

GOVERNMENT OF TRENGGANU

SETTLEMENT

ENACTMENT No. 65 OF 1356

I Assent

SULAIMAN BIN ZAINAL ABIDIN,

Sultan of Trengganu.



2nd March, 1938.

(1-1-1357).

To provide for the settlement and recording of interests in land, existing prior to the 1st day of Muharram 1345, and the registration of transactions affecting the same pending the registration of documents of title under the Land Enactment.

It is hereby enacted by the Sultan in Council as follows:—

1. (i) This Enactment may be cited as the Settlement Enactment, and shall come into force on the 1st day of Muharram, 1357, corresponding to the 2nd day of March, 1938. Short title

(ii) Upon the coming into force of this Enactment the Settlement Enactment No. 4 of 1351, shall be repealed, provided that such repeal shall not affect the past operation of or anything duly done or suffered under that Enactment and provided that all orders, notices and forms made or issued thereunder shall, so far as they are not inconsistent with the provisions of this Enactment, be deemed to have been made or issued under this Enactment.

(iii) In any matter affecting land the interests in which are being determined under this Enactment the provisions of the sections of the Land Enactment, as specified in schedule I and of the rules under that Enactment shall apply so far as the circumstances of the case will admit and so far as the said provisions are not inconsistent with the provisions of this Enactment. The said schedule may be amended at any time by notification in the Gazette.

Interpretation

2. In this Enactment—

“Collector” means the Collector of Land Revenue and includes an Assistant Collector of Land Revenue.

“Commissioner” means the Commissioner of Lands and Mines.

“Record of receipt of claim” means a document in the form of Schedule II recording the name of the claimant to the land described in such document which may be prepared and issued before enquiry into such claim.

“Settlement” means the investigation, determination and recording of all rights and interests in land, existing prior to the 1st day of Muharram, 1345, the definition of boundaries, and the emplacement of boundary marks.

“Settlement Officer” includes any Land Officer, Survey Officer, Penghulu, Assistant Penghulu or Village Headman or other person engaged on settlement work under the direction of the Commissioner. All such persons shall be deemed to be public servants within the meaning of the Penal Code.

Powers and duties of settlement officers

3. Any Settlement Officer may—

- (a) prosecute enquiries, collect and record in writing all available information regarding claims to title to or interests in any piece of land; and
- (b) enter upon and demarcate the boundaries of any holding and emplace such marks as may be required to define the boundaries.

Duties and obligations of claimants to land

4. (i) All occupiers of and claimants to title to or interests in land shall obey all lawful orders and summonses issued under this Enactment.

(ii) They shall to the best of their ability give all information required by any Settlement Officer concerning claims to title to and interest in and the position of the boundaries of holdings, and shall produce for inspection any documents in their possession relating to those interests.

(iii) All claimants in possession of land shall maintain in the position emplaced all marks defining boundaries, and shall be liable for the cost of re-emplacement if any are lost, displaced or damaged.

5. All claims to interests in land existing prior to the 1st day of Muharram, 1345 which have not hitherto been recorded under any previous Settlement Enactment shall be made before the 1st day of Muharram 1358 on and after which date all lands not so claimed shall be taken and deemed to be State land.

Limitation of time for recording claims to land.

6. (i) Settlement shall proceed under the direction of the Commissioner, who may issue instructions as to the prosecution of the enquiries into and the recording of claims, and the demarcation of boundaries. A record of receipt of a claim which shall be in the form of Schedule II may be issued prior to investigation of the claim.

Settlement.

(ii) The Settlement Officer shall investigate each claim and shall prepare a record of settlement in the form of Schedule III which shall be signed by him, and may be signed by the claimant to the land if the latter agrees with the correctness of the information contained therein.

(iii) When the Collector is satisfied—

- (a) as to the investigation of the claim by the Settlement Officer as set down in the record of settlement prepared by him;
- (b) that all known disputes have been decided in accordance with the provisions of Section 10 and the decisions registered in accordance with the provisions of Section 14 (ii);
- (c) that the claimant is aware of the contents of the record of settlement;
- (d) as to the demarcation of the boundaries of the land; and
- (e) that the claimant is satisfied with the demarcation of the boundaries of the land, or that his objections thereto have been disposed of under Section 10, he shall sign the record of settlement.

7. When the Commissioner is satisfied that the Records of Settlement (excepting such as are the subject of disputes not yet finally decided under Section 10) in respect of any defined area have been completed in accordance with the provisions of Section 6 he shall be empowered to issue a proclamation stating that within six months from the date thereof the ownership of land within such area and all subsidiary interests therein shall be deemed to be indefeasible.

Procedure on completion of settlement in any area.

8. When the procedure under Section 7 and the final survey shall have been completed titles in accor-

Issue of titles

dance with the provisions of the Land Enactment may be granted and issued forthwith.

Town or Village
lands.

9. (i) In the settlement of town or village lands no claim shall be accepted in respect of land which has not been effectively occupied, either by cultivation or by building thereon, for a period of not less than fifteen years, unless such claim is based upon a valid document of title which has been issued for such land.

(ii) Town lands shall be classified as building lots or town lands other than building lots in accordance with the definitions of these lands in the Land Enactment.

Claims and disputes

10. (i) All claims and disputes concerning land or interests in land other than land held by title under the Land Enactment, including cultivation and permanent buildings may, if the land is country land not exceeding ten acres in area, be heard and decided by any Collector. If the land is town land or country land over ten acres in area the disputes may be heard and decided by any Collector who shall have been given general powers to that effect by the Sultan in Council, otherwise they shall be heard and decided by the Land Court.

(ii) The Land Court shall consist of the Commissioner, for the whole State, and one of the under-mentioned Malay Officers:—

The Judge of the Supreme Court,
Trengganu,

The State Commissioner,
East,

The State Commissioner,
West,

within the area for which he has received a commission as Judge from the Sultan in Council.

(iii) The Collector or Land Court shall cause a notice in the form of Schedule IV to be served on all persons known to claim an interest in the land and copies of the said notice shall be posted on the land and at the Land Office of the district in which the land is situated not less than fifteen days before the date fixed for the hearing of the dispute.

(iv) After the said period of fifteen days the Collector or Land Court shall hold an enquiry into the claim and shall record the evidence in writing. A decision shall be given substantially in the form of Schedule V which shall be registered as provided in Section 14 of this Enactment.

(v) Any party dissatisfied with a decision of the Collector under this section may appeal to the Land Court whose decision shall be final within a period of one month from the date of the decision on payment of an appeal fee of \$10. Any party dissatisfied with a decision of the Land Court in exercise of its original jurisdiction may appeal to the Appeal Court within a period of one month on payment of a fee of \$30.

(vi) Fees for copies of the decision and registration of the same and the expenses of witnesses shall be costs in the dispute and the Collector and Land Court shall have power to assess the costs and to decide by whom they shall be paid. Payment of costs shall be enforceable in the Civil Court of the district in which the land is situated.

(vii) All Courts, other than the Land Court, and the Appeal Court, by way of appeal from the Land Court in exercise of its original jurisdiction are prohibited from hearing and deciding any dispute concerning land or interests in land, the title to which or the interests in which are being determined under this Enactment.

(viii) Parties in cases tried by the Collector or by the Land Court shall appear in person unless special permission to appear by any other person is previously obtained in writing from the Commissioner or the Land Court as the case may be.

11. (i) When, in the course of proceedings under this Enactment any part of the cultivation on any land is proved to be the property of a person other than the claimant in possession of such land, the Collector shall have the power to approve acquisition of such cultivation by the claimant in possession of the said land by purchase, the purchase price to be decided by agreement between the parties or, in default of agreement, to be the valuation of such cultivation by the Collector.

Claims to cultivation

(ii) The purchase price shall be paid to the owner of such cultivation or in default of acceptance by the owner, shall be deposited in the Land Office and thereupon all rights of the owner in such cultivation shall straight-way be deemed to have ceased.

(iii) Any order of, or valuation by the Collector under the provisions of this section shall be subject to the right of appeal by either party under Section 138 of the Land Enactment.

(iv) Provided always that no claim to cultivation shall be entertained or considered by the Collector from any person other than the claimant in possession of the land if it be found that when the cultivation

was planted the land was held under valid title. In such case the claim shall be made to the Land Court.

Payment of rent

12. (i) All claimants to title to land shall be liable for the payment of rent at the rates prescribed by rule under the Land Enactment, and from the following dates:—

(a) in respect of country lands, the 1st day of January, 1927,

(b) in respect of town lands, the 1st day of January of the year in which the title for such land was registered, if registered prior to the 1st day of August, and the 1st day of January of the following year if registered on or after the 1st day of August.

(ii) Payment of rent shall not affect the validity of the claim.

(iii) If the interest of a claimant to land on which rent has been paid is invalidated, such claimant shall not be entitled to a refund of the rent so paid.

(iv) The procedure for the recovery of arrears of rent on land claimed under this Enactment shall be that prescribed under the Land Enactment, provided that no action shall be taken for the recovery of arrears of rent on land which forms the subject matter of a dispute until the dispute has been heard and decided under Section 10 and the period of appeal has expired.

(v) A chargee may bid at the sale and if his bid be successful any sum in excess of the arrears and costs due but not in excess of the sum due under the charge shall be refunded to him on his being registered as the claimant to the land. The effect of his being registered as claimant will be to operate as a discharge of the charge.

Uncultivated land may not be claimed

13. No claim to any country land or portion of country land which has not been effectively cultivated for three years prior to the claim being made shall be received under this Enactment unless such land is held under valid title issued prior to the 1st day of Muharram, 1345.

Registration of transactions

14. (i) All transactions affecting such lands as are referred in the preamble to this Enactment shall prior to the issue of title be subject to the provisions of the Land Enactment, and the forms used shall be substantially the same as those provided under that Enactment, but the effect of registration of a transfer or of a sale by order of Court or Collector shall be indefeasible only as against any previous registered claimant and as against any claimants whose claims

have been considered and rejected, and the interest of a chargee, lessee or conditional transferee on registration of the charge, lease or conditional transfer shall be valid only as against the chargor, lessor or conditional transferor.

(ii) All decisions of the Collector, Land Court, and Appeal Court, under Section 10 shall be registered in the same manner and with the same effect, in that they shall on registration be binding and final only as between the parties to the dispute and as against previous claimants whose claims have been rejected, and shall not prevent subsequent enquiry into an admission of other claims to the same land.

15. (i) The Collector or Commissioner is empowered to cancel any document relating to a title to or interest in land when such title or interest has been ruled to be invalid by a decision of the Collector, Land Court or the Court of Appeal, provided that no document shall be cancelled until the right to appeal has lapsed.

Cancellation of documents relating to title or interests rendered invalid.

(ii) The Collector is empowered to order the delivery of any such document required for cancellation.

16. The Sultan in Council may at any time make rules concerning procedure, payment of rent, fees, or any other matters that may be required for the purposes of carrying out the provisions of this Enactment.

Rules

17. Upon the coming into force of this Enactment the following provision of law contained hereunder shall be repealed:—

Repeal

Enactment No. 7 of 1341.



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GOVERNMENT OF TRENGGANU.

SETTLEMENT ENACTMENT.

SCHEDULE I.

Sections of the Land Enactment, 1357 the provisions of which, so far as the circumstances of the case will admit and in so far as the said provisions are not inconsistent with the provisions of this Enactment, are applicable in matters affecting land the title to which or interest in which are being determined under this Enactment.

Section No.	Subject.
6	Administrative areas.
7	Classification of land.
22	Reservation of land.
23	Property in and control of waters.
26 (i)	Rent.
26 (ii)	Rights reserved.
34	Cultivation conditions in rice-lands.
35	Breach or default.
45	Dividing or combining lots.
46	Distribution of small estates.
47	Surrender.
48	Rights of way.
58	Loss of document of title.
61	Order to take out title under the Enactment.
62-93	Registration of Transactions.
103-104	Service of Notices.
105-113	Survey and Settlement.
133 (i) (b) (c) (d)	Powers of Registrar.
138-139	Appeals and Appearances.
143-144	Fraudulent alterations.
150	General Penalty.
152	Closing of foot path.

GANU.

GOVERNMENT OF TRENGGANU.

SETTLEMENT ENACTMENT.

SCHEDULE II.

No.

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g land the title
ined under this

Record of Receipt of Claim.

Mukim

Kampong

Name of claimant

Nature of cultivation

Width

Length

Remarks

Date

aters.

lands.

The following items should be filled in by the Land Office.

Area

Quit-rent \$

the Enactment.

.....
Signature of the officer who has
made the calculation.

GOVERNMENT OF TRENGGANU.

SETTLEMENT ENACTMENT.

SCHEDULE III.

Record of Settlement No. Number of Record of Receipt of Claim.
 Settlement Area Mukim
Town
 Receipt of Claim.

Group No.	Parcel No.	Name of the landowner
Old Lot No.		
Kampong		Address
Area	acres	If he is the Executor or Administrator of an estate the number of the Probate or Letters of Administration.
Nature of cultivation		
Nature of boundaries and method of marking them		Name of occupiers
E		Whose is the house?
W		Whose are the trees?
Boundaries	S	Charge, Mortgage, or Lease.
	N	
Names of people questioned		Document of title
Counterclaims		If there is no document of title state the nature of the claim.
Number in the register of land cases		
Number of the entry in the Mukim Register		Rent \$
or Grant or Lease		Survey fees \$
Signature or thumb print of land owner.		Signature of S.O.

Date.....

.....
 Collector of Land Revenue.

GOVERNMENT OF TRENGGANU.

SETTLEMENT ENACTMENT.

SCHEDULE IV.

Notice of hearing of dispute under Section 10.

Name of claimant

Name of Objector

Description of land

Title

Notice is given that the above dispute will be heard
at _____ at _____ on _____

All persons who claim an interest in the land are required to be present at the hearing, to secure the attendance of such witnesses as they wish to call and to bring with them such documents, in their possessions, as support their claims.

Should any party to the dispute be unable to attend at the hearing on the day fixed he should inform the Collector R. of L. Court as early as possible. If he fails to do so and the Collector Court be compelled to postpone the hearing on account of his absence he will be liable for the expenses of witnesses attending on the day fixed.

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Collector of Land Revenue
Reg. of the Land Court.

The Land Office

Dated the _____ day of _____ 19 .

EGGANU.

Number of Record of Receipt of Claim.

Name of landowner

Name of Executor or Administrator of an estate the of the Probate or of Administration.

Name of occupiers

Address of the house?

Are there trees? .

Is there a mortgage, or Lease.

Particulars of title

Is there any document of title of the nature of the

Number of pages \$

Name of S.O.

Signature of Collector of Land Revenue.

GOVERNMENT OF TRENGGANU.

SETTLEMENT ENACTMENT.

SCHEDULE V.

Decision of Collector under Section 10.

Name of claimant _____ Name of objector _____
 Description of land _____
 Title _____
 Nature of claim _____
 Order (i) as regards title _____
 (ii) as regards interests _____

.....
Collector of Land Revenue.

Dated this _____ day of _____ 19 .

Memorial made on (a) _____
this _____ day of _____ 19 .

Presentation
No. _____ 19 .

.....
Commissioner of Lands & Mines,
Collector of Land Revenue.

.....
Trengganu.

(a) Enter number of Record of Receipt of Claim or Record of Settlement as the case may be.