



LAWS OF MALAYSIA

REPRINT

Act 667

LABUAN NATIVE TITLE ACT 2007

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Act 667

LABUAN NATIVE TITLE ACT 2007

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LAWS OF MALAYSIA**Act 667****LABUAN NATIVE TITLE ACT 2007**

An Act to make provisions for the registration of native titles in Labuan in the Native Title Register, the dealings with native holdings and the declaration of Native Reserves and for matters connected therewith.

[15 January 2010; P.U. (B) 15/2010]

ENACTED by the Parliament of Malaysia as follows:

PART I**PRELIMINARY****Short title, application and commencement**

1. (1) This Act may be cited as the Labuan Native Title Act 2007.
- (2) This Act applies to the Federal Territory of Labuan.
- (3) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Interpretation

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

“native” has the same meaning assigned to it in section 2 of the Interpretation (Definition of Native) Ordinance 1952 [*Sabah Cap. 64*] as applicable to the Federal Territory of Labuan by virtue of the Federal Territory of Labuan (Modification of Interpretation (Definition of Native) Ordinance) Order 1984 [*P.U. (A) 171/1984*];

“statutory body” means the Federal statutory body;

“Native Title Register” means the Native Title Register referred to in section 5;

“Land Executive Committee” means the Land Executive Committee of the Federal Territory of Labuan established under subsection 12(1) of the Code;

“Code” means the National Land Code [*Act 56/1965*] as extended and applicable to the Federal Territory of Labuan by virtue of section 7 of the Constitution (Amendment) (No. 2) Act 1984 [*Act A585*];

“native community” has the meaning assigned to “native” in section 2 of the Interpretation (Definition of Native) Ordinance 1952 as applicable to the Federal Territory of Labuan by virtue of the Federal Territory of Labuan (Modification of Interpretation (Definition of Native) Ordinance) Order 1984;

“High Court” means the High Court in Sabah and Sarawak;

“Minister” means the Minister charged with the responsibility for land in the Federal Territory of Labuan;

“Land Ordinance” means the Land Ordinance of Sabah [*Cap. 68*] as applicable to the Federal Territory of Labuan by virtue of the Federal Territory of Labuan (Modification of Land Ordinance) Order 1984 [*P.U. (A) 291/1984*];

“native holding” means any land registered in the name of a native;

“Registrar” means the Registrar of Titles appointed under subsection 12(1B) of the Code and includes a Deputy Registrar of Title;

“State Director” means the Director of Lands and Mines of the Federal Territory of Labuan appointed under subsection 12(1B) of the Code and includes a Deputy Director of Lands and Mines;

“Native Reserve” means the Native Reserve referred to in section 25;

“federal land” means any land in the Federal Territory of Labuan that has not been disposed of in any manner;

“Federal Territory of Labuan” means the Federal Territory of Labuan as described under section 2 of the Constitution (Amendment) (No. 2) Act 1984 [*Act A585*].

(2) For the purposes of this Act, a company, cooperative society or society shall, if and so long as every member of the company, cooperative society or society is a native, be deemed to be a native, notwithstanding the definition of “native” in this section.

PART II

THE NATIVE HOLDING AND NATIVE TITLE REGISTER

Native title deemed to be native holding

3. (1) Any native title registered under the Land Ordinance shall be deemed to be a native holding upon the commencement of this Act and the native title shall be registered in the Native Title Register by the Registrar.

(2) The Land Executive Committee may add to, or revoke from the Native Title Register any native holding from time to time as it deems fit.

Native Title Register

4. (1) The Native Title Register shall be in Form 1 of the First Schedule.

(2) The Native Title Register shall be maintained by the Registrar from time to time in accordance with any decisions made by the Land Executive Committee.

Provisions as to memorials on documents of title

5. (1) Upon the commencement of this Act, the Registrar shall open the Native Title Register and register all the existing native titles in the Native Title Register.

(2) Upon the registration of the existing native titles in the Native Title Register, the Registrar shall make a like memorial of such native titles as specified in Form 2 of the First Schedule upon every register document of title listed in the Native Title Register.

(3) When any memorial has been made upon any register document of title for any land under subsection (2), the Registrar shall by notice in Form 3 of 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 for such land.

Alienation of land as native holding

6. (1) The Land Executive Committee may, if it deems fit, decide that any land approved for alienation shall be registered as a native holding.

(2) Upon the registration of the native holding in the Native Title Register, the Registrar shall make a like memorial of the native holding as in subsection 5(2) on the register document of title and the issue document of title.

Application for registration of land as native holding

7. (1) Any native may apply to the Registrar in Form 4 of the First Schedule for the inclusion of his land as a native holding and to be registered in the Native Title Register.

(2) Upon the application made under subsection (1) by the proprietor, the Registrar shall register such land in the Native Title Register and shall make a like memorial as in subsection 5(2) on the register document of title and the issue document of title for such land.

Application for revocation of native holding

8. (1) The proprietor of any native holding may apply to the Registrar in Form 5 of the First Schedule for his land to be revoked from being a native holding.

(2) Upon receiving the application, the Registrar shall refer the application to the Land Executive Committee for decision.

(3) The Registrar shall notify the applicant of the decision of the Land Executive Committee by notice in Form 6 of the First Schedule.

(4) In the case where the application is approved, the Registrar shall cancel—

(a) the memorial on the native holding from the register document of title and issue document of title; and

(b) the registration of the land as a native holding in the Native Title Register.

PART III

RESTRICTIONS ON DEALINGS WITH NATIVE HOLDINGS

Restriction as to transfers and leases

9. Subject to sections 18, 19 and 20, no native holding shall be transferred, leased or otherwise disposed of to a non-native, and no memorandum of transfer or lease in contravention of this section shall be capable of registration at the Land Office of Labuan.

Restriction as to dealings by attorneys

10. Every memorandum of transfer, charge or lease of a native holding which is executed on behalf of the proprietor thereof by any non-native 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 at the Land Office of Labuan.

Restriction as to caveats based on lien by deposit of title

11. No lien by deposit of the issue document of title for any native 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 at the Land Office of Labuan.

Restriction as to private caveats

12. No private caveat shall be entered upon any native holding by any non-native.

Restriction as to bankruptcy

13. No native holding shall vest in the Director General of Insolvency on the bankruptcy of the proprietor thereof, unless the bankruptcy petition upon which the proprietor is adjudicated bankrupt was filed before the commencement of this Act.

Restriction as to attachments in execution

14. No native 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 Act.

Restriction as to trusts

15. Every trust or alleged trust, whether such trust be expressed, implied or constructive which purports to be created in respect of any native holding by the proprietor thereof in favour of or for the benefit of any non-native shall be null and void and shall be incapable of being enforced by any court.

Restriction as to grants of probate and letters of administration

16. No grant of probate or of letters of administration shall operate to vest any native holding in any executor or administrator who is a non-native.

PART IV

NATIVE HOLDING MAY BE SOLD, LEASED, TRANSFERRED, *ETC.*

Sales by encumbrancers

17. (1) Subject to subsection (2), if any native holding included in the Native Title Register is encumbered, such holding may be sold at the instance of the encumbrancer under the provisions of any law in force for the time being.

(2) No such holding shall be sold to any non-native if at the date of the registration of the encumbrance, the sole proprietor or such of the co-proprietors of such land was a native and such holding was at such date included in the Native Title Register after the commencement of this Act.

(3) 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 judgement 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 judgement.

Native holding may be leased or transferred to Perbadanan Labuan or Majlis Agama Islam Wilayah Persekutuan

18. Notwithstanding anything contained in this Act, the proprietor of any native holding may lease or transfer such holding to the Perbadanan Labuan or Majlis Agama Islam Wilayah Persekutuan.

Native holding may be charged to financial institutions

19. (1) Notwithstanding anything contained in this Act, the proprietor of any native holding may charge such holding to any of the financial institutions as specified in the Second Schedule.

(2) The Land Executive Committee may from time to time, by order published in the *Gazette*, add to, delete from or amend the Second Schedule as it deems fit.

Native holding may be transferred to statutory bodies, cooperative societies and societies

20. (1) Subject to subsection (2), any native holding may be transferred to any statutory bodies, cooperative societies or societies as specified in the Third Schedule.

(2) In the case of any transfer of native holding to cooperative societies or societies, at least two-thirds of its members shall be native.

(3) The Land Executive Committee may from time to time, by order published in the *Gazette*, add to, delete from or amend the Third Schedule as it deems fit.

Amanah Raya Berhad deemed to be a native in certain cases

21. (1) Whenever any transfer of any native holding or of any undivided share therein to the Amanah Raya Berhad as trustee for a native or any transmission of any native holding to the Amanah Raya Berhad as representative of a native is presented for registration to the Registry Office of Labuan, such transfer or transmission may be registered, and in relation to such native holding, the Amanah Raya Berhad shall be deemed to be a native.

(2) In this section, Amanah Raya Berhad means the Amanah Raya Berhad incorporated pursuant to section 3 of the Public Trust Corporation Act 1995 [*Act 532*].

Dealings contrary to Act void

22. (1) All dealings or disposals of any native holding or any undivided share of the native holding in whatever manner and all attempts to deal in or dispose of any native holding contrary to the provisions of this Act, shall be null and void and no consideration paid in pursuance of any such dealing, disposal or attempts shall be recoverable in any court.

(2) No action for a breach of contract shall lie in respect of any dealings in or disposal of or any attempt to deal in or dispose of any native holding contrary to the provisions of this Act.

Doubtful cases shall be decided by the High Court

23. A reference shall be made to the High Court if any doubt arises as to the mode of operation of this Act or the manner in which the provisions of this Act are to be construed or carried into effect in relation to this Act.

Act to prevail against provisions of other laws

24. If in any case any conflict shall arise between the provisions of this Act and the provisions of the Code or the Rules of Court 2012 [*P.U. (A) 205/2012*], the provisions of this Act shall prevail.

PART V

NATIVE RESERVES

Native Reserves

25. (1) The Minister may, if he thinks it necessary to protect the present and future interests and well-being of the natives of the Federal Territory of Labuan, declare any area of federal land, the boundaries of which have been surveyed, to be a Native Reserve for any purpose approved by him.

(2) Every such declaration shall—

- (a) fully describe the land declared to be a Native Reserve and for this purpose a reference to such land by its Survey Lot number shall be taken and deemed to be a full description thereof;
- (b) state the purpose for which the land has been reserved;
- (c) state the terms of and the conditions upon which such reservation has been made; and
- (d) be published in the *Gazette*.

(3) The Minister may, if he thinks fit, appoint one or more trustees to control and manage any Native Reserve declared under this section.

(4) In any case where it is proved to the satisfaction of the State Director that—

- (a) a trustee so appointed refuses, neglects or fails to carry out with efficiency his duties as trustee or has died, the Minister may, upon recommendation by the State Director, discharge a defaulting trustee and appoint a new trustee in lieu of the trustee who was formerly appointed or has died; or

(b) the members of the native community in whose interest and for whose benefit a Native Reserve has been declared wilfully or without reasonable cause do not comply with the conditions to which such reserve is subject, the Minister shall, upon recommendation by the State Director, cause such reserve to be revoked.

(5) The Minister may, if he thinks fit, at any time by order published in the *Gazette*, revoke the declaration of any Native Reserve or part of any Native Reserve under this Act, or otherwise may add to or vary any terms or conditions attached to such Native Reserve.

(6) No document of title shall be registered in respect of any land within a Native Reserve declared under this section.

(7) Any Native Reserve declared under the Land Ordinance before the commencement of this Act shall, on the commencement of this Act, continue to be the Native Reserve.

(8) A person who immediately before the commencement of this Act was appointed as a trustee to whom appointment may be made under this Act shall continue to be such trustee and be deemed for the purpose of this Act to have been so appointed under this Act.

PART VI

MISCELLANEOUS

Power of Minister to make rules

26. The Minister may make such rules as may be expedient or necessary for carrying into effect the purposes of this Act.

Exemption of fees

27. No fees shall be charged in the following cases:

(a) the making or removal of a memorial under subsection 6(2), 7(2), 8(2) or 9(4);

- (b) the service of notice under subsection 6(3) or 9(3); and
- (c) the application to register land as native holding under subsection 8(1) or to revoke land from being a native holding under subsection 9(1).



FIRST SCHEDULE

FORM 1

LABUAN NATIVE TITLE ACT 2007

[Subsection 4(1)]

NATIVE TITLE REGISTER

Holding No.	Name of Proprietor or Proprietors	Title No.	Lot No.	Locality	Remarks



FORM 2

LABUAN NATIVE TITLE ACT 2007

[Subsection 5(2)]

MEMORIAL OF NATIVE HOLDING

Native holding no.: vide *Gazette* Notification No....., dated...../
 Land Executive Committee of the Federal Territory of Labuan meeting dated

Date:.....

.....

Registrar of Titles
Federal Territory of Labuan



FORM 3

LABUAN NATIVE TITLE ACT 2007
[Subsection 5(3)]

REQUIREMENT TO SURRENDER ISSUE DOCUMENT OF TITLE

To
.....
.....
.....
.....

In exercise of the powers conferred by subsection 5(3) of the Labuan Native Title Act 2007, I hereby require you, within a period of 30 days from the date of service of this notice, to deliver to me the issue document of title of (Title No.)(Lot No.)(Locality) for the purpose of entering a memorial therein as native holding.

Date:.....
.....
*Registrar of Titles
Federal Territory of Labuan*

FORM 4

LABUAN NATIVE TITLE ACT 2007
[Subsection 7(1)]

APPLICATION FOR REGISTRATION OF LAND AS NATIVE HOLDING

To:

Registrar of Titles,
Federal Territory of Labuan

*I/We.....
.....the *proprietor/proprietors of
(Title No.)(Lot No.) (Locality), wish to apply that the said land be registered as native holding.

2. *I/We now submit herewith the issue document of title of the said land.

Date:.....
.....
Signature of Applicant

*Delete where not applicable

FORM 5

LABUAN NATIVE TITLE ACT 2007

[Subsection 8(1)]

APPLICATION FOR LAND TO BE REVOKED FROM BEING NATIVE HOLDING

To:

Registrar of Titles,
Federal Territory of Labuan

*I/We..... the
*proprietor/proprietors of..... (Title No.)(Lot No.)
(Locality), wish to apply for the said land be revoked from being a native
holding for the following reason/reasons:

.....
.....
.....
.....

Date:.....
Signature of Applicant

For Office Use

Application *approved/rejected by the Land Executive Committee of the Federal
Territory of Labuan in its meeting on

Date:.....
Registrar of Titles
Federal Territory of Labuan

*Delete where not applicable

FORM 6

LABUAN NATIVE TITLE ACT 2007

[Subsection 8(3)]

NOTICE OF REVOCATION OF NATIVE HOLDING

To:

.....
.....
.....
.....

I hereby notify you that your application dated
to revoke the land..... (Title No.).....

(Lot No.)(Locality) from being a native holding has been
*approved/rejected by the Land Executive Committee of the Federal Territory
of Labuan in its meeting on

2. *In the case where your application has been approved, you are hereby
requested to submit to me, within a period of 30 days from the date of service
of this notice, the issue document of title of the said land for the purpose of
cancellation of memorials therein as native holding, failing which the abovesaid
decision shall lapse.

Date:.....

.....

*Registrar of Titles
Federal Territory of Labuan*

*Delete where not applicable

SECOND SCHEDULE
[Subsection 19(1)]

LIST OF FINANCIAL INSTITUTIONS

Affin Bank Berhad
AFFIN-ACF Finance Berhad
Affin Merchant Bank Berhad
Alliance Bank Malaysia Berhad
Alliance Merchant Bank Berhad
Am Bank Berhad
Am Finance Berhad
Am Merchant Bank Berhad
Bumiputra-Commerce Bank Berhad
Bumiputra-Commerce Finance Berhad
Commerce International Merchant Bankers Berhad
EON Bank Berhad
EON Finance Berhad
Malaysian International Merchant Bankers Berhad
Hong Leong Bank Berhad
Malayan Banking Berhad
Mayban Finance Berhad

Aseambankers Malaysia Berhad
Public Bank Berhad
Public Finance Berhad
Public Merchants Bank Berhad
RHB Bank Berhad
RHB Delta Finance Berhad
RHB Sakura Merchant Bankers Berhad
Southern Bank Berhad
Southern Finance Berhad
Southern Investment Bank Berhad
Utama Merchants Bank Berhad
Kewangan Bersatu Berhad
Bank Industri Berhad
Bank Negara Malaysia
Bank Islam Malaysia Berhad
Bank Muamalat Malaysia Berhad
Malaysia Industrial Development Finance Berhad
Bank Pembangunan Malaysia Berhad
Bank Pertanian Malaysia
Sabah Development Bank Berhad

THIRD SCHEDULE
[Subsection 20(1)]

LIST OF STATUTORY BODIES, COOPERATIVE SOCIETIES AND SOCIETIES

Kumpulan Wang Simpanan Pekerja
Koperasi Pekerja-Pekerja Kerajaan Sabah Berhad
Lembaga Pertubuhan Peladang
Lembaga Tabung Haji
Lembaga Pembangunan Perumahan dan Bandar
Koperasi Pembangunan Desa
Lembaga Kemajuan Ikan Malaysia

LAWS OF MALAYSIA

Act 667

LABUAN NATIVE TITLE ACT 2007

LIST OF AMENDMENTS

Amending law

Short title

In force from

– NIL –

LAWS OF MALAYSIA**Act 667****LABUAN NATIVE TITLE ACT 2007**

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
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– NIL –

