absolute discretion direct.

(9) With the approval of the Minister the Authority may, in its discretion, in consideration of long or special services of any officer or servant of the Authority whose case does not come within the scope and effect of the Authority's provident fund, pension scheme or superannuation scheme regulations, pay to such officer or servant, on his retirement or discharge, or to any surviving dependants of such officer or servant, upon his death, a gratuity or compassionate allowance on such terms and conditions as the Authority may determine.

(10) Any regulations made under paragraph (1)(b) may, notwithstanding anything contained in the Interpretation Acts 1948 and 1967 [Act 388], be made to operate retrospectively to any date whether before or after the coming into force of this Act.

Contracts and Delegation

Contracts and execution of documents, etc.

26. The Minister may make regulations with respect to the execution of documents, cheques and instruments of any description and the mode of entering into contracts by and on behalf of the Authority, and the proof of documents purporting to be executed, issued or signed by the Authority or a member or officer thereof.

Delegation

27. (1) Without prejudice to section 26 and any regulations made thereunder, the Authority may delegate to any member of the Authority or to any committee appointed under section 18 the power and authority to carry out on its behalf such duties, powers or functions as the Authority may determine.

(2) The Authority may at the time of delegating any power or authority under subsection (1) to any member or committee or at any time thereafter give directions as to the manner in which such delegated power or authority is to be exercised and may at any time revoke, modify or increase such delegation.

Annual Report

Annual report

28. (1) The Authority shall, as soon as practicable after the end of each financial year, cause to be made and transmitted to the Minister a report dealing generally with the activities of the Authority, including all corporations established by the Authority, during the preceding financial year and containing such information relating to the proceedings and policy of the Authority as the Minister may from time to time direct.

(2) A copy of every such report shall be laid before the Dewan Rakyat.

Regulations

Regulations

29. The Authority may, with the approval of the Minister, make regulations not inconsistent with this Act—

- (a) defining the relations of the Authority with boards or corporations;
- (b) prescribing the system of management of the Authority and the responsibilities and control of officers and servants of the Authority;

- (c) imposing fees in such cases as may be determined by the Authority;
- (d) regulating the opening, keeping, closing and audit of accounts of boards and corporations;
- (e) generally for the exercise of their powers and duties under this Act.

PART III

LOCAL LAND DEVELOPMENT BOARDS

Establishment, Duties and Powers

Establishment, duties and powers of boards

30. (1) The State Authority may from time to time by order published in the *Gazette* establish in and for any area in such State a board by such name as may be specified in the order to carry out in such area any duties of the kind referred to in subsection 3(2) and may in like manner cancel, vary or amend any such order.

(2) A board shall have power, for the purpose of the discharge of its duty under this Act—

- (a) to carry on all activities the carrying on whereof appears to it to be requisite, advantageous or convenient for or in connection with the discharge of its said duty;
- (b) to promote and co-ordinate the carrying on of any such activities by corporations established by the board and to give assistance to such corporations, including financial assistance, by way of grant loan or otherwise;
- (c) to carry on such activities in association with corporations or other boards, bodies or persons (including departments of the Federal Government or of any State Government) or as managing agents or otherwise on their behalf;
- (d) to make loans, subject to such conditions as the board may think fit, in accordance with this Act;

- (e) to do anything and to enter into any transaction (whether or not involving expenditure, borrowing in accordance with this Act in that behalf, granting of loans or investment of money, the acquisition, use and disposal of any movable or immovable property, including rights) which in its opinion is calculated to facilitate the proper discharge of its functions or is incidental or conducive thereto.

(3) In addition to the duties imposed under this Act, a board may undertake such other functions and administer and expend such other moneys for such purposes as the State Authority may assign to the board and in so doing the board shall be deemed to be fulfilling the purposes of this Act and this Act shall apply to the board in respect of such functions and the administration and expending of such moneys:

Provided always that the accounts of such moneys shall be kept separate and apart from those of the board.

Directions to boards

31. (1) The State Authority may, after consultation with a board, give to the board directions of a general character and not inconsistent with this Act as to the exercise and performance of its duties and functions and the board shall give effect to all such directions.

(2) The power conferred upon a State Authority by the preceding subsection to give directions to a board shall extend to the giving of directions—

(a) as to the disposal of capital assets; or

(b) as to the application of the proceeds of such disposal,

notwithstanding that the directions may be of a specific character:

Provided that no such direction shall, so long as any sum borrowed by the Board in accordance with this Act remains outstanding, be given except with the concurrence of the Minister of Finance.

(3) Every board shall furnish the State Authority with such returns, accounts and other information with respect to its property and activities as he may from time to time require.

Funds

Establishment of fund

32. (1) For the purposes of every board there shall be established a fund to be administered and controlled by the board.

(2) The fund shall consist of—

- (a) such capital sums as may be provided from time to time for the purposes of the board by the Legislative Assembly;
- (b) such capital sums as may from time to time be advanced to the board by the Authority, by way of grant, loan or otherwise out of the Land Development Fund;
- (c) sums borrowed by the board for the purpose of meeting any of its obligations or discharging any of its duties;
- (d) any property, investments, mortgages, charges or debentures acquired by or vested in the board; and
- (e) all other capital assets which may in any manner become payable to or vested in the board in respect of any matter incidental to its powers and duties.

Balancing of revenue accounts

33. It shall be the duty of a board to conserve the fund established in pursuance of section 32 by so exercising and performing its functions and duties under this Act as to secure that the total revenues of the board are sufficient to meet all sums properly chargeable to their revenue account, including, without prejudice to the generality of that expression, provisions in respect of its obligations under section 34 and depreciation and interest on capital, taking one year with another.

Reserve fund

34. (1) Every board shall establish a reserve fund.

(2) The management of the reserve fund, the sums to be paid from time to time to the credit thereof and the application thereof shall be as the board may determine:

Provided that no part of the reserve fund shall be applied otherwise than for the purposes of the board.

Powers of expenditure

35. A board may pay out of the fund established in pursuance of section 32 and from the other resources of the board—

- (a) any loan made by the board;
- (b) any expenses lawfully incurred by the board including survey, legal and other fees and costs, and the remuneration of any officer or servant appointed and employed by the board, including superannuation, allowances or gratuities;
- (c) any other expenses, costs or expenditure properly incurred or accepted by the board in the execution of its duty or the discharge of its functions.

Borrowing powers and gifts

36. (1) A board may from time to time borrow, at such rate of interest and for such period and upon such terms as to the time and method of repayment and otherwise as the State Authority may approve, any sums required by it for meeting any of its obligations or discharging any of its duties.

(2) A board may accept any gifts made to the board for all or any of the purposes for which the board was established and, subject to the terms of any gift, apply them for this purpose in accordance with this Act.

(3) A board may, with the approval of the State Authority, enter into contracts of guarantee or indemnity for the purpose of facilitating the acquisition or erection of dwelling houses by officers or other servants of the board.

Investments

37. The fund and the reserve fund may be invested in any of the investments authorized by the Trustee Act 1949 [Act 208], for the investment of trust funds, or in such other manner as the State Authority may from time to time approve.

Accounts and Audit

Accounts and audit

38. (1) Every board shall keep and shall cause to be kept proper accounts and other records in respect of its operations, and shall cause to be prepared a statement of account in respect of each financial year.

(2) The accounts of the board shall be audited by auditors to be appointed annually by the State Authority.

(3) At the end of each financial year, as soon as the accounts of the board shall have been audited, the board shall cause copies of the statement of account to be transmitted to the State Authority together with a copy of any report or observations made by the auditors on any statement or on the accounts of the board.

(4) The State Authority shall cause a copy of every such statement of account to be published in the *Gazette*.

Constitution and Procedure

Constitution of boards

39. (1) A Chairman and members of every board shall be appointed, and shall hold office for such term and upon such conditions as may be determined, by the State Authority.

(2) There shall be paid to the Chairman and members of a board such salaries, fees and allowances for expenses as may from time to time be determined by the State Authority.

(3) Section 19 shall apply, *mutatis mutandis*, to meetings of a board and of any committee thereof.

*Officers and Servants***Appointment, etc. of officers and servants**

40. A board may appoint such officers and servants on such terms as to remuneration and other matters as the board may determine, and these may be paid, on the retirement or death of any of them as to whom the board may determine to make such provision, such gratuities or allowances to them or to others by reference to their service as the board may determine.

*Annual Report***Annual report**

41. (1) Every board shall, as soon as practicable after the end of each financial year, cause to be made and transmitted to the Ruler or Yang di-Pertua Negeri a report dealing generally with the activities of the board, during the preceding financial year and containing such information relating to the proceedings and policy of the board as the State Authority may from time to time direct.

(2) A copy of every such report shall be laid before the Legislative Assembly.

PART IV

CORPORATIONS

Power to establish corporations

42. (1) The Authority, with the approval of the Minister, and a board, with the approval of the State Authority, may from time to time by order published in the *Gazette* establish a corporation by such name as may be specified in the order to carry out and have the charge, conduct and management of any project, scheme or enterprise which has been planned or undertaken by the Authority or such board in execution of its duty or discharge of its functions under this Act, and may in like manner cancel, vary or amend any such order:

Provided that the Authority shall not make any such order in, or in relation to, Sabah or Sarawak unless the concurrence of the Yang di-Pertua Negeri of Sabah or Sarawak, has first been obtained for the making of such order, and such concurrence may be granted either in respect of a particular case or generally in respect of a particular case or generally in respect of a class or classes of cases.

(2) An order under subsection (1) shall, in addition to the matters referred to in section 43, make provision in respect of the following:

- (a) the constitution of the corporation;
- (b) the finances of the corporation;
- (c) the repayment of loans to the corporation;
- (d) the accounts to be kept by the corporation and the audit of the accounts.

PART V

REGULATION AND INCORPORATION OF BOARDS AND CORPORATIONS

Regulation and winding up

43. (1) Subject to this Act the appropriate authority shall, by the order by which a board or corporation is established, make provisions in respect of the following:

- (a) the purposes and objects for which the board or corporation is established;
- (b) the right, powers, duties and functions of such board or corporation;
- (c) the terms of office and duties of the Chairman and members of the board or corporation;
- (d) the delegation of the duties, powers or functions of the board or corporation;

- (e) the quorum, proceedings and meetings of the board or corporation;
- (f) the execution of instruments and the mode of entering into contracts by and on behalf of the board or corporation and the proof of documents purporting to be executed, issued or signed by the board or corporation or a member, officer or servant thereof;
- (g) the relations between the board or corporation and the appropriate authority and the rights of control over such board or corporation by the appropriate authority;
- (h) the system of management thereof;
- (i) the terms and conditions of service of its officers and servants.

(2) Subject to this Act and to any provision made under subsection (1), a board or corporation shall have power to regulate its own procedure.

(3) Nothing in this section shall be deemed to authorize the appropriate authority to establish any board or corporation for any purpose or object more extensive in scope than the purposes or objects for which the Authority was constituted or to confer on any board or corporation any right, duty, power or function which is not within the rights, duties, powers or functions of the Authority under this Act.

(4) The appropriate authority may by order published in the *Gazette* direct that any board or corporation established by it shall be wound up and dissolved.

(5) Upon the dissolution of any board or corporation under this section the assets of the board or corporation, as the case may be, after payment of all liabilities shall be transferred to and vested in the appropriate authority.

(6) The winding up of a board or corporation under this section shall be conducted in such manner as may be prescribed.

(7) In this section and section 44 the expression “appropriate authority” means the authority by which a board was established under section 30 or by which a corporation was established under section 42.

Incorporation

44. (1) Every board and every corporation shall be a body corporate by such name as shall be specified by the appropriate authority in the order by which such board or corporation is established and shall have perpetual succession and may sue and be sued in such name and may do all other matters and things incidental or appertaining to a body corporate not inconsistent with this Act and subject to such restrictions or limitations as may be prescribed by the appropriate authority by the order by which such board or corporation is established.

(2) Every such board and corporation shall have a common seal, which shall bear such device as the board or corporation, as the case may be, with the approval of the appropriate authority, may approve, and such seal may from time to time be broken, changed, altered and made anew by the board or corporation with the approval of the appropriate authority, as the board or corporation shall think fit.

(3) Until a seal is provided by a board or corporation under this section a stamp bearing the name of the board or corporation may be used as a common seal.

(4) The common seal, or the stamp referred to in subsection (3) so long as it is used as the common seal, shall be in the custody of such person as the board or corporation shall direct and all deeds, documents and other instruments requiring the seal of such board or corporation shall be sealed with the seal or stamp of such board or corporation in the presence of such persons as the board or corporation, as the case may be, with the approval of the appropriate authority, shall direct, who shall sign every such deed, document or other instrument to which such seal or stamp is affixed and such signing shall be sufficient evidence that such seal or stamp was duly and properly affixed and that the same is or is used as the lawful seal of such board or corporation.

(5) The seal or stamp of every board or corporation shall be officially and judicially noticed.

(6) *(Deleted by L.N. 477 of 1965).*

PART VI

LOANS

*Loans by Authority or Board***Charge on property and priority of loan**

45. Where a loan is made by the Authority or a board on the security of a charge or mortgage of any property, whether with or without any other security, the property, from and after the date of the charge or mortgage shall be charged with the payment of such loan and interest as in the charge or mortgage mentioned, in priority, save so far as otherwise specified in the charge or mortgage, to every other debt, charge or mortgage whatsoever affecting the property, except any loan due to any creditor not assenting to such priority which has been made in good faith before the loan made by the Authority or board and which has been secured by a duly registered charge or mortgage of the property executed to a person who is entitled as a *bona fide* creditor to the repayment thereof with interest.

Interest on loans

46. In making any loan under this Act the Authority or a board may charge such rate of interest as they may deem fit in any particular case.

Repayment of loans

47. Every loan shall be repaid to the Authority or board, as the case may be, in accordance with the terms and conditions under which such loan was made and the moneys so paid shall thereupon be taken into the accounts of such Authority or board.

Suspension of payment and power to extend time, compound or release

48. The Authority or a board may—

- (a) postpone, for any time not exceeding ten years, the payment of any sum due for principal and interest or for either principal or interest to it in respect of a loan made by

it upon such terms and conditions for the carrying out of the purposes for which such loan was made and for the ultimate repayment of such principal or payment of such interest as it may deem necessary;

- (b) from time to time extend the period for the repayment of any loan, or compound or release any loan or any part thereof subject to such terms and conditions as it may deem fit.

Payment of loan before due date

49. The Authority or a board may at any time accept payment of the whole or any part of the amount representing the principal of a loan and interest thereon, before the time when such payment is due, upon such terms and conditions as it may think fit.

Enquiry as to application of moneys lent

50. (1) Where the Authority or a board have made a loan of money under this Act it may—

- (a) from time to time, make or cause to be made such enquiry as may be necessary to ensure that the loan is being applied to the purposes for which it was made;
- (b) require financial statements in such detail as it may determine to be submitted by the person, body or authority in receipt of the loan biannually or at shorter intervals at the discretion of the Authority or board, as the case may be, and such person, body or authority shall comply with such request.

(2) The Authority or a board may authorize in writing any of its officers or any other person to make such enquiry, and the person, body or authority in receipt of the loan shall produce to such officer or person all the relevant books, documents and other matters and things necessary for the purposes of the enquiry.

(3) Any person who contravenes paragraph (1)(b) or subsection (2) shall be liable to a fine of one thousand ringgit.

Order upon such enquiry

51. Where upon any enquiry made under section 50 it appears to the Authority or a board that any sum being the whole or any part of the loan has not been applied for the purposes for which the loan was made it may order that any such sum be, within the time mentioned in the order, applied to such purposes or that such sum together with any interest due thereon on the date of the order be repaid to the Authority or such board within the time mentioned in the order, and any sum with the interest thereon so ordered to be repaid to the Authority or such board shall thereupon become a debt due to the Authority or such board.

Misapplication of loan

52. (1) If any loan made under this Act or any part of such loan has been misapplied, the Authority or a board may—

- (a) where such loan has been secured by charge or mortgage, by notice in writing addressed to the chargor or mortgagor, recall the said loan or any part thereof and may require the loan or that part together with any interest due on such loan or part thereof on the date of the notice to be repaid on a date to be specified in the notice and in default of payment on such specified date any security given for the purpose of the loan may thereupon be realized;
- (b) where such loan has been secured otherwise than by way of charge or mortgage, by notice addressed to the borrower, request the loan or any part thereof together with any interest due on such loan or part thereof on the date of the notice to be repaid on a date to be specified in the notice and in default of payment on such specified date any security given for the purpose of the loan may thereupon be realized.

(2) Subsection (1) shall be in addition to any other proceedings under any other written law.

Enforcement of securities

53. Where any property charged or mortgaged to the Authority or a board as security for a loan under this Act is sold for the purpose of the enforcement of the security the Authority or such board may on a sale by public auction buy such property and may either manage and hold such property or sell or otherwise dispose of it as it may deem fit.

Offences in respect of loans

54. Any person who—

- (a) obtains a loan from the Authority or a board under this Act by means of any false representation;
- (b) wilfully applies any loan made to him by the Authority or a board under this Act to any purpose other than the purpose for which the loan was made;
- (c) having obtained a loan from the Authority or a board under this Act wilfully destroys any security given in relation to any such loan,

shall be liable to a fine of five thousand ringgit.

Consent for prosecution

55. Proceedings for offences arising out of this Act or in connection with any loan made hereunder shall not be instituted without the consent in writing of the Public Prosecutor.

Burden of proof

56. In any criminal proceeding in respect of an offence under paragraph 54(b) the onus of proving that he acted in good faith and without knowledge that he was not entitled so to apply the loan or any part thereof shall be upon the person charged.

PART VII

MOVABLE AND IMMOVABLE PROPERTY

Powers as to movable and immovable property

57. Subject to and for the purposes of this Act, the Authority and every board and corporation may enter into contracts and may acquire, purchase, take, hold and enjoy movable and immovable property of every description and may convey, assign, surrender, yield-up, charge, mortgage, demise, reassign, transfer or otherwise dispose of, or deal with, any movable or immovable property or any interest therein vested in the Authority or such board or corporation upon such term as to the Authority or such board or corporation deems fit.

Malay Reservation or Native Land

58. (1) The Authority and every board and corporation shall be deemed—

- (a) for the purposes of the Malay Reservation Enactment of the Federated Malay States [*F.M.S. Ord. 142*] and the corresponding law in force in any part of Peninsular Malaysia to be a Malay, and any registered interest in land in a Malay Reservation of which the Authority or such board or corporation is proprietor shall be deemed for such purposes to be a Malay holding;
- (b) for the purposes of Part IV of the Land Ordinance of Sabah [*Sabah Cap. 68*], other than sections 65, 66 and 69, and the purposes of the Land Code of Sarawak [*Sarawak Cap. 81*], other than section 5, to be a Native:

Provided that subsection 70(3) of the Land Ordinance of Sabah shall not apply to the Authority or any corporation.

(2) Notwithstanding any provision of the Malay Reservations Enactment of the State of Terengganu [*Terengganu En. 17 of 1360 (AH)*] to the contrary no registered interest of the Authority or any board or corporation as proprietor in any land in the State of Terengganu not included in a Malay reservation shall be deemed to be a Malay holding for the purposes of the said Enactment.

Compulsory acquisition of land

59. When any immovable property, not being State or Federal land, is needed to be acquired for the purposes of this Act, such property may be acquired in accordance with any written law relating to the acquisition of land for a public purpose for the time being in force in any part of Malaysia, and any declaration required by any such written law that such land is so needed may be made notwithstanding that compensation is to be paid by the Authority or a board or corporation, and such declaration shall have effect as if it were a declaration that such land is needed for a public purpose in accordance with such written law:

Provided that no immovable property in the State of Sabah or Sarawak shall be acquired until the concurrence of the Yang di-Pertua Negeri of Sabah or Sarawak has first been obtained.

PART VIII

GENERAL

Power to employ agents

60. The Authority and every board and corporation may employ and pay agents and technical advisers whether advocates and solicitors, bankers, stockbrokers, surveyors or valuers or other persons, to transact any business or to do any act required to be transacted or done in the execution of the duties of the Authority, board or corporation or for the better carrying into effect the purposes of this Act and may pay all charges and expenses so incurred.

Compromise

61. The Authority and any board or corporation may compound or compromise for or in respect of any claim or demand made against it, for such sum of money or other compensation as it deems sufficient.

Powers of local authority

62. The State Authority may, from time to time, by notification published in the *Gazette* declare that all or any of the powers conferred upon a local authority or the president or chairman thereof by any written law may be exercised within the area specified in such notification by the Authority or by any board or corporation or the Chairman thereof respectively:

Provided that no such declaration shall be made in respect of any area in which a local authority is for the time being established.

Exemptions

63. (1) (*Deleted by Act 478*).

(2) The State Authority may by order exempt the Authority and any board or corporation from any rate, tax, charge or fee leviable or recoverable by any local authority in such State in respect of any property owned by the Authority or such board or corporation on such terms and subject to such conditions as the State Authority thinks fit.

Officers to be deemed public servants

64. All members, officers and servants of the Authority and every board and corporation shall be deemed to be public servants within the meaning of the Penal Code [*Act 574*].

Public authorities protection

65. The Public Authorities Protection Act 1948 [*Act 198*], shall apply to any action, suit, prosecution or proceeding against the Authority or any board or corporation or against any member, officer, servant or agent of the Authority or any board or corporation in respect of any act, neglect or default done or committed by him in such capacity.

Protection of Authority, board and corporation

66. No act done or proceeding taken under this Act shall be questioned on the ground—

- (a) of the existence of any vacancy in the membership of, or any defect in the constitution of, the Authority or any board or corporation; or
- (b) of any omission, defect or irregularity not affecting the merits of the case.

Minutes receivable in evidence

67. Any minutes made of meetings of the Authority or any board or corporation shall, if duly signed, be receivable in evidence in all legal proceedings without further proof and every meeting of the Authority or any board or corporation in respect of the proceedings of which minutes have been so made shall be deemed to have been duly convened and held and all members thereat to have been duly qualified to act.

Saving

68. Nothing in this Act shall be construed as authorizing the Authority or any board or corporation to carry on any undertaking for the supply of electricity or any railway or telecommunication undertaking except under the authority of a written law other than this Act specifically authorizing the Authority or such board or corporation in that behalf.

LAWS OF MALAYSIA

Act 474

LAND DEVELOPMENT ACT 1956

LIST OF AMENDMENTS

| Amending law | Short title | In force from |
|---------------|---|---------------|
| Ord. 60/1956 | Settlements Nominated Council (Change of Title) Ordinance 1956 | 01-09-1956 |
| Ord. 35/1957 | Land Development (Amendment) Ordinance 1957 | 15-08-1957 |
| L.N. 332/1958 | Federal Constitution (Modification of Laws) (Ordinances and Proclamations) Order 1958 | 14-11-1958 |
| Ord. 56/1958 | Land Development (Amendment) Ordinance 1958 | 05-12-1958 |
| L.N. 297/1959 | Federal Constitution (Modification of Laws) (Supplementary) Order 1959 | 04-09-1959 |
| Act 10/1962 | Land Development (Amendment) Act 1962 | 24-02-1962 |
| L.N. 477/1965 | National Land Code (Repeals and Amendments) Order 1965 | 24-12-1965 |
| Act 47/1967 | Income Tax Act 1967—Schedule 8 | 28-09-1967 |
| P.U. 645/1967 | Modifications of Laws (Land Development) (Modification and Extension to Borneo States) Order 1967 | 01-01-1968 |
| Act A72 | Land Development (Amendment) Act 1971 | 01-05-1971 |
| Act A425 | Land Development (Amendment) Act 1978 | 01-01-1977 |
| Act A818 | Land Development (Amendment) Act 1992 | 21-02-1992 |
| Act 478 | Revocation of Exemption From Payment of Stamp Duties Act 1992 | 21-02-1992 |

LAWS OF MALAYSIA

Act 474

LAND DEVELOPMENT ACT 1956

LIST OF SECTIONS AMENDED

| Section | Amending authority | In force from |
|---------|--|--|
| 1 | L.N. 332/1958 | 14-11-1958 |
| 2 | L.N. 332/1958 Ord. 56/1958 Act 10/1962 | 14-11-1958 05-12-1958 24-02-1962 |
| 3 | L.N. 332/1958 P.U. 645/1967 Act A818 | 14-11-1958 01-01-1968 21-02-1992 |
| 4 | P.U. 645/1967 | 01-01-1968 |
| 5 | Act 10/1962 | 24-02-1962 |
| 6 | L.N. 332/1958 | 14-11-1958 |
| 7 | L.N. 332/1958 Ord. 56/1958 | 14-11-1958 05-12-1958 |
| 8 | Act 10/1962 | 24-02-1962 |
| 12 | L.N. 332/1958 | 14-11-1958 |
| 12A | Ord. 35/1957 L.N. 332/1958 | 15-08-1957 14-11-1958 |
| 12B | Act A818 | 21-02-1992 |
| 13 | Ord. 56/1958 | 05-12-1958 |
| 14 | L.N. 332/1958 L.N. 297/1959 | 14-11-1958 04-09-1959 |

| Section | Amending authority | In force from |
|---------|--|--|
| 15 | L.N. 332/1958 Ord. 56/1958 Act A72 | 14-11-1958 05-12-1958 01-05-1971 |
| 16 | L.N. 477/1965 | 24-12-1965 |
| 17 | L.N. 477/1965 L.N. 332/1958 | 24-12-1965 14-11-1958 |
| 21 | Ord. 56/1958 | 05-12-1958 |
| 22 | Ord. 56/1958 | 05-12-1958 |
| 24 | L.N. 332/1958 Ord. 56/1958 | 14-11-1958 05-12-1958 |
| 25 | L.N. 332/1958 P.U 645/1967 | 14-11-1958 01-01-1968 |
| 26 | L.N. 332/1958 | 14-11-1958 |
| 28 | L.N. 332/1958 | 14-11-1958 |
| 29 | L.N. 332/1958 | 14-11-1958 |
| 30 | L.N. 332/1958 | 14-11-1958 |
| 31 | L.N. 332/1958 | 14-11-1958 |
| 32 | L.N. 332/1958 Ord. 56/1958 | 14-11-1958 05-12-1958 |
| 36 | L.N. 332/1958 Act A425 | 14-11-1958 01-01-1977 |
| 37 | Ord. 56/1958 | 05-12-1958 |
| 38 | L.N. 332/1958 Act 10/1962 | 14-11-1958 24-02-1962 |
| 39 | L.N. 332/1958 | 14-11-1958 |
| 41 | L.N. 332/1958 | 14-11-1958 |

| Section | Amending authority | In force from |
|--------------------|---|--|
| 42 | L.N. 332/1958 P.U. 645/1967 | 14-11-1958 01-01-1968 |
| 44 | L.N. 332/1958 L.N. 477/1965 | 14-11-1958 24-12-1965 |
| 48 | Ord. 56/1958 | 05-12-1958 |
| 58 | P.U. 645/1967 | 01-01-1968 |
| 59 | L.N. 332/1958 P.U. 645/1967 | 14-11-1958 01-01-1968 |
| 60 | P.U. 645/1967 | 01-01-1968 |
| 62 | L.N. 332/1958 | 14-11-1958 |
| 63 | L.N. 332/1958 Act 47/1967 Act 478 | 14-11-1958 28-09-1967 21-02-1992 |
| 64 | P.U. 645/1967 | 01-01-1968 |
| Throughout the Act | Act 160 | 28-09-1975 |

