

LAND ACQUISITION ACT 1960 – APPLICATION & APPEAL

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PURPOSE

3(1) The State Authority may acquire any land which is needed –

(a) For any public purpose;

(b) By any person or corporation for any purpose which in the opinion of the State Authority is beneficial to the economic development of Malaysia or any part thereof or to the public generally or any class of the public; or

(c) For the purpose of mining or for residential, agricultural, commercial, industrial or recreational purpose or any combination of such purposes.

THE PURPOSES

Public purpose vs Public utility –

Public purpose refers to any purpose undertaken by the government (public office) be it Federal or State or any statutory body under those governments allowed to hold land under its law

Public utility includes any road, rail transportation, water and electricity supply, gas pipeline, telecommunications, street lighting, sewerage system, drainage system, public works, and any other similar public service or similar – Interpretation under section 2 LAA 1960

FIRST STAGE - APPLICATION

Application shall be submitted in the Form 1 as provided in the Rules
[Section 3(2)]

and shall be accompanied with:

- Project Proposal
- Layout and land acquisition plan
- Preliminary valuation report
- Fee and deposit (additional deposit in Form 2)

[Section 3(3)(a) – (d)]



Land Administrator shall transmit the application and its accompanying documents to :

★ In the case of State to the State Economic Planning Unit (SEPU); and

● In the case of FTKL to the Committee for the Federal Territory of Kuala Lumpur

[Section 3(4)]



Application which does not comply with the requirement may be rejected by the Land Administrator

[Section 3(5)]

The State Authority shall not consider an application where –

- ★ Development approval has been granted to the registered proprietor; and
- the acquisition is not for the purpose of public utility


[Section 3(6)]

SECOND STAGE – CONSIDERATION

Matters to be considered by SEPU or Committee for FTKL:

- ★ Public interest
- ★ Capacity- capability of the applicant:
- ★ Feasibility of the project;
- ★ Development approval granted to the proprietor


[Section 3A (1)]



SEPU or Committee for FTKL shall determine whether it is appropriate for the registered proprietor to participate in cases where:

- ★ Development approval has been granted to the proprietor;
and
- ★ The application is for the purpose of public utility

[Section 3A (2)]



Applicant to negotiate with proprietor –
Directive from SEPU or Committee for FTKL in Form 3
if appropriate :

- ★ Within a specified period
- ★ On such terms and conditions;
- ★ The Form of cooperation and commercial arrangement

[Section 3A(3)]

REPORT BY APPLICANT TO SEPU OR COMMITTEE FOR FTKL –


★ Detail result of the negotiation

★ The nature and extent of participant by proprietor in the project

[Section 3A (4)]

★ Application for the acquisition shall not be proceeded with any further if the negotiations are successful

[Section 3A (5)]



If the negotiations are unsuccessful -

- ★ SEPU or Committee for FTKL may proceed to consider the application and make recommendation

- ★ HOWEVER the recommendation shall not extend to compelling the proprietor to accept participation in the project

[Section 3A (6)]

SEPU shall transmit it to the Committee in Form 4 with :

- ★ Accompanying documents
- ★ A report of the negotiation
- ★ It's recommendation

Committee for FTKL shall transmit it to the State Authority with recommendation that may include the imposition of any condition and restriction interest

[Section 3A (7)]

Application of section 3A where there is no land development approval –

★ Section 3A (1)(a), (b), (c) and (7) shall apply

★ Where SEPU or Committee for FTKL finds appropriate for the registered proprietor to participate -

It may direct the applicant to negotiate with the registered proprietor and the provisions of subsections 3A(3),(4),(6) and (7) shall apply with the necessary modifications

[Section 3B]

LAND ACQUISITION SPECIAL COMMITTEE

In the case of a State -

- The State Secretary as Chairman
- The State Director of Lands and Mines as Secretary
- The Director of SEPU or his representative
- The State Director of TPC or his representative
- Representatives of other related government departments or agencies as may be determined by the Chairman

In the case of FTKL -

- The Director General of EPU or his representative as Chairman
- A representative of EPU as Secretary
- A representative from the Ministry or Agency responsible for the Federal Territory
- The Director General of Lands and Mines or his representative
- The Commissioner of the City of Kuala Lumpur or his representative; and
- Representatives of other related government departments or agencies as may be determined by the Chairman

[Section 3C (2)]

THIRD STAGE – EVALUATION BY THE COMMITTEE

FUNCTIONS OF THE COMMITTEE –

- ★ To receive application referred to under section 3A (7) or 3B
- ★ Evaluate the appropriateness of the application
- ★ Transmit it to the State Authority within two (2) months together with recommendation which may include to impose any condition and restriction in interest

[Section 3D (1) & (2)]




Where the Committee fails to comply with provision in section 3D(1), the State Authority may direct the SEPU to directly transmit the application to it together with:

- ★ Document referred to in section 3(3);
- ★ Negotiation report referred to in section 3A(4); and
- ★ Recommendation (If any)

[Section 3D(3)]

FOURTH STAGE – THE DECISION

- ★ State Authority may approve or reject the application
[Section 3E(1)]
- ★ It shall not approve the application for the acquisition
of land larger in area than needed for that purpose
[Section 3E(2)]




Where the State Authority has approved the application, the Land Administrator shall notify the applicant in Form 5 of the approval together with terms and conditions within 14 days of the receipt of approval

[Section 3E(3)]

The applicant shall reply to the Land Administrator within 30 days to confirm his acceptance of the terms and conditions of the approval imposed by the State Authority

[Section 3E(4)]



Where the State Authority has rejected the application, the Land Administrator shall inform the applicant in Form 6 within 14 days from the receipt of rejection and refund the full amount of deposit paid without payment of interest within three (3) months

[Section 3E(5)]

Any applicant may withdraw from the application of acquisition –
★ Before the publication of the declaration under section 8 by giving a notice in writing to the Land Administrator
[Section 3F(1)]

Land Administrator shall forfeit the amount of deposit in Form 7 as prescribed in the Rules where –


- ★ Applicant withdraws under subsection (1);or
- ★ Applicant is deemed to have withdrawn under section 3E(4)
[Section 3F(2)]

Withdrawal of application

- ★ The application of any land acquisition is deemed to have been withdrawn, if:
 - the applicant fails to furnish a full report of negotiation to the State Economic Planning Unit or the Committee for the Federal Territory of Kuala Lumpur within the stipulated time in Form 3 of the First Schedule; or
 - the applicant fails to confirm his acceptance of the terms and conditions of approval within the stipulated time under paragraph 8(2)(c) of the Rules.

Where the withdrawal of application is made before the publication of notification under subsection 8 of the Act or the application is deemed to have been withdrawn—

- ★ the Land Administrator shall impose fee for withdrawal of application for land acquisition as prescribed in the Second Schedule;
- ★ the Land Administrator shall notify the applicant relating to the forfeiture of deposit by notice in Form 7 of the First Schedule; and
- ★ the Land Administrator shall forfeit the deposit of fifty per centum or RM10,000.00, whichever is higher, based on the stage at which the application is withdrawn.



Notwithstanding paragraph (3)(c), the State Authority, in his discretion, may remit the forfeiture amount to not less than ten per centum of the total deposit or RM10,000.00, whichever is higher.

Where the applicant withdraws the application after the publication of notification under section 4 of the Act or the application is deemed to have been withdrawn, the compensation for damage to any land caused by any person authorized under subsection 5(1) of the Act shall be paid in accordance with section 6 of the Act.

The compensation shall be paid from the forfeiture of deposit made under paragraph (3)(c) of the Rules and the State Authority may direct the applicant in writing to make an additional payment if the compensation amount is greater than the forfeiture amount of deposit.

APPLICATION FEE

SECOND SCHEDULE

FEE

(Subrule 2(2), Paragraph 9(3)(a) and Subrule 10(2))

No.	Particulars	Additional Fee for Each Person	Fee
1.	Every application for land acquisition other than for the purpose of public utility of not more than 10 persons interested as in the scheduled land.		RM10,000.00
	(a) On the next additional person up to 15.	RM1,000.00	
	(b) On the next additional person up to 20.	RM2,000.00	
	(c) On the next additional person.	RM3,000.00	
2.	Every application for land acquisition for the purpose of public utility of not more than 10 persons interested as in the scheduled land.		RM1,000.00
	For subsequent additional person.	RM100.00	
3.	Withdrawal of application for land acquisition.	Not relevant	RM1,000.00
4.	Application for temporary occupation or use of land.	Not relevant	RM1,000.00



THANK YOU

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