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SUPPLEMENT
TO THE
FEDERATED MALAY STATES
GOVERNMENT GAZETTE

OF FRIDAY, THE 15TH OF DECEMBER, 1922.
(No. 28, Vol. XIV.)

PUBLISHED BY AUTHORITY.

WEDNESDAY, 20TH DECEMBER, 1922.

The following Notifications are, by direction of the Chief Secretary to Government, published for general information.

C. W. H. COCHRANE,
Acting Under Secretary, F.M.S.

No. 7866.—The following Enactment, passed at a meeting of the Federal Council held on the 21st November, 1922, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. 20 OF 1922.

An Enactment to amend the law as to the acquisition of land and the assessment of the compensation to be made on account of such acquisition.

L. N. GUILLEMARD,
President of the Federal Council.

[11th December, 1922.]

IT is hereby enacted by the Rulers of the Federated Malay States in Council as follows:

PART I.

PRELIMINARY.

1. (i) This Enactment may be cited as "The Land Acquisition Enactment, 1922," and shall come into operation upon such date as the Chief Secretary to Government may by notification in the *Gazette* appoint. Short title and commencement.

(ii) Upon the coming into force of this Enactment the Enactments mentioned in the schedule shall be repealed to the extent specified in the last column thereof.

2. In this Enactment unless there is something repugnant in the subject or context: Interpretation.

"Collector" means any Collector or Assistant Collector duly appointed under "The Land Enactment, 1911."

"The Court" means the Court of a Judicial Commissioner.

"Land" means land held under a registered title and includes things attached to the earth or permanently fastened to things attached to the earth and also every interest of every kind, whether created by a charge, lease, sub-lease or otherwise, in land.

"Person interested" includes every person claiming an interest in compensation to be made on account of the acquisition of land under this Enactment, but does not include a tenant by the month or at will.

"Resident" means the Resident of a State.

The following persons shall be deemed persons "entitled to act" as and to the extent hereinafter provided—

(a) trustees for other persons beneficially interested shall be deemed the persons entitled to act with reference to any such case, and that to the same extent as the persons beneficially interested could have acted if free from disability;

(b) the guardians of minors and the committees of lunatics shall be deemed respectively the persons so entitled to act to the same extent as the minors or lunatics themselves could have acted if free from disability;

Provided that—

- (i) no person shall be deemed "entitled to act" whose interest in the subject-matter shall be shown to the satisfaction of the Collector or Court to be adverse to the interest of the person interested for whom he would otherwise be entitled to act;
- (ii) in every such case the person interested may appear by a next friend, or, in default of his appearance by a next friend, the Collector or Court, as the case may be, shall appoint a guardian for the case to act on his behalf in the conduct thereof;
- (iii) the provisions of the Civil Procedure Code relating thereto shall, *mutatis mutandis*, apply in the case of persons interested appearing before a Collector or Court by a next friend, or by a guardian for the case, in proceedings under this Enactment; and
- (iv) no person "entitled to act" shall be competent to receive the compensation-money payable to the person for whom he is entitled to act, unless he would have been competent to transfer the land and receive and give a good discharge for the purchase-money on a voluntary sale.

PART II.

ACQUISITION.

Acquisition of
land.

3. (i) The Resident may acquire any land whenever it is needed for a public purpose.

(ii) The Resident with the approval of the Ruler of the State in Council may acquire any land:

- (a) for a residential area,
- (b) for a factory area,
- (c) for vegetable gardens,
- (d) for any person undertaking a work of public utility.

(iii) The Resident with the approval of the Ruler of the State in Council may acquire any town or country land for the purpose of leasing the same as mining land.

(iv) Provided that before acquisition under the two last preceding sub-sections may be proceeded with, a Committee of not less than three members shall be appointed by the Resident to investigate and report on the proposed acquisition.

(v) The said Committee shall proceed to serve notices on the owners of the land affected, to attend at a place and time to be stated in the notice and shall record their evidence and in particular that of any of those objecting to the said acquisition.

(vi) The Committee shall forward their report to the Resident who with the approval of the Ruler of the State in Council may authorise the acquisition.

(vii) The cost of any acquisition under sub-section (ii) (a), (b) or (c) or sub-section (iii) may be paid by the State or from some Municipal fund.

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(viii) The cost of any acquisition under sub-section (ii) (d) shall be paid by the person undertaking the work.

(ix) No land shall be acquired for the purpose specified in sub-section (ii) (d) unless the Resident be satisfied by the report of the Committee hereinbefore mentioned:

- (a) that such land is needed for the construction of some work,
- (b) that such work is likely to prove useful to the public.

(x) The provisions of sections 6 to 46 (both inclusive) shall not be put in force in order to acquire land for the purpose specified in sub-section (ii) (d) unless the person undertaking the work shall have executed an agreement providing to the satisfaction of the Resident for the following matters:

- (a) the payment to Government of the cost of acquisition,
- (b) the alienation on such payment of the land to such person,
- (c) the terms on which the land shall be held by such person,
- (d) the time within which and the conditions on which the work shall be executed and maintained,
- (e) the terms on which the public shall be entitled to use the work.

(xi) Every such agreement shall, as soon as may be after its execution, be published in the *Gazette*, and shall thereupon, so far as regards the terms on which the public shall be entitled to use the work, have the same effect as if it had formed part of this Enactment.

PRELIMINARY INVESTIGATION.

4. (i) Whenever it appears to the Resident that land in any locality is likely to be needed for any of the purposes specified in section 3 a notification to that effect shall be published in the *Gazette* and the Collector shall cause public notice of the substance of such notification to be given at convenient places in such locality, and thereupon any officer or other person either generally or specially authorised by the Resident in this behalf and his servants and workmen may

Power to enter and survey.

- (a) enter upon and survey and take levels of any land in such locality;
- (b) dig or bore into the sub-soil;
- (c) do all other acts necessary to ascertain whether the land is adapted for such purpose;
- (d) set out the boundaries of the land proposed to be taken and the intended line of the work, if any, proposed to be made thereon;
- (e) mark such levels, boundaries and line by placing marks and cutting trenches; and
- (f) cut down and clear away any standing crop, fence or jungle, where otherwise the survey cannot be completed, the levels taken or the boundaries or line of the work marked.

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Previous notice
of entry.

(ii) No person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house unless with the consent of the occupier thereof, without previously giving such occupier at least seven days' notice in writing of his intention to do so.

Payment for
damage.

5. So soon as conveniently may be after any entry made under section 4 the officer or other person so authorised as aforesaid shall pay for all damage done and, in case of dispute as to the amount to be paid for such damage, he shall at once refer the dispute to the decision of the Collector whose decision shall be final subject to an appeal to the Resident.

DECLARATION OF INTENDED ACQUISITION.

Declaration
that land is
required for a
public purpose.

6. (i) Subject to the provisions of section 3, whenever it appears to the Resident that any particular land is needed for any of the purposes specified therein, he shall make a declaration to that effect under his signature.

Contents of
declaration.

(ii) The declaration shall be published in the *Gazette* and shall state the district or other territorial division in which the land is situate, the particular purpose for which it is needed, its approximate area and all other particulars necessary for identifying it, and if a plan has been made of the land the place and time where and when such plan may be inspected.

Declaration to
be evidence.

(iii) The said declaration shall be conclusive evidence that the land is needed for the purpose specified in such declaration.

(iv) Upon the publication of such declaration in the *Gazette* the Collector or Registrar of Titles as the case may be shall make a memorial thereof upon the registered title for the land affected.

After declara-
tion
Collector to
proceed to
acquire.

7. Whenever any land has been so declared to be needed for a purpose specified in section 3, the Resident shall direct the Collector to take proceedings for the acquisition of the land.

Land to be
marked out and
measured.

8. The Collector shall thereupon cause the land, unless it has been already marked out under section 4, to be marked out and measured and a plan to be made thereof, if no plan exists.

Notice to
persons
interested.

9. (i) The Collector shall then cause notices to be posted at convenient places on or near the land to be taken stating that the Government intends to take possession thereof and that claims to compensation for all interests therein may be made to him.

Contents of
notice.

(ii) Every such notice shall state the particulars of the land and shall require all persons interested therein to appear personally or by agent before the Collector at a time and place in such notice mentioned, such time not being earlier than twenty-one days after the date of publication of the notice, and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests and their objections, if any, to the measurements made under section 8. The Collector may in any case require such statement to be made in writing and signed by the party or his agent.

Valuation by
owner.

(iii) The Collector may also require the registered owner of the land to furnish a statement in writing of his valuation of the land and of the improvements thereon (such values to be calculated separately) showing the basis upon which such valuation is made.

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(iv) The Collector shall also serve notice to the same effect on the occupier, if any, of such land and all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside, or have agents authorised to receive service on their behalf, within the State in which the land is situate, provided that if any such person resides elsewhere and has no such agent the notice may be sent to him by registered post if his address can be ascertained after reasonable enquiry. Provided further that no proceedings under this Enactment shall be invalid on account of the omission or failure to serve any such notice as is in this section referred to.

Notice to
occupiers.

10. (i) The Collector may also require any such person to deliver to him within a time to be specified, being not less than fifteen days, a statement in writing containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-owner, chargee, lessee, sub-lessee, tenant or otherwise, and of the nature of such interest, and of the rents and profits, if any, received or receivable on account thereof for three years next preceding the date of the statement.

Power to
require
statements as
to names and
interests.

(ii) Every person required to make or deliver a statement under this section or section 9 shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Penal Code.

Persons
required to
make
statements to
be deemed
legally bound
to do so.

ENQUIRY INTO MEASUREMENTS, VALUE AND CLAIMS, AND AWARD
BY THE COLLECTOR.

11. (i) On the day so fixed, or on any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire into the objections, if any, which any person interested has stated pursuant to a notice given under section 9 to the measurements made under section 8 and into the value of the land and into the respective interests of the persons claiming the compensation and shall make an award under his hand of

Enquiry and
award by
Collector.

- (a) the true area of the land;
- (b) the compensation which in his opinion should be allowed for the said land;
- (c) the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom or of whose claims he has information, whether or not they have respectively appeared before him;
- (d) the amount of the costs incurred in the proceedings and by what persons and in what proportion they are to be paid.

(ii) When the amount of compensation has been settled under the preceding sub-section if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Collector may refer such dispute to the decision of the Court.

12. (i) Such award shall be filed in the Collector's office and shall, except as hereinafter provided, be final and conclusive evidence as between the Collector and the persons interested, whether they have respectively appeared before the Collector or not, of the true area and value of the land and the apportionment of the compensation among the persons interested.

Award of
Collector when
to be final.

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(ii) The Collector shall serve a copy of his award on all persons interested provided that their addresses can be ascertained after reasonable enquiry when the award is made.

Adjournment
of enquiry.

13. The Collector may for any cause he thinks fit from time to time adjourn the enquiry to a day to be fixed by him.

Power to
summon and
enforce
attendance of
witnesses and
production of
documents.

14. For the purpose of enquiries under this Enactment the Collector shall have power to summon and enforce the attendance of witnesses, including the parties interested or any of them, and to compel the production of documents by the same means, and, so far as may be, in the same manner as is provided in the case of a Court under the Civil Procedure Code.

Matters to be
considered and
matters to be
neglected.

15. In determining the amount of compensation the Collector shall take into consideration the matters mentioned in section 27 and shall not take into consideration any of the matters mentioned in section 28.

TAKING POSSESSION.

Power to take
possession.

16. When the Collector has made an award under section 11 he may take possession of the land.

Power to take
possession in
cases of
urgency.

17. In cases of urgency whenever the Resident so directs, the Collector, though no such award has been made, may on the expiration of fifteen days from the publication of the notice mentioned in section 9 (i) take possession of any unoccupied land needed for any of the purposes specified in section 3.

Notice of taking
possession of
land to be given
to Registrar of
Titles.

18. (i) Immediately on taking possession of any land under sections 16 or 17 the Collector shall give notice thereof to the Registrar of Titles for the State, who shall make an entry in the Register of Titles that such land has vested in the Ruler of the State.

Entry in the
books of the
Land Office.

(ii) In the case of land held by entry in the mukim register the Collector shall instead of giving such notice to the Registrar of Titles himself make a like entry in the books of the Land Office.

Vesting.

(iii) Upon such entry being made as in this section is mentioned the land shall vest in the Ruler of the State free of encumbrances.

Collector's
award final in
certain cases.

19. If the total of the amount claimed for compensation under the provisions of section 9 (ii) does not exceed five hundred dollars the award of the Collector shall be final with regard to the true area of the land and the amount of compensation to be awarded.

PART III.

REFERENCE TO COURT AND PROCEDURE THEREON.

Reference to
Court.

20. (i) If the total of the amount claimed for compensation under the provisions of section 9 (ii) exceeds five hundred dollars, any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested.

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(ii) The application shall state the grounds on which objection to the award is taken.

(iii) Every such application shall be made—

- (a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;
- (b) in other cases, within six weeks of the receipt of the notice from the Collector under section 11 (ii) or within six months from the date of the Collector's award, whichever period shall first expire.

21. (i) In making the reference the Collector shall state for the information of the Court in writing under his hand Collector's statement to the Court.

- (a) the situation and extent of the land with particulars of any trees, buildings or standing crops thereon;
- (b) the names of the persons whom he has reason to think interested in such land and the addresses of such persons;
- (c) the amount awarded for damages and paid or tendered under section 5 and the amount of compensation awarded under section 11;
- (d) if the objection be to the amount of the compensation, the grounds on which the amount of compensation was determined.

(ii) To the said statement shall be attached a Schedule giving the particulars of the notices served upon, and of the statements in writing made or delivered by, the parties interested respectively.

22. The Court shall thereupon cause a notice specifying the day on which the Court will proceed to determine the objection, and directing their appearance before the Court on that day, to be served on the following persons: Service of notice.

- (a) the applicant;
- (b) all persons interested in the objection, except such, if any, of them as have consented without protest to receive payment of the compensation awarded; and
- (c) if the objection is in regard to the area of the land or to the amount of the compensation, the Collector.

23. If the objection is in regard to the amount of compensation and the award of the Collector is not less than \$5,000 the Court shall also appoint two assessors for the purpose of aiding it in determining the objection. Such assessors may also be appointed in any other case in which the Court shall consider it desirable to make such appointment. Every person so appointed shall be legally bound to attend and serve as an assessor unless excused for some reason to be approved by the Court. Appointment of assessors.

24. If an assessor dies or becomes incapable of acting or is excused by the Court some other qualified person shall be appointed in his stead. Death or incapacity of assessor.

Restriction on
scope of
proceedings.

25. The scope of the enquiry in every such proceeding shall be restricted to a consideration of the interests of the persons affected by the objection.

Proceedings to
be in open
Court.

26. Every such proceeding shall take place in open Court.

Matters to be
considered in
determining
compensation.

27. (i) In determining the amount of compensation to be awarded for land acquired under this Enactment the Court shall take into consideration

- (a) the market value at the date of the publication of the notification under section 4 (i), if such notification shall within six months from the date thereof be followed by a declaration under section 6 in respect of the same land or part thereof, or in other cases the market value at the date of the publication of the declaration made under section 6;
- (b) any increase in the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put;
- (c) the damage, if any, sustained by the person interested at the time of the Collector's taking possession of the land by reason of severing such land from his other land;
- (d) the damage, if any, sustained by the person interested at the time of the Collector's taking possession of the land by reason of the acquisition injuriously affecting his other property whether moveable or immoveable in any other manner or his actual earnings; and
- (e) if, in consequence of the acquisition, he is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change.

(ii) For the purposes of paragraph (a) of sub-section (i) of this section—

- (a) if the market value has been increased by means of any improvement made by the owner or his predecessor in interest within two years before the declaration under section 6 was published, such increase shall be disregarded unless it be proved that the improvement was made *bona fide* and not in contemplation of proceedings for the acquisition of the land being taken under this Enactment;
- (b) when the value of the land is increased by reason of the use thereof or of any premises thereon in a manner which could be restrained by any Court or is contrary to law or is detrimental to the health of the inmates of the premises or to the public health the amount of that increase shall not be taken into account;
- (c) the effect of any expressed or implied condition of title restricting the use to which the land may be put shall be taken into account.

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28. In determining the amount of compensation to be awarded for land acquired under this Enactment the Court shall not take into consideration: Matters to be neglected in determining compensation.

- (a) the degree of urgency which has led to the acquisition;
- (b) any disinclination of the person interested to part with the land acquired;
- (c) any damage sustained by the person interested which, if caused by a private person, would not be a good cause of action;
- (d) any damage which is likely to be caused to the land acquired after the date of the publication of the declaration under section 6 by or in consequence of the use to which it will be put;
- (e) any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired;
- (f) any outlay on additions or improvements to the land acquired, which was incurred after the date of the publication of the declaration under section 6, unless such additions or improvements were necessary for the maintenance of any building in a proper state of repair.

29. (i) Where the applicant has made a claim to compensation pursuant to any notice under section 9, the amount awarded to him shall not exceed the amount so claimed or be less than the amount awarded by the Collector under section 11. Rules as to amount of compensation.

(ii) Where the applicant has refused to make such claim or has omitted without sufficient reason, to be allowed by the Court, to make such claim, the amount awarded by the Court may be less than and shall in no case exceed the amount awarded by the Collector.

(iii) Where the applicant has omitted for a sufficient reason, to be allowed by the Court, to make such claim, the amount awarded to him by the Court may be less than or may exceed the amount awarded by the Collector.

(iv) The provisions of this and the two preceding sections shall be read and explained to the assessors (if any) by the Court before they give their opinions as to the amount of compensation to be awarded.

30. The opinion of each assessor shall be given orally and shall be recorded in writing by the Court. Record of assessor's opinion.

31. In case of a difference of opinion between the Court and the assessors or either of them upon a question of law or practice or usage having the force of law the opinion of the Court shall prevail. Difference on questions of law.

32. In case the Court and one or both of the assessors agree as to the amount of compensation or as to the amount of any item thereof their decision thereon shall be final. Agreement as to the amount of compensation.

33. In case of difference of opinion between the Court and both of the assessors as to the amount of compensation or as to the amount of any item thereof the decision of the Court shall prevail. Difference as to the amount of compensation.

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Assessor's fees.

34. Every assessor shall receive such fee for his services as the Court shall direct provided that such fee shall not exceed one hundred dollars a day. Such fee shall be deemed to be costs in the proceeding.

Awards to be in writing.

35. Every award made under this Part shall be in writing signed by the Court and the assessor or assessors (if any) concurring therein and shall specify the amount awarded under sub-section (a) of section 27 (i), the amount (if any) deducted under sub-section (b) and the amounts (if any) respectively awarded under sub-sections (c), (d) and (e) of the same section together with the grounds of awarding or deducting the said amounts.

Award to state amount of costs.

36. (i) (a) Every award shall also state the amount of costs incurred in the proceedings under this Part and by what persons and in what proportions they are to be paid.

(b) The amount of costs and all questions relating thereto shall be determined by the Court.

(ii) (a) When the amount awarded does not exceed the sum awarded by the Collector, the costs of all proceedings under this Part shall be paid by the applicant.

(b) When the amount awarded exceeds the sum awarded by the Collector, the costs shall ordinarily be paid by the Collector but if the Court is of opinion that the claim of the applicant was so excessive or that he was so negligent in putting his case before the Collector that some deduction from his costs should be made or that he should pay a part of the Collector's costs, the Court may at its discretion make such order as to costs as it may think fit.

(c) If the claim of the applicant exceeds by 20 per centum or more the amount awarded, he shall not be entitled to his costs.

Recovery of costs.

(iii) The costs, if any, payable by the applicant may be recovered as if they were costs incurred in a suit in the Supreme Court and as if the award were the decree therein.

Appeal from decision as to compensation.

37. (i) Save as otherwise in this Enactment provided where the amount of compensation awarded exceeds \$2,500 the Collector or the person interested (as the case may be) may appeal therefrom to the Court of Appeal.

(ii) Every appeal under this section shall be presented within the time and in the manner provided for appeals in suits in the Supreme Court.

Collector may be directed to pay interest on excess compensation.

38. If the sum which in the opinion of the Court the Collector ought to have awarded as compensation is in excess of the sum which the Collector did award as compensation, the award of the Court may direct that the Collector shall pay interest on such excess at the rate of eight per cent. per annum from the date on which he took possession of the land to the date of payment of such excess to the Court or to the person interested.

Provisions of Civil Procedure Code made applicable.

39. Save in so far as they may be inconsistent with anything contained in this Enactment, the provisions of the Civil Procedure Code shall apply to all proceedings before the Court under this Enactment.

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PART IV.

APPORTIONMENT OF COMPENSATION.

40. (i) When the amount of the compensation has been settled and there is any dispute as to the apportionment thereof the Court shall decide the proportions in which the persons interested are entitled to share in such amount. Determination of proportions.

(ii) An appeal shall lie from such decision to the Court of appeal. Appeal to lie.

(iii) Every appeal under this section shall be presented within the time and in the manner provided for appeals in suits in the Supreme Court. Appeal how to be presented.

41. The costs of all proceedings for apportioning the amount of compensation shall be borne by such of the persons interested in such proportions as the Court shall determine. Costs of apportionment to be borne by parties.

PART V.

PAYMENT.

42. (i) On making an award under section 11 the Collector shall make a written offer of the compensation awarded by him to the persons interested entitled thereto according to the award, and shall pay it to them unless prevented by one or more of the contingencies mentioned in the next sub-section. Payment of compensation or deposit thereof with Court.

(ii) If they do not consent to receive it or if there be no person competent to transfer the land or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Collector shall deposit the amount of the compensation in Court.

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

Provided also that no person who has received the amount, otherwise than under protest shall be entitled to make any application under section 20:

Provided also that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Enactment to pay the same to the person lawfully entitled thereto.

(iii) Notwithstanding anything in this section, the Collector instead of awarding a money compensation in respect of any land may enter into any arrangement with a person having an interest therein in such a way as may be equitable having regard to the interests of the parties concerned.

43. When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of eight per cent. per annum from the time of so taking possession until it has been so paid or deposited. Payment of interest.

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PART VI.

TEMPORARY OCCUPATION OF LAND.

Temporary
occupation of
unoccupied
land.

44. (i) Subject to the provisions of section 3, whenever it appears to the Resident that temporary occupation and use of any unoccupied land are needed for any of the purposes specified therein, he may direct the Collector to procure the occupation and use of the same for such term as he shall think fit not exceeding three years from the commencement of such occupation.

Notice to be
given by
Collector.

(ii) The Collector shall thereupon give notice in writing to the persons interested in such land of the purpose for which the same is needed, and shall for the occupation and use thereof for such term as aforesaid and for the materials, if any, to be taken therefrom pay to them such compensation, either in a gross sum of money or by monthly or other periodical payments, as shall be agreed upon in writing between him and such persons respectively.

Difference as to
compensation.

(iii) In case the Collector and the persons interested differ as to the sufficiency of the compensation or the apportionment thereof the Collector shall refer such difference to the decision of the Court.

Power to enter
and take
possession.

45. (i) On payment of such compensation or on executing such agreement or on making a reference under section 44, the Collector may enter upon and take possession of the land and use or permit the use thereof in accordance with the terms of the said notice.

Restoration of
land taken.

(ii) On the expiration of the term the Collector shall make or tender to the persons interested compensation for the damage, if any, done to the land and not provided for by the agreement and shall restore the land to the persons interested therein.

Land perma-
nently injured
by occupation to
be permanently
acquired.

(iii) If the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the Resident shall proceed under this Enactment to acquire the land as if it was needed permanently for a purpose specified in section 3.

Difference as to
condition of
land.

46. If the Collector and the persons interested differ as to the condition of the land at the expiration of the term or as to the compensation mentioned in sub-section (ii) of section 45 or as to any matter connected with the said agreement the Collector shall refer such difference to the decision of the Court.

PART VII.

MISCELLANEOUS.

Service of
notice.

47. (i) Service of any notice under this Enactment shall be made by delivering or tendering a copy thereof signed, in the case of a notice under section 4, by the officer or other person therein mentioned, and, in the case of any other notice by or by order of the Collector or the Court.

(ii) Whenever practicable, the service of the notice shall be made on the person therein named.

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(iii) When such person cannot be found, the service may be made on any adult male member of his family residing with him; and, if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business, or by fixing a copy thereof in some conspicuous place in the office of the Collector and also in some conspicuous part of the land to be acquired:

Provided that, if the Collector or the Court so directs a notice may be sent by registered letter addressed to the person named therein at his last known residence, address or place of business, and service of it may be proved by the production of the registration receipt.

48. Whoever wilfully obstructs any person in doing any of the acts authorised by section 4 or section 8 or wilfully fills up, destroys, damages or displaces any trench or mark made under section 4 shall on conviction by the Court of a Magistrate be liable to imprisonment of either description for a term which may extend to one month or to a fine not exceeding fifty dollars or to both.

Obstructing survey, etc., filling trenches, destroying land-marks.

49. If the Collector is opposed or impeded in taking possession under this Enactment of any land, he shall apply to the Chief Police Officer who shall enforce the surrender of the land to the Collector.

Police to enforce surrender.

50. (i) Except in the case provided for in section 45, the Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken.

Government not bound to complete acquisition.*

(ii) Whenever the Government withdraws from any such acquisition, the Collector shall determine the amount of compensation due for the damage, if any, done to such land under section 4 or section 8 and not already paid for under section 5, and shall pay such amount to the person injured and shall pay to the persons interested all such costs as shall have been incurred by them by reason or in consequence of the proceedings for acquisition together with compensation for the damage, if any, which they may have sustained by reason or in consequence of such proceedings.

Compensation when acquisition is not completed.

(iii) The provisions of Part III shall apply, so far as may be, to the determination of the compensation payable under this section.

51. (i) The provisions of this Enactment shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building which is reasonably required for the full and unimpaired use of the house, manufactory or other building, if any person interested desires that the whole of such house, manufactory or building shall be so required.

Acquisition of part of house or building.

Provided that such person interested may at any time before the Collector has made an award under section 11 by notice in writing withdraw or modify his expressed desire that the whole of such house, manufactory or building shall be so required.

(ii) The question whether a part of any house, manufactory or building is reasonably required for the full and unimpaired use of the house, manufactory or building shall if the parties cannot agree be referred by the Collector for the determination of the Court.

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(iii) If any question arises as to whether any land proposed to be taken under this Enactment does or does not form part of a house, manufactory or building which is reasonably required for the full and unimpaired use of the house, manufactory or building within the meaning of this section, the Collector shall refer the determination of such question to the Court and shall not take possession of such land until after the question has been determined.

Acquisition of whole or any additional portion of land where claim for severance of part is excessive.

52. (i) If, in the case of any claim under section 27 (i) (c) by a person interested on account of the severing of the land to be acquired from his other land, the Resident is of opinion that the claim is unreasonable or excessive, the Resident may at any time before the Collector has made his award order the acquisition of the whole or any additional portion of the land of which the land first sought to be acquired forms a part.

(ii) No fresh declaration or other proceedings under sections 6 to 10 both inclusive shall be necessary; but the Collector shall without delay furnish a copy of the order of the Resident to the person interested and shall thereafter proceed to make his award under section 11.

Exemption from stamp duty and fee.

53. No award or agreement made under this Enactment shall be chargeable with stamp duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

Bar of suits to set aside awards under Enactment.
Rules.

54. No suit shall be brought to set aside an award or apportionment under this Enactment.

55. (i) The Chief Secretary may make rules generally for carrying out the provisions of this Enactment and without prejudice to such general power may make rules for the guidance of officers in all matters connected with the Enactment.

(ii) Rules made under this Enactment shall not come into force until they have been published in the *Gazette*.

(iii) All such rules shall be laid before the Federal Council at the first meeting after such publication, and may be amended or disallowed by resolution of the said Council.

(iv) Any rule so amended shall come into force as amended from the date of the passing of such resolution, and any rule disallowed shall cease to have force or effect from the date of such resolution.

Provisions as to actions.

56. (i) No action shall be brought against any person for anything done or *bona fide* intended to be done in the exercise or supposed exercise of the powers given by this Enactment, or by any rules made thereunder—

- (a) without giving to such person one month's previous notice in writing of the intended action, and of the cause thereof;
- (b) after the expiration of three months from the date of the accrual of the cause of action;
- (c) after tender of sufficient amends.

LAND ACQUISITION.

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(ii) In every action so brought it shall be expressly alleged that the defendant acted either maliciously or negligently and without reasonable or probable cause, and if, at the trial, the plaintiff shall fail to prove such allegation, judgment shall be given for the defendant.

(iii) Though judgment shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Court before which the action is tried shall certify its approbation of the action.

THE SCHEDULE.

No. and year.	Short title.	Extent of repeal.
11 of 1911 ...	The Land Enactment, 1911	Sections 81 to 115
12 „ ...	The Mining Enactment, 1911	„ 27A and 27B

Passed this 21st day of November, 1922.

W. E. PEPYS,
Clerk of Council.

No. 7867.—The following Enactment, passed at a meeting of the Federal Council held on the 22nd November, 1922, is published for general information:

FEDERATED MALAY STATES.

ENACTMENT No. 21 OF 1922.

An Enactment to make provision for a valuation of lands
and for the uses to be made of such valuation.

L. N. GUILLEMARD,

[11th December, 1922.]

President of the Federal Council.

IT is hereby enacted by the Rulers of the Federated Malay States in Council as follows:

Short title and
bringing into
force.

1. This Enactment may be cited as "The Valuation of Land Enactment, 1922," and shall come into force upon such day as the Chief Secretary to Government may by notification in the *Gazette* appoint.

Interpretation.

2. In this Enactment unless there be something repugnant in the subject or context—

"Chief Secretary" means the Chief Secretary to Government, Federated Malay States.

"The Court" means the Court of a Judicial Commissioner.

"Land" means land within a valuation area.

"Lessee" means registered lessee and includes a registered sub-lessee.

"Owner" means registered owner or registered proprietor.

"Portion" includes lot.

Improved
value.

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

Unimproved
value.

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

Illustrations.

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

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

Annual value.

5. The annual value is the full, fair and estimated annual rent (clear of all outgoings) at which the land with the improvements, if any, thereon would let for one year.

Appointment of
officers.

6. (i) The Chief Secretary may appoint a Valuer-General who shall have the general administration of this Enactment and shall have the powers and authorities and shall discharge and exercise the duties and functions by this Enactment conferred or imposed upon him, and such official valuers and other officers as he may deem necessary.

(ii) The Valuer-General may employ experts in land valuations to make valuations in special cases for payment by fees in each case.

7. (i) Every person employed under this Enactment shall maintain and aid in maintaining the secrecy of all matters which come to his knowledge in the performance of his duty, and shall not communicate, divulge or aid in divulging any such matter to any other person except for the purpose of carrying into effect the provisions of this Enactment.

Information to be kept secret.

(ii) Any person offending against this section shall be liable on conviction to fine not exceeding five hundred dollars, or to imprisonment of either description for a term not exceeding six months or to both such imprisonment and fine.

8. (i) The Resident, with the consent of the Chief Secretary, may by notification in the *Gazette* declare any area within the State to be a valuation area for the purposes of this Enactment.

Valuation area.

(ii) The boundaries of a valuation area may be defined to be coincident with the boundaries of any Sanitary Board area or with any town limits or may be separately defined.

9. Any declaration or appointment made under this Enactment may from time to time in like manner be added to, varied or revoked.

Variation of declaration.

10. (i) When any area has been declared a valuation area the Valuer-General shall as soon as may be practicable make a valuation of the unimproved, improved and annual value of all land, other than State and reserved land, within such area, and of such State and reserved land as the Resident may direct him to include in such valuation.

Valuations to be made.

(ii) Where a lease has been registered against any land of which a valuation is made the Valuer-General shall also make a valuation of the interest of the lessor and lessee in the manner hereinafter provided.

11. (i) The Valuer-General may at any time require the owner or the lessee of any land to furnish a return in the form prescribed of the portion, lot, exact area, situation, quality and use of the land, the nature and date of the improvements (if any) thereon, the leases, sub-leases and tenancies to which the same or any part of it may be subject, and any other matters prescribed in such form.

Returns may be required for purposes of valuation.

(ii) The Valuer-General and any person authorized by him in writing may at any time between sunrise and sunset enter on and inspect any land, provided that no entry shall be made under this section into any dwelling-house in actual occupation unless with the consent of the occupier without twenty-four hours previous notice in writing to such occupier specifying the hour as near as may be of such intended entry.

Power to enter and inspect.

(iii) Whoever refuses or fails to furnish such return within the time limited in that behalf upon the prescribed form, and whoever knowingly makes a false or incorrect return, and whoever hinders, obstructs or prevents the Valuer-General or any person authorized by him in writing from entering on or inspecting any land shall be liable to a fine not exceeding one hundred dollars.

Penalty for not furnishing returns, etc.

12. (i) A valuation roll, in such form as the Valuer-General decides, shall (as soon as practicable) be prepared for each valuation area, and shall contain as far as practicable the following particulars:

Valuation rolls.

- (a) the name and address of the owner of the land,
- (b) the situation, description and area of the land,

VALUATION OF LAND.

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- (c) the nature and date of the improvements on the land,
- (d) the unimproved value of the land,
- (e) the improved value of the land,
- (f) the annual value of the land.

(ii) Such roll may also contain a statement of

- (a) the name and address of each lessee,
- (b) the name and address of the occupier, if any,
- (c) such additional particulars as the Valuer-General may decide.

(iii) The value shewn in the valuation roll of any land shall be either ten dollars or a multiple of ten dollars.

Valuation rolls
to be open to
inspection.

13. The valuation roll shall be open for inspection during office hours at the office of the Valuer-General, or at any place prescribed for that purpose, and the Valuer-General shall permit the owner or occupier of any land included therein, or his agent, to inspect the same and to make extracts therefrom without the payment of any fee.

Amendments.

14. (i) The Valuer-General may amend valuation rolls whenever amendment is necessary by reason of changes in the ownership, occupation or boundaries of the land, or alteration in the improvements thereon, or whenever in the opinion of the Valuer-General any sufficient cause renders amendment necessary.

(ii) The Valuer-General may also make in a roll such alterations or adjustments of entries or of values in respect of land leased or subject to any terminable charge or interest as are necessary for a correct statement therein of the values of the respective interests of owners at any specified time.

Valuation when
made.

15. (i) A valuation, or any alteration thereof, shall be deemed to be made when an entry thereof has been made in the valuation roll and has been signed or initialled and dated by the Valuer-General or by an official valuer.

(ii) The valuation roll so signed or initialled and dated shall be conclusive proof of the making of the valuation.

(iii) Every alteration, amendment or adjustment in any roll made with respect to the value of the land shall be deemed to be a valuation.

New valuations
at any time.

16. A new valuation of any land may be made by the Valuer-General at any time, and shall be made whenever necessary in order that the valuation rolls, shall as nearly as may be, represent correct values and ownership of all lands entered therein.

New valuation
on application.

17. (i) Any owner may by notice substantially in the prescribed form and on payment of the prescribed fee require the Valuer-General to make a new valuation of his land, and in such case the roll shall be amended in accordance with such new valuation.

(ii) A Sanitary Board or other public authority may in like manner require the Valuer-General to make at any time a new valuation of any land within the area of such Sanitary Board or public authority.

Lessor's
interest in
improved
value.

18. The value of the interest of a lessor who is not also a lessee is the improved value of that land less the interest of his lessee.

- 19.** The value of the interest of a lessee in the improved value of land is the present value of the excess, if any, of seven per centum per annum, or such lower rate as may be prescribed, upon such improved value over the rent payable by the tenant under his lease for the unexpired term plus the present value of any right to compensation or of purchase or other valuable consideration to which he is entitled under the lease and minus
- Lessee's interest in improved value.
- (a) the detrimental value of any restrictions to which the leased land may be put,
 - (b) the value of any unfulfilled onerous condition to which the lessee is liable under the lease,
 - (c) the value of the interest (if any) of a sub-lessee holding under or through him.

Illustration.

A rents a plot of land, the unimproved value of which is \$10,000, from the Selangor Golf Club on a 99 years lease at a rental of \$480 per annum and builds a house on it of the value of \$25,000.

The value of A's interest in the improved value of the land is the present value of \$1,970 per annum (being the excess of 7 per cent. on \$35,000 over \$480) for the unexpired term of the lease.

The value of the Selangor Golf Club's interest in the improved value of the land is \$35,000 less the interest of A as calculated above.

- 20.** In apportioning the values of the interests of lessors and lessees in the unimproved value of land the values of such interests respectively shall be proportionate to the interests of the lessors and lessees respectively in the improved value of the land.
- Interests in unimproved value.

- 21.** (i) All computations of the present values of the interests of lessors and lessees shall be made on a seven per centum per annum basis, or on the basis of such lower rate as may be prescribed, with annual rests.
- Basis for computing present values.

(ii) Where a lease contains a provision for re-appraisalment of the rent at the expiration of a certain period the value of the interests of the lessor and lessee shall be calculated as if the lease determined at the expiration of the said period; on any such re-appraisalment being made the value of the said interests shall be calculated as in the case of a new lease commencing at the date of re-appraisalment and at the rent so re-appraised.

(iii) Where a lease may at the option of the lessor or lessee be cancelled after a definite date the value of the interests of the lessor and lessee shall be calculated as if the lease determined at the said date.

- 22.** Unless the Valuer-General otherwise directs

- (i) Where several portions of land adjoin, are owned by the same person, are held under the same class of title and where no part is leased they shall be included in one valuation;
Provided that any such portions of land shall be valued separately if buildings are erected thereon which are obviously adapted to separate occupation;
 - (ii) Where several portions of land adjoin, are owned by the same person, are held under the same class of title and are all let to one person they shall be included in one valuation.
- Where lands are to be included in one valuation.

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Where lands
are to be
separately
valued.

23. (i) Where several portions of land owned by the same person are not held under the same class of title or are separately let to different persons they shall be separately valued.

(ii) Portions which do not adjoin or which are separated by a public road or street or are separately owned shall be separately valued.

(iii) Where a part of a portion of land which has been valued is sold, transferred or resumed fresh valuations shall be made of the part sold, transferred or resumed and of the part remaining.

Notice of
valuation to
owner.

24. (i) The Valuer-General shall serve upon every owner and every lessee notice of all valuations in respect of his land or lease.

(ii) Every such notice shall state the time within which such owner or lessee may lodge with the Valuer-General written objection to such valuation.

(iii) In the case of State or reserved land the notice shall be served upon such person as may be appointed for that purpose by the Resident, and such person may within the prescribed time object to the valuation.

(iv) The omission to serve any notice of valuation as required by this section shall not render any valuation invalid.

Objection by
Sanitary Board.

25. The Chairman or any Sanitary Board officer, appointed by him in writing in that behalf, may within the prescribed time after the receipt of a valuation list as hereinafter provided object to any valuation and shall at the time of making objection give notice of such objection to every person who is liable for any rates which may be payable to such Board in respect of the land.

Form of
objection.

***26.** Objections shall be substantially in the form approved by the Valuer-General, and a copy of such form shall be supplied by him free of charge on application from any person having the right to object.

Grounds of
objection.

27. The only grounds upon which objection to a valuation may be made are

- (i) that the values assigned are too high or too low ;
- (ii) that the interests of the owners or lessees, where there is more than one owner or lessee, have not been correctly apportioned ;
- (iii) that the apportionment of the valuations is not correct ;
- (iv) that portions of land which should be included in one valuation have been valued separately ;
- (v) that portions of land which should be valued separately have been included in one valuation ;
- (vi) that the person named in the notice of valuation is not the owner or lessee of the land.

Objection to be
heard by Court.

28. (i) On objection being made to any valuation the Valuer-General may, if he thinks fit, alter such valuation.

(ii) If the Valuer-General does not alter a valuation within three months after service of an objection thereto to the extent claimed in the objection or to such extent as may be agreed upon, the objection shall be heard by the Supreme Court.

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29. The fact that an objection has been made shall not affect the valuation which is objected to and rates shall be fixed, levied and recovered and duties charged and recovered on such valuation as if no objection had been made: provided that if the valuation is altered on objection or by the order of the Supreme Court a due adjustment shall be made, and amounts paid in excess shall be refunded and amounts short paid shall be recoverable as arrears.

Rates and duties to be paid notwithstanding objection.

30. The Valuer-General from time to time and at intervals of not less than one month shall furnish to the Registrar or an Assistant Registrar of the Supreme Court a list of all objections to be heard by the Court.

Lists of objections.

31. (i) If the valuation to which objection is made is not less than five thousand dollars the Court shall appoint two assessors to assist it in determining the objection.

Appointment of assessors.

(ii) Such assessors may also be appointed in any other case in which the Court may consider it desirable to make such appointment.

(iii) Every person so appointed shall be legally bound to attend and serve as an assessor unless excused for some reason to be approved by the Court.

(iv) If an assessor dies or becomes incapable of acting or is excused by the Court some other qualified person shall be appointed in his stead.

Death or incapacity of assessor.

32. The Registrar or an Assistant Registrar of the Supreme Court shall give notice of the date fixed for the hearing of objections to each objector, to the Valuer-General and to the official valuer (if any) for the area.

Notice to objectors.

33. (i) The Court shall hear and determine all objections brought before it as to which it has jurisdiction and if it decides that any valuation is erroneous shall order the valuation to be altered accordingly.

Powers of Court.

(ii) The person objecting and the Valuer-General may appear and be heard before the Court either personally or by a duly appointed solicitor.

34. (i) The opinion of each assessor shall be given orally and shall be recorded in writing by the Court.

Decision of Court.

(ii) If the Court and one or both of the assessors agree as to the amount of any valuation their decision thereon shall be final.

(iii) In case of difference of opinion between the Court and both of the assessors the decision of the Court shall prevail.

35. Every assessor shall receive for his services such fee as the Court shall direct provided that such fee shall not exceed one hundred dollars a day. Such fees shall be deemed to be costs in the proceeding.

Assessor's fees.

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- Costs.** **36.** (i) The Court may make such order as it thinks fit with regard to the payment of costs.
- (ii) The costs, if any, payable by the objector may be recovered as if they were costs incurred in a suit in the Supreme Court and as if the order were the decree therein.
- Appeal to Court of Appeal.** **37.** (i) Save as otherwise in this Enactment provided where the amount of a valuation as determined by the Court is more than two thousand five hundred dollars the objector or the Valuer-General may appeal therefrom to the Court of Appeal.
- (ii) Every appeal under this section shall be presented within the time and in the manner provided for appeals in suits in the Supreme Court.
- Notification of decisions to Valuer-General.** **38.** The Registrar or an Assistant Registrar of the Supreme Court shall furnish to the Valuer-General a certified copy of all decisions of the Court and of the Court of Appeal, and the Valuer-General shall amend the valuation roll in accordance with the same.
- Consequential alterations.** **39.** If on the hearing of any objection the Court or the Court of Appeal orders any valuation to be altered the Valuer-General shall make all such consequential alterations as are necessary for the purpose of fixing the unimproved value, the improved value and the annual value of the land.
- Valuation list to be furnished.** **40.** Where any valuation area is situated within a Sanitary Board area the Valuer-General shall as soon as the valuation is completed and thereafter at least once in every three years furnish to the Board a list, hereinafter referred to as a valuation list, giving the particulars within his knowledge of the ownership, occupation, title, area, situation, description and value of all lands within such valuation area.
- Supplementary valuation lists.** **41.** The Valuer-General shall at such times as may be arranged between him and the Board, or in default of such arrangement at such times as the Resident may determine, supply to the Board a supplementary list containing information as to all changes of ownership, occupation and values which have been made in the valuation roll of the valuation area since the last list was furnished to the Board.
- No unauthorized alteration in valuation list.** **42.** (i) Except as to changes of ownership or occupancy, or as to the addresses of owners or occupiers, the Board shall not, without the written consent of the Valuer-General make any alteration in any valuation list.
- (ii) The Board may forward to the Valuer-General particulars of any alterations which it may desire to make in any valuation list, and may with the written consent of the Valuer-General make such alterations.
- Valuation list to be basis for rating.** **43.** Notwithstanding anything contained in "The Sanitary Boards Enactment, 1916," or any enacted modification thereof where a valuation list has been furnished to any Board
- (i) the Board shall not make any such record of valuation and assessment as is in such Enactment prescribed in respect of any land contained in the valuation list,

- (ii) the valuation list shall be the basis of any rate levied in respect of any land contained therein, and the value stated in the valuation list shall be deemed to be the value fixed or determined under such Enactment without any necessity to give any notice thereof,
- (iii) no complaint, objection or appeal shall lie except as to a matter which would not be admissible as a ground of objection under this Enactment,
- (iv) where a rate is assessed upon the capital value of land the amounts shall be calculated in accordance with the unimproved value shewn in the valuation list without any deduction on account of any lease to which the land may be subject,
- (v) where a rate is assessed upon the annual value of land the amounts shall be calculated in accordance with the annual value shewn in the valuation list.

44. In every case where under the Stamp Enactments, 1897, or any enacted modification thereof duty becomes payable on account of the death of any owner or lessee of land the affidavit for the Collector shall be chargeable with duty—

Stamp duties on value of land.

- (a) where the owner of the land has died, upon the improved value of the land after deduction of the interest of the lessee, if any, as shewn in a certificate of valuation,
- (b) where the lessee has died, upon the value of the lease as shewn in a certificate of valuation.

45. (i) Where by any Enactment authorizing the acquisition of land any person or Court authorized to assess compensation is directed to ascertain or take into account for such purpose the market value of the land or of a lease thereof, the improved value of the land after deduction of the interest of the lessee, if any, and the present value of the lease as shewn in each case in a certificate of valuation shall be deemed to be the market value of the land and of the lease respectively, and shall notwithstanding anything in any such Enactment contained be taken as such by all such persons or Courts.

Valuation for compulsory acquisition.

(ii) Nothing in this section contained shall prevent any such person or Court from having regard to all other matters which he or it may be directed by any such Enactment to take into consideration.

46. (i) On application in writing and on payment of the prescribed fee the Valuer-General shall supply to any person, in such form as the Valuer-General may determine, a certified copy of any entry in a valuation roll.

Certificates of valuation.

(ii) Such certificate of valuation shall in all proceedings and for all purposes be evidence of the matters therein stated and that the valuation therein mentioned has been duly made in accordance with this Enactment.

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Changes of
ownership.

47. (i) Whenever any land is transferred or transmitted or any lease is transferred, surrendered or assigned, the transferee, transmittee, surrenderee or assignee, as the case may be, shall furnish such particulars of the transaction as the Valuer-General may in writing require.

(ii) Whoever refuses or fails to furnish such particulars as may be required shall be liable to a fine not exceeding one hundred dollars.

Service of
notice, etc.

48. (i) Every notice, order or document required or authorized by this Enactment to be served on any person may be served by registered post or personally upon the person to whom it is addressed or be left at his usual place of abode with some adult member or servant of his family, or if it cannot be so served may be affixed in some conspicuous part of such place of abode, and shall thereby be deemed to be duly served; provided that if the place of abode of the owner or lessee of any land in respect of which such notice, order or document is required to be served be unknown, or if the owner or lessee of such land be not resident within a valuation area every such notice, order or document shall be deemed to be duly served if affixed in a conspicuous position upon such land.

(ii) If the owner or lessee be a corporation the notice, order or document may be addressed to the Secretary or to any Director of such corporation resident within the valuation area or to any person appearing to have the control or management of the land, and may be served in the manner prescribed.

Rules.

49. (i) The Chief Secretary may make rules for all or any of the following purposes:

- (a) to define the powers and duties of the Valuer-General and persons appointed under this Enactment,
- (b) to prescribe the forms to be used under this Enactment,
- (c) to make provision for anything expressed in this Enactment to be prescribed,
- (d) to determine the fees payable under this Enactment and the mode in which the same may be payable,
- (e) to prescribe the tables to be used in calculating the values of the interests of lessors and lessees,
- (f) to prescribe the method of calculating the value of improvements,
- (g) to provide for the application of this Enactment to land held under mining lease or other mining title,
- (h) generally for carrying this Enactment into effect.

(ii) All such rules shall be published in the *Gazette* and shall thereupon have the force of law.

(iii) All such rules shall be laid before the Federal Council at the first meeting after such publication and may be amended or disallowed by resolution of the said Council.

(iv) Any rule so amended shall come into force as amended from the date of the passing of such resolution, and any rule disallowed shall cease to have force or effect from the date of such resolution.

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50. (i) No action shall be brought against any person for anything done or *bona fide* intended to be done in the exercise or supposed exercise of the powers given by this Enactment, or by any rules made thereunder—

Provisions as to actions.

- (a) without giving to such person one month's previous notice in writing of the intended action, and of the cause thereof;
- (b) after the expiration of three months from the date of the accrual of the cause of action;
- (c) after tender of sufficient amends.

(ii) In every action so brought it shall be expressly alleged that the defendant acted either maliciously or negligently and without reasonable or probable cause, and if, at the trial, the plaintiff shall fail to prove such allegation, judgment shall be given for the defendant.

(iii) Though judgment shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Court before which the action is tried shall certify its approbation of the action.

Passed this 22nd day of November, 1922.

W. E. PEYPS,
Clerk of Council.

No. 7868.—The following Enactment, passed at a meeting of the Federal Council held on the 22nd November, 1922, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. 22 OF 1922.

An Enactment to provide means for the protection of lands from the inroad of Silt and other matter.

L. N. GUILLEMARD,

[11th December, 1922.]

President of the Federal Council.

IT is hereby enacted by the Rulers of the Federated Malay States in Council as follows :

Short title,
commencement
and repeal.

1. (i) This Enactment may be cited as "The Silt (Control) Enactment, 1922," and shall come into force on the publication thereof in the *Gazette*.

(ii) Upon the coming into force of this Enactment "The Silt (Control) Enactment, 1917," shall be repealed; provided that all notices issued and all orders made under the provisions of the said Enactment which were in force immediately prior to the commencement of this Enactment shall so far as they are not inconsistent with the provisions of this Enactment be deemed to have been issued or made under this Enactment.

Interpretation.

2. (i) In this Enactment unless the context otherwise requires :

"District Officer" means with reference to any land and to matters concerning any land the District Officer of the district wherein such land is situate, and includes in relation to any district where there is no District Officer any officer nominated by the Resident of the State wherein such district is situate by notification in the *Gazette* to exercise the powers of a District Officer under this Enactment.

Where reference is made to land owned by any person or to owners of land such reference includes land leased to any person and the lessee of land so leased and land occupied under authority granted in pursuance of rule 6 of "The Land Rules, 1920," and the occupier of such land.

(ii) Nothing in this Enactment contained refers to land held under mining lease or other mining title.

Notice to show
cause against
order.

3. (i) Whenever it appears to a District Officer on grounds to be recorded by him in writing that earth, mud, silt, sand, gravel or stone from land owned by any person has caused or is likely to cause damage to other land, whether alienated or not, or to any water-course whether artificial or natural, or has interfered or is likely to interfere with the due cultivation of other land, whether alienated or not, the District Officer may by notice served upon the owner of such first mentioned land require him to show cause, at a time and place to be stated in the notice, why an order should not be made under this Enactment prohibiting him from doing, or requiring him to do, any act or thing which may under section 6 be prohibited or required to be done.

(ii) The notice to the owner shall contain particulars sufficient to identify the land in respect of which an order is proposed to be made and shall refer to the document of title under which the same is held.

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4. Any owner of land who is required to show cause why an order under this Enactment should not be made in respect of such land may attend and show cause either in person or by his agent duly authorized by power of attorney in that behalf or by an advocate and solicitor of the Supreme Court or, with the permission of the District Officer, by any other person; such agent, advocate and solicitor or other person as aforesaid is hereinafter referred to as the representative of the owner.

Appearance to
show cause.

5. (i) If an owner of land who is required to show cause as aforesaid attends in person or by representative at the time and place stated in the notice, the District Officer shall inform such owner or his representative, as the case may be, of the grounds on which the notice was issued and shall, in the presence of such owner or his representative, make any enquiry and take and record any evidence which the District Officer thinks necessary as to the facts and circumstances of the case, and shall hear and record the statement (if any) of such owner or his representative and take and record the evidence of all persons attending at the instance of such owner or his representative whom such owner or his representative desires to examine.

Procedure on
appearance.

(ii) For the purpose of carrying out the provisions of this section the District Officer shall have the same powers of summoning and enforcing the attendance of witnesses and of compelling the production of documents and of adjourning proceedings from time to time as the Court of a Magistrate has in civil suits.

6. (i) If an owner of land who is required to show cause as aforesaid fails without reasonable excuse (to be allowed by the District Officer) to attend in person or by representative at the time and place mentioned in the notice or having so attended fails to show cause to the satisfaction of the District Officer why an order in respect of the land referred to in the notice should not be made, the District Officer may in his discretion make an order in writing under his hand

Power to make
orders; nature
of orders.

- (a) prohibiting, either absolutely or to such extent as may be prescribed in the order, interference with or destruction or removal of any trees, plants, undergrowth, weeds or grass within or from such parts of the said land as are specified in the order;
- (b) requiring the making on the said land of drains and water-courses, and the construction thereon of dams and retaining walls, of such character and dimensions and in such positions as are specified in the order;
- (c) requiring the doing on or in respect of the said land of any act or thing which appears to the District Officer likely to prevent, and prohibiting the doing on or in respect of the said land of any act or thing which appears to the District Officer likely to facilitate the passage of earth, mud, silt, sand, gravel or stone from the said land to other land, whether owned by any person or not, or to any river, canal or drain.

(ii) Any order made under this section may prescribe the time within which any work, act or thing required by such order to be made or done shall be completed.

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Variation and
revocation of
orders.

7. (i) Any order made under section 6 may be varied or revoked by the District Officer or by the Resident by writing under his hand; provided that no such order shall be varied so as to prohibit or require anything not authorized by section 6 to be prohibited or required, or shall, except with the express consent of the owner of the land in respect whereof the order was made or of some person duly empowered so to consent on behalf of the owner, be varied unless notice shall first have been served upon such owner to show cause why the order should not be varied.

(ii) Such notice shall refer to the subsisting order and to the date whereon the same was made and shall contain particulars of the manner in which the same is proposed to be varied.

(iii) After service of such notice the procedure prescribed by sections 4 and 5 shall, subject to necessary modifications, apply; and the provisions of this Enactment applicable to an order made under section 6 shall apply also to any such order as varied under this section.

Operation
of orders.

8. Subject to the judgment of the appellate Court, every order made under section 6 shall after service thereof upon the owner of the land in respect whereof the same is made be, so long as the same remains unrevoked, binding upon all persons who are from time to time registered in any Registry of Titles or Land Office as owner or owners of such land and upon all persons who are from time to time in lawful occupation thereof.

Appeal.

9. (i) From any order made under section 6 an appeal shall lie to the Court of a Judicial Commissioner; provided that no such appeal shall be brought after the expiration of ten days from the time when the order appealed against was made. The obligation to comply with an order made under section 6 shall not be affected by the fact of an appeal having been preferred against the order; but the appellate Court may for sufficient cause suspend the obligation.

(ii) For the purposes of an appeal under this section the provisions of Chapter XLVI of the Civil Procedure Code, 1918, relating to appeals from original decrees, shall, subject to the provisions of this section and to necessary modifications, apply, and the District Officer by whom the order appealed against was made shall be the respondent. Costs payable by the respondent in any such appeal shall be defrayed from public funds. The decision of the Court of a Judicial Commissioner shall be final and there shall be no appeal therefrom.

Maintenance of
work.

10. Where any drain, water-course, dam, wall or other work has in pursuance of an order under section 6 been made on any land, all persons who are from time to time registered in any Registry of Titles or Land Office as owner or owners of such land shall, so long as such order remains unrevoked, at his or their own expense maintain such work in good and efficient order to the satisfaction of the District Officer.

Record of
orders in
Register.

11. Where by virtue of an order made under section 6 any prohibition or requirement is under this Enactment imposed on an owner of land, the District Officer may certify under his hand and official seal the terms of the order and the particulars of the document

or documents of title under which such land is held, and the Registrar of Titles or Collector, as the case may be, having custody of the Register wherein the title to such land is recorded shall on production to him of such certificate enter in the said Register a memorandum of the making of such order and shall file such certificate; and where any order of the making whereof a memorandum has been entered as aforesaid is varied or revoked or is affected by a judgment of the appellate Court, such variation or revocation or the effect of such judgment may in like manner be certified and a memorandum thereof entered in the Register and the certificate thereof filed.

12. (i) If any person who is by an order under or by any provision of this Enactment prohibited from doing or required to do any act or thing makes, without reasonable excuse, default in complying with such prohibition or requirement, he shall be guilty of an offence and liable on conviction to a fine not exceeding five thousand dollars. Penalty.

(ii) Notwithstanding anything in any other Enactment contained, any penalty authorized by this section may be imposed by the Court of a Magistrate of the First Class.

13. (i) If any person who is by an order under or by any provision of this Enactment required to do any act or thing makes default in complying with such requirements, the District Officer may cause such act or thing to be done by such persons and in such manner as he may direct and the cost thereof shall be recoverable from the person making default as aforesaid by the District Officer by civil suit. Power to cause effect to be given to orders; recovery of cost.

(ii) Nothing in this section contained shall affect any liability of any person to prosecution and punishment under section 12.

14. Notices and orders issued and made in any State under this Enactment may be served in manner following, and such service shall be equivalent to personal service upon the person on whom service is to be effected: Service of notices and orders.

- (a) if the person on whom service is to be effected be within such State, the notice or order may be delivered to him or left with some adult member of his family (other than a servant) residing with him within such State;
- (b) if the person on whom service is to be effected have an agent within such State duly authorized by power of attorney to accept service on his behalf, the notice or order may be delivered to such agent;
- (c) if service cannot be effected in the manner described in clause (a) or clause (b) of this section, the notice or order may be sent by registered post addressed to the person on whom service is to be effected at his residence in any part of the Federated Malay States or the Colony;
- (d) where service is to be effected on a corporation, the notice or order may be

(1) left at the registered office (if any) of the corporation within such State;

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(2) delivered to any director, secretary or other principal officer of the corporation within such State or to any person within such State duly authorized by power of attorney to accept service on behalf of the corporation, or to any person having, on behalf of the corporation, powers of control or management over the land to which the notice or order relates;

(3) sent by registered post addressed to the corporation at its principal office wherever situate;

(e) if service cannot be effected in accordance with the preceding clauses of this section, the notice or order may be put up in a conspicuous position on the land to which it relates.

Private suits
not affected.

15. Nothing in this Enactment contained shall debar any owner of land which is affected or likely to be affected by inroad of earth, mud, silt, sand, gravel or stone from other land from instituting any suit or proceedings in respect thereof or shall relieve any person of any liability to which he would have been subject if this Enactment had not been passed; provided that a person shall not be liable for any act or omission, or the consequences of any act or omission required by an order under this Enactment to be done or omitted by him.

Provisions as to
actions.

16. (i) No action shall be brought against any person for anything done or *bona fide* intended to be done in the exercise or supposed exercise of the powers given by this Enactment, or by any rules made thereunder—

(a) without giving to such person one month's previous notice in writing of the intended action, and of the cause thereof;

(b) after the expiration of three months from the date of the accrual of the cause of action;

(c) after tender of sufficient amends.

(ii) In every action so brought it shall be expressly alleged that the defendant acted either maliciously or negligently and without reasonable or probable cause, and if, at the trial, the plaintiff shall fail to prove such allegation, judgment shall be given for the defendant.

(iii) Though judgment shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Court before which the action is tried shall certify its approbation of the action.

Passed this 22nd day of November, 1922.

W. E. PEPYS,
Clerk of Council.

No. 7869.—The following Enactment, passed at a meeting of the Federal Council held on the 22nd November, 1922, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. 23 OF 1922.

An Enactment to further amend "The Sanitary Boards Enactment, 1916."

L. N. GUILLEMARD,
President of the Federal Council.

[11th December, 1922.]

IT is hereby enacted by the Rulers of the Federated Malay States in Council as follows :

1. (i) This Enactment may be cited as "The Sanitary Boards Enactment, 1916, Amendment Enactment, 1922," and shall come into force on the publication thereof in the *Gazette*. Short title, commencement and construction.

(ii) This Enactment shall be read and construed as one with "The Sanitary Boards Enactment, 1916," hereinafter called the "principal Enactment," and any copies of the principal Enactment printed after the commencement of this Enactment may be printed with the amendment made by this Enactment.

2. Section 2 of the principal Enactment is amended by deleting the interpretation of "Common lodging house" and substituting therefor the following interpretation : Amendment of section 2.

"'Common lodging house' includes—

(a) any house which, or part of which, is occupied as lodgings at a nightly rate of payment not exceeding forty cents for each person ; or in which the sleeping accommodation provided for lodgers is such that two or more persons though strangers to one another may occupy one and the same room ; or in which the same class of accommodation is furnished by an employer of workmen to the workmen employed by him or is paid for by subscription to a common fund ;

(b) any house or part of a house (not being a public hospital) used for the reception of sick or dying persons or for the lying-in of women ;

(c) any house where six or more jinrikisha-pullers are lodged as tenants or sub-tenants."

Passed this 22nd day of November, 1922.

W. E. PEPYS,
Clerk of Council.

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No. 25 OF 1922.

Heads of Expenditure.						Excess.	
						\$	c.
<i>Brought forward</i>						1,900,170	08
9. Police	965,803	39
10. Labour	...	...	...	...	...	2,769	75
11. Marine Department	...	...	...	...	...	12,780	48
12. Posts and Telegraphs Department	...	...	...	...	...	931,994	57
13. Malay States Volunteer Regiment	...	...	...	...	...	33,783	12
14. Transport	...	...	...	...	...	477,125	10
15. Purchase of Land	...	...	...	...	...	66,569	86
16. Miscellaneous Services	...	...	...	...	...	17,557,744	40
17. Railway Construction	...	...	...	...	...	7,272,468	07
18. Official Assignee and Public Trustee	...	...	...	...	...	1,113	57
Total						29,222,322	39

Passed this 22nd day of November, 1922.

W. E. PEPYS,
Clerk of Council.

No. 7871.—The following Enactment, passed at a meeting of the Federal Council held on the 22nd November, 1922, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. 27 OF 1922.

An Enactment to further amend "The Agricultural Pests Enactment, 1913."

L. N. GUILLEMARD,

[11th December, 1922.]

President of the Federal Council.

IT is hereby enacted by the Rulers of the Federated Malay States in Council as follows :

Short title,
commencement
and construc-
tion.

1. (i) This Enactment may be cited as "The Agricultural Pests Enactment, 1913, Amendment Enactment, 1922 (No. 2)," and shall come into force on the publication thereof in the *Gazette*.

(ii) This Enactment shall be read and construed as one with "The Agricultural Pests Enactment, 1913," hereinafter called the "principal Enactment," and any copies of the principal Enactment printed after the commencement of this Enactment may be printed with the amendments made by this Enactment.

Amendment of
section 2.

2. Clause (viii) of section 2 of the principal Enactment is repealed.

Amendment of
sections 5 to 9.

3. Sections 5, 6, 7, 8 and 9 of the principal Enactment are amended by inserting the words "and premises" after the word "land" wherever it occurs.

Amendment of
section 5 (i).

4. Sub-section (i) of section 5 of the principal Enactment is amended by deleting the words "alienated for agricultural purposes or whereon any plants are or have been cultivated" in the third and fourth lines thereof.

Repeal of
sections 15, 16,
17, 18 and 19.

5. Sections 15, 16, 17, 18 and 19 of the principal Enactment are repealed.

Substituted
section 20.

6. Section 20 of the principal Enactment is repealed and the following substituted therefor :

Compensation.

"20. Subject to the provisions of section 12B no owner or occupier of land or other person shall be entitled to compensation for any expense incurred or damage occasioned by any order given or act done in pursuance of the provisions of this Enactment or any rule thereunder unless such damage were occasioned by negligence or maliciously and without reasonable cause; but the Resident of the State may in his discretion order that such compensation as he may think fit be paid to the owner of any plant who being in needy circumstances is required to destroy such plant, provided that the total compensation so paid in one year to any one person shall not exceed one hundred dollars."

Amendment of
section 25.

7. Section 25 of the principal Enactment is amended by deleting the words "sections 9A, 15 and 18" in the second and third lines thereof and substituting therefor the word "section 9A."

Passed this 22nd day of November, 1922.

W. E. PEPYS,
Clerk of Council.

No. 7872.—The following Enactment, passed at a meeting of the Federal Council held on the 22nd November, 1922, is published for general information:

FEDERATED MALAY STATES.

ENACTMENT No. 28 OF 1922.

An Enactment to amend "The Bankruptcy Enactment, 1912."

L. N. GUILLEMARD,
President of the Federal Council.

[11th December, 1922.]

IT is hereby enacted by the Rulers of the Federated Malay States in Council as follows:

1. (i) This Enactment may be cited as "The Bankruptcy Enactment, 1912, Amendment Enactment, 1922," and shall come into force upon the publication thereof in the *Gazette*. Short title, commencement and construction.

(ii) This Enactment shall be read and construed as one with "The Bankruptcy Enactment, 1912," hereinafter called "the principal Enactment," and any copies of the principal Enactment printed after the commencement of this Enactment may be printed with the amendments made by this Enactment.

2. Section 3 of the principal Enactment is amended by inserting immediately after the interpretation "Property" a new interpretation as follows: Amendment of section 3.

"'Protected State' means any British Protected State in the Malay Peninsula other than the Federated Malay States or any of them."

3. Section 14 of the principal Enactment is amended Amendment of section 14.

- (a) by inserting after the words "dominions" in the fifth line the words "or in any Protected State",
- (b) by inserting after the word "dominions" in the ninth line the words "or of such Protected State".

4. Sub-section (ii) of section 63 of the principal Enactment is amended by deleting the words "One Assistant Official Assignee only shall" in lines 3 and 4 and substituting therefor the words "One or more Assistant Official Assignees may". Amendment of section 63 (ii).

5. Section 96 of the principal Enactment is amended Amendment of section 96.

- (a) by deleting from the second line the words "of the Colony", and by inserting after the word "bankruptcy" in the third line the words "of the Colony and of any Protected State the law of which requires its Courts to act in aid of and be auxiliary to the Courts of the Federated Malay States";
- (b) by inserting after the word "Colony" in the fourth line the words "or of any such Protected State as aforesaid";
- (c) by adding at the end of the marginal note the words "or of a Protected State".

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New section
96A.

6. Immediately after section 96 of the principal Enactment a new section is inserted as follows:

Reciprocal
recognition of
Official
Assignee.

96A. (i) The Chief Secretary to Government by notification in the *Gazette* may declare that the Government of the Federated Malay States has entered into an agreement with the Government of the Colony or of a Protected State for the recognition by each of the Governments of the Official Assignee in Bankruptcy appointed by the other Government.

(ii) From the date of such notification where any person has been adjudged a bankrupt by a Court of the Colony or of any such Protected State, such property of such bankrupt situate in the Federated Malay States as would if he had been adjudged bankrupt in the Federated Malay States vest in the Official Assignee of the Federated Malay States shall vest in the Official Assignee appointed by the Government of the Colony or of the Protected State in which such person was adjudged bankrupt, and all Courts in the Federated Malay States shall recognize the title of such Official Assignee to such property. Provided that this sub-section shall not apply where a bankruptcy petition has been presented against the bankrupt in the Federated Malay States until the petition has been dismissed or withdrawn or the receiving order has been rescinded or the adjudicating order has been annulled as the case may be.

(iii) The production of an order of adjudication purporting to be certified under the seal of the Court making the order by the Registrar of that Court or of a copy of the official *Gazette* of the Colony or of the Protected State in which such person has been adjudged a bankrupt containing a notice of an order adjudging such person a bankrupt shall be conclusive proof in all Courts in the Federated Malay States of the order having been duly made and of its date.

(iv) Every such Official Assignee may sue and be sued in any Court in the Federated Malay States by the official name of "The Official Assignee of the property of _____ a bankrupt under the law of _____", inserting the name of the bankrupt and of the Colony or Protected State.

Amendment of
section 97 (i).

7. Sub-section (i) of section 97 of the principal Enactment is amended by inserting after the word "dominions" in the fifth line the words "or in a Protected State".

Passed this 22nd day of November, 1922.

W. E. PEPPYS,
Clerk of Council.

No. 7873.—The following Enactment, passed at a meeting of the Federal Council held on the 22nd November, 1922, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. 29 OF 1922.

An Enactment to further amend "The Pensions Enactments, 1906."

L. N. GUILLEMARD,
President of the Federal Council.

[11th December, 1922.]

IT is hereby enacted by the Rulers of the Federated Malay States in Council as follows :

1. (i) This Enactment may be cited as "The Pensions Enactments, 1906, Amendment Enactment, 1922 (No. 2)," and shall come into force on the publication thereof in the *Gazette*. Short title, commencement and construction.

(ii) This Enactment shall be read and construed as one with the Enactments specified in the schedule, which are hereinafter called "the principal Enactments," and any copies of the principal Enactments printed after the commencement of this Enactment may be printed with the amendments made by this Enactment.

2. Section 4 of the principal Enactments is repealed and the following section is substituted therefor: Substituted section 4.

"4. (i) With the consent of the High Commissioner a pension may without special reason being assigned be granted to any public officer (other than a Prison Warder or a Police Officer below the rank of Probationer) who has attained the age of fifty years: but this provision shall not affect the right of any public officer who has attained the age of fifty-five years to retire on pension without such consent. Terms on which pensions, etc., may be granted before 55.

(ii) Except in the case of the abolition of an office no pension, gratuity or other allowance shall be granted

(a) to any Prison Warder who has not attained the age of forty-five years,

(b) to any Police Officer below the rank of Probationer who has not attained the age of forty-five years, and whose pensionable service as computed according to the rules made under this Enactment does not amount to fifteen years,

(c) to any other public officer who has not attained the age of fifty years,

without a certificate from the Head of his Department and from two qualified medical practitioners that he is incapable; by reason of some infirmity of mind or body, of discharging the duties of his office, and that such infirmity is likely to be permanent: provided that in the case of an officer retiring while on leave of absence, a certificate from any medical practitioner appointed by the Secretary of State will be sufficient proof of incapacity for further service.

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No. 29 OF 1922.

Provided also that when an officer who is below the limit of age entitling him to retire on a pension is removed from the public service on the ground of his inability to discharge efficiently the duties of his office, and the Resident or the Chief Secretary thinks that the special circumstances of the case justify the grant to him of a retiring allowance, he may, with the approval of the High Commissioner, be given such retiring allowance as the Chief Secretary thinks just and proper, but in no case exceeding the amount for which his length of service would qualify him under this Enactment or the rules made hereunder, without any addition for abolition of office.

(iii) No pension, gratuity or other allowance shall in any case be granted to any public officer other than a Chief Secretary or a Chief Judicial Commissioner without a certificate from the Head of his Department that he has discharged the duties of his office with such diligence and fidelity as to justify the grant to him of a pension. When the officer applying for a pension is himself the Head of a Department the certificate must be given by the Resident or in the case of the Resident or the Head of a Federal Department, by the Chief Secretary."

Amendment of
section 8 (i).

3. Sub-section (i) of section 8 of the principal Enactments is amended by inserting the words "or a Prison Warder" after the words "fifteen years" in the eighth line thereof.

SCHEDULE.

PRINCIPAL ENACTMENTS.

State.	No. and year.	Short title.
Perak	1 of 1906	The Pensions Enactment, 1906
Selangor	2 of 1906	" "
Negri Sembilan	2 of 1906	" "
Pahang	2 of 1906	" "

Passed this 22nd day of November, 1922.

W. E. PEPYS,
Clerk of Council.

No. 7874.—The following Enactment, passed at a meeting of the Federal Council held on the 23rd November, 1922, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. 30 OF 1922.

An Enactment to make Financial Provision for the
Public Service for the year 1923.

L. N. GUILLEMARD,
President of the Federal Council.

[11th December, 1922.]

WHEREAS the expenditure for the public service of the Federated Malay States for the year 1923 has been estimated at the sum of fifty-eight million, eight hundred and eighty-four thousand, three hundred and seventy-four dollars :

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :

1. This Enactment may be cited as "The Supply Enactment, 1922."

2. A sum not exceeding fifty-eight million, eight hundred and eighty-four thousand, three hundred and seventy-four dollars shall be and the same is hereby charged upon the revenues and other funds of the Federated Malay States for the public service of the year 1923 and the said sum so charged may be expended as hereinafter specified—that is to say :

	\$
1. Charges on account of Public Debt	5,508,643
2. Pensions, Retired Allowances, Gratuities, etc.	1,994,036
3. High Commissioner	50,239
4. The Rulers and Native Officers	897,478
5. Chief Secretary to Government	59,220
6. The Residents	74,476
7. Civil Service	1,559,775
8. Agricultural Department	682,144
9. Audit	56,288
10. Bands	22,680
11. Chinese Departments	128,779
12. Clerical Service	1,649,717
13. Commissioner of Lands	5,354
14. Courts	143,541
15. Customs and Excise	895,604
16. District and Land Offices (including Settlement Officers)	609,057
17. Education	1,763,295
18. Exchange	101,200
<i>Carried forward</i> ...	<u>16,201,526</u>

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		\$
	<i>Brought forward</i> ...	16,201,526
19.	Fisheries	39,505
20.	Forest Department	854,366
21.	Geological Department	54,382
22.	Government Gardens and Plantations	60,898
23.	Labour Department	98,199
24.	Legal Adviser	5,394
25.	Malay Officers	94,809
26.	Malay States Volunteer Regiment	262,852
27.	Marine	306,001
28.	Medical	4,106,517
29.	Military Expenditure	676,013
30.	Mines Department	468,651
31.	Miscellaneous Services	3,774,142
32.	Mosquito Destruction Boards	394,846
33.	Municipal (Sanitary Boards, etc.)	2,014,108
34.	Museums	83,005
35.	Official Assignee and Public Trustee	9,582
36.	Police	3,015,546
37.	Posts and Telegraphs	1,863,175
38.	Printing Department	274,626
39.	Prisons	609,225
40.	Public Works Department	2,277,980
41.	Public Works Annually Recurrent	4,833,410
42.	Public Works Extraordinary (Revenue Account)	197,625
43.	Purchase of Land	24,500
44.	Railways (Revenue Account)	14,315,867
45.	Railway Construction (Revenue Account)	36,995
46.	Surveys	1,246,077
47.	Town Planning	37,892
48.	Transport	629,400
49.	Treasury	16,552
50.	Widows' and Orphans' Pensions and Public Officers' Guarantee Fund	708
	Total ...	58,884,374

Passed this 23rd day of November, 1922.

W. E. PEPPS,
Clerk of Council.

"THE LAND ACQUISITION ENACTMENT, 1922."

No. 7875.—WITH reference to section 1 of "The Land Acquisition Enactment, 1922," published in Notification No. 7866 of the *Gazette* of the 20th December, 1922, the Chief Secretary to Government hereby notifies that the said Enactment shall come into force on the 1st day of January, 1923.

"THE VALUATION OF LAND ENACTMENT, 1922."

No. 7876.—WITH reference to section 1 of "The Valuation of Land Enactment, 1922," published in Notification No. 7867 of the *Gazette* of the 20th December, 1922, the Chief Secretary to Government hereby notifies that the said Enactment shall come into force on the 1st day of January, 1923.