NEGERI PAHANG

Warta Kerajaan

DITERBITKAN DENGAN KUASA

GOVERNMENT OF PAHANG GAZETTE

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KANUN TANAH NEGARA

KAEDAH-KAEDAH TANAH PAHANG (PINDAAN) 2022

PADA menjalankan kuasa yang diberikan oleh seksyen 14 Kanun Tanah Negara [*Akta 828*], Pihak Berkuasa Negeri membuat kaedah-kaedah yang berikut:

Tajuk ringkas dan permulaan kuat kuasa

1. (1) Kaedah-kaedah ini bolehlah dinamakan **Kaedah-Kaedah Tanah Pahang (Pindaan) 2022**.

(2) Kaedah-kaedah ini hendaklah mula berkuat kuasa pada tarikh ianya disiarkan di dalam *Warta*.

Kaedah baru 58C

2. Kaedah-Kaedah Tanah Pahang 1992 [*Phg. P.U. 27/2015*], yang disebut "Kaedah-Kaedah ibu" dalam Kaedah-Kaedah ini, dipinda dengan memasukkan selepas kaedah 58B kaedah yang berikut:

"**Power of proprietor to impose the condition of the land under section 116(4)*(f)* and *(g)* of the Code with the approval of the State Director or Land Administrator**

58C. (1) The proprietor of any alienated land of the category "building" may apply to the Land Administrator under this rule for the imposition of the condition to the land—

(a) homestay/guest house

(b) restaurant/cafe/eatery/event hall

(c) cultural activities

(d) clothing boutique

(e) business office (services)

(f) tuition centre

(g) furniture showroom

(h) general business (grocery/store)

(i) exhibition business (art gallery/painting studio/art)

(j) stockist distribution business/e-commerce warehouse and distribution centre

(k) tailor/bundle

(l) used vehicle business

(m) workshop/small and medium industry

(n) sport facilities

(o) tahfiz centre/Islamic studies centre (*Fardhu Ain*)

(p) telecommunication tower

(q) tourism

(r) advertisement hoarding/billboards

(s) food/beverage/fruit stall

(t) "Perusahaan Desa"

(u) agriculture produce/commercial agriculture distribution centre

(v) solar farm

(w) landscaping nursery

(x) other use to be determined by State Authority

(2) In the absence of any direction to the contrary by the State Authority, the approval required by subrule (1) shall be given—

(a) by the State Director in case of the land held under Registry title, and

(b) by the Land Administrator in case of the land held under Land Office title.

(3) Any application for approval by a proprietor wishing to impose the condition of the land comprised in his title must be made in writing to the Land Administrator in Form 32, and shall be accompanied by—

(a) fee of one hundred ringgit for each application;

(b) all such written consents to the making thereof as are required under subrule (7); and

(c) unless the proprietor alleges that it is for any reason incapable of production, the issue document of title to the land.

(4) Where the proprietor is unable to produce the issue document of title because it is in the hands of any person or body as charge or lien-holder, the application shall be accompanied instead by a copy of a request by the proprietor, served on that person or body under subsection 244(2) of the Code or, as the case may be, subsection 281(4) of the Code, for the production of the document at the Land Office within fourteen days of the date thereof.

(5) Upon receipt of the application, the Land Administrator shall endorse, or cause to be endorsed, a note thereof on the register document of title to the land.

(6) The State Director or the Land Administrator shall not approve the application unless the following conditions are satisfied—

(a) that no item of land revenue is outstanding in respect of the land;

(b) that every person or body specified in subrule (7) has consented in writing to the making of the application.

(7) The said persons and bodies are—

(a) any person or body who, at the time when the approval was applied for, was entitled to the benefit of any registered interest affecting the land (including a charge of any lease or sublease);

(b) any person or body having at that time a lien over the said land or part, or over any lease or sublease thereof;

(c) any person or body entitled at that time to the benefit or any tenancy exempt from registration affecting the said land or part, being a tenancy protected by an endorsement on the register document of title; and

(d) any person or body having at that time a claim protected by caveat affecting the said land or part or any interest therein.

(8) Where the State Director or the Land Administrator approves any application under subrule (1), he shall direct that the conditions be endorsed on the document of title to the land.

(9) Any direction given by the State Director or the Land Administrator may be made conditional upon all or any of the following matters—

(a) the payment of a further premium;

(b) the reservation of a new rent

(10) Upon approval by the State Director or the Land Administrator, the State Director or the Land Administrator shall sign a memorandum in Form 33 in accordance with the direction of the State Director and shall present the same, and on the memorial thereof being made the Registrar shall make an entry on the register and issue documents of title to the land and shall note the date thereof and the authority therefore, and authenticate the same under his hand and seal.

(11) The rent and premium in any direction issued by the State Director or the Land Administrator under this section shall become due to the State Authority at the time when it approves the application and the Land Administrator shall cause to be served on the proprietor a notice in Form 34 requiring him to pay such sum within the specified time and if any such sum is not paid within such time the approval of the State Director or the Land Administrator shall thereupon lapse.

(12) Where the State Director approves an application to impose the condition of the building land under subrule (1) a further premium at the rate may be impose five times the annual rent of the title.

(13) (1) Where the State Director approves an application to impose the condition of the building land under subrule (1) the rate of annual rent is to be calculated as follows—

(a) A part of the land:

(2 x actual rent as per new condition x the area) + (annual rent for the remaining area as building land, not lesser than the minimum rate as provided in rule 22)

(b) Whole of the land:

3 x actual rent as per new condition

(2) Where the actual rent as per new condition is not provided in rule 22, the annual rate of commercial shall be imposed."

Borang baru 32, 33 dan 34

3. Kaedah-Kaedah ibu dipinda dengan memasukkan selepas Borang 31, Borang-Borang yang berikut:

"FORM 32

(RULE 58C)

STATE OF PAHANG

APPLICATION TO IMPOSE THE CONDITION UNDER SECTION 116(4)(f) AND (g) OF THE CODE

To:
Land Administrator, District of ……..,*I/we, the undersigned *proprietor/co-proprietors of the following land—

* Town/Village/Mukim ..…….. Lot No..……..

Description and Title No. …… Area…… hereby apply for approval to impose the conditions as follows

…….

…….

On the portion thereof as shown in the proposed plan attached.

For purpose clarification *I/we also attach an explanatory memorandum.

2. As required, * I/we submit—

(a) the prescribed fee of RM……..

(b) the proposed site-plan referred (for application on a part of the land) ……

(c) the construction plan and cost of construction

(d) a letter of consent from each of the following…….persons (being persons whose consent in writing is required for the particular reason specified in each such letter) †

(1) ……

(2) ……

(3) ……

Dated this ..... day of ..... 20.....

.....
Signature of Proprietor

FOR OFFICE USE ONLY

(A) Rent for current year paid

.....
Land Administrator

(B) Imposition of condition as follows..... on the land in the Schedule approved.

Dated this ..... day of ..... 20.....

.....
Director/Land Administrator

---

*Delete as appropriate

† Explanatory note – The consent in writing is required for every person or body—

i. entitled to the benefit of any registered interest affecting the land (including a charge of any lease or sublease);

ii. entitled to the benefit of a lien over the said land or part, or over any lease or sublease thereof;

iii. entitled to having a claim protected by caveat affecting any of the lands or part thereof;

iv. entitled to the benefit or any tenancy exempt from registration affecting the said land or part, being a tenancy protected by an endorsement on the register document of title; and

v. at that time having a claim protected by caveat affecting the said land or part or any interest therein.

FORM 33

(RULE 58C)

STATE OF PAHANG

MEMORANDUM OF IMPOSITION OF THE CONDITION
UNDER SECTION 116(4)(f) AND (g) OF THE CODE

On the application of ……..……. *proprietor/co-proprietor of the land held under Title No. ……Lot No…….....
*Town/Village/Mukim……...……District ……...…….covering an area of …….....……square meters, the State Authority has approved the imposition of the express condition: …….....……..……. commencing from……...……. and expiring on……...…… On the area of …….....……as shown in the plan attached subject to the payment of RM……..... and the imposition of a new quit rent of RM…….....

I, ...……the State Director or the Land Administrator, hereby request that endorsement be made on the Document of the title in accordance with the above approved.

Dated this …… day of …….. 20……

L.S.

……
Director/Land Administrator

FOR USE BY REGISTRAR/LAND ADMINISTRATOR

Endorsement has been made on the register document of title this……
day of……

……
Registrar/Land Administrator

---

*Delete as appropriate

FORM 34

(RULE 58C)

STATE OF PAHANG

NOTICE THAT PAYMENT IS DUE IMPOSITION OF THE CONDITION UNDER SECTION 116(4)(f) AND (g) OF THE CODE

Application No. ……..

To: ……..

of .....
*proprietor/co-proprietors of the land held under—

Title No……

Lot/L.O. No ……

*Town/Village/Mukim ……..

District of……

Take notice that your application under Rule 58C of the Pahang Land Rules for imposition of conditions/in respect of the above land has been approved and you are hereby required within a period of…….months from the date of this notice to pay at the Land Office of this district the following sums:

Further premium	=	RM
New rent	=	RM
Other charge	=	RM
	=	RM

Take further notice that if the above total is not paid in full within the time specified, then by virtue of the Rule 58C(11) the approval of your applications will lapse.

Dated this ……. day of …….. 20……

……
Land Administrator ”

*Delete as appropriate

Bertarikh 28 April 2022
[Bil.(66)dlm.PTG.PHG.UP/10/REV/KTP/09(01) Sj. 3]

MOHD ZUKRI BIN SIDEK
Setiausaha
Majlis Mesyuarat Kerajaan
Pahang

NATIONAL LAND CODE

PAHANG LAND (AMENDMENT) RULES 2022

IN exercise of the powers conferred section 14 of the National Land Code [*Act 828*], the State Authority makes the following rules:

Short title and commencement

1. (1) These rules may be cited as the **Pahang Land (Amendment) Rules 2022**.

(2) These Rules come into operation on the date of its publication in the *Gazette*.

New rule 58C

2. The Pahang Land Rules 1992 [*Phg. P.U. 27/2015*], which are referred to as the "principal Rules" in these Rules, is amended by inserting after rule 58B, the following rule:

"**Power of proprietor to impose the condition of the land under section 116(4)*(f)* and *(g)* of the Code with the approval of the State Director or Land Administrator**

58C. (1) The proprietor of any alienated land of the category "building" may apply to the Land Administrator under this rule for the imposition of the condition to the land—

(a) homestay/guest house

(b) restaurant/cafe/eatery/event hall

(c) cultural activities

(d) clothing boutique

(e) business office (services)

(f) tuition centre

(g) furniture showroom

(h) general business (grocery/store)

(i) exhibition business (art gallery/painting studio/art)

(j) stockist distribution business/e-commerce warehouse and distribution centre

(k) tailor/bundle

(l) used vehicle business

(m) workshop/small and medium industry

(n) sport facilities

(o) tahfiz centre/Islamic studies centre (*Fardhu Ain*)

(p) telecommunication tower

(q) tourism

(r) advertisement hoarding/billboards

(s) food/beverage/fruit stall

(t) "Perusahaan Desa"

(u) agriculture produce/commercial agriculture distribution centre

(v) solar farm

(w) landscaping nursery

(x) other use to be determined by State Authority

(2) In the absence of any direction to the contrary by the State Authority, the approval required by subrule (1) shall be given—

(a) by the State Director in case of the land held under Registry title, and

(b) by the Land Administrator in case of the land held under Land Office title.

(3) Any application for approval by a proprietor wishing to impose the condition of the land comprised in his title must be made in writing to the Land Administrator in Form 32, and shall be accompanied by—

(a) fee of one hundred ringgit for each application;

(b) all such written consents to the making thereof as are required under subrule (7); and

(c) unless the proprietor alleges that it is for any reason incapable of production, the issue document of title to the land.

(4) Where the proprietor is unable to produce the issue document of title because it is in the hands of any person or body as charge or lien-holder, the application shall be accompanied instead by a copy of a request by the proprietor, served on that person or body under subsection 244(2) of the Code or, as the case may be, subsection 281(4) of the Code, for the production of the document at the Land Office within fourteen days of the date thereof.

(5) Upon receipt of the application, the Land Administrator shall endorse, or cause to be endorsed, a note thereof on the register document of title to the land.

(6) The State Director or the Land Administrator shall not approve the application unless the following conditions are satisfied—

(a) that no item of land revenue is outstanding in respect of the land;

(b) that every person or body specified in subrule (7) has consented in writing to the making of the application.

(7) The said persons and bodies are—

(a) any person or body who, at the time when the approval was applied for, was entitled to the benefit of any registered interest affecting the land (including a charge of any lease or sublease);

(b) any person or body having at that time a lien over the said land or part, or over any lease or sublease thereof;

(c) any person or body entitled at that time to the benefit or any tenancy exempt from registration affecting the said land or part, being a tenancy protected by an endorsement on the register document of title; and

(d) any person or body having at that time a claim protected by caveat affecting the said land or part or any interest therein.

(8) Where the State Director or the Land Administrator approves any application under subrule (1), he shall direct that the conditions be endorsed on the document of title to the land.

(9) Any direction given by the State Director or the Land Administrator may be made conditional upon all or any of the following matters—

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(10) Upon approval by the State Director or the Land Administrator, the State Director or the Land Administrator shall sign a memorandum in Form 33 in accordance with the direction of the State Director and shall present the same, and on the memorial thereof being made the Registrar shall make an entry on the register and issue documents of title to the land and shall note the date thereof and the authority therefore, and authenticate the same under his hand and seal.

(11) The rent and premium in any direction issued by the State Director or the Land Administrator under this section shall become due to the State Authority at the time when it approves the application and the Land Administrator shall cause to be served on the proprietor a notice in Form 34 requiring him to pay such sum within the specified time and if any such sum is not paid within such time the approval of the State Director or the Land Administrator shall thereupon lapse.

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(a) A part of the land:

(2 x actual rent as per new condition x the area) + (annual rent for the remaining area as building land, not lesser than the minimum rate as provided in rule 22)

(b) Whole of the land:

3 x actual rent as per new condition

(2) Where the actual rent as per new condition is not provided in rule 22, the annual rate of commercial shall be imposed."

New Form 32, 33 and 34

3. The principal Rules are amended by inserting after Form 31, the following Forms:

"FORM 32

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Land Administrator, District of ……..,*I/we, the undersigned *proprietor/co-proprietors of the following land—

* Town/Village/Mukim ……..Lot No.……..

Description and Title No. ……Area……
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On the portion thereof as shown in the proposed plan attached.

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(c) the construction plan and cost of construction

(d) a letter of consent from each of the following…….persons (being persons whose consent in writing is required for the particular reason specified in each such letter) †

(1) ……

(2) ……

(3) ……

Dated this ..... day of ..... 20.....

.....
Signature of Proprietor

FOR OFFICE USE ONLY

(A) Rent for current year paid

.....
Land Administrator

(B) Imposition of condition as follows..... on the land in the Schedule approved.

Dated this ..... day of ..... 20.....

.....
Director/Land Administrator

---

*Delete as appropriate

† Explanatory note – The consent in writing is required for every person or body—

i. entitled to the benefit of any registered interest affecting the land (including a charge of any lease or sublease);

ii. entitled to the benefit of a lien over the said land or part, or over any lease or sublease thereof;

iii. entitled to having a claim protected by caveat affecting any of the lands or part thereof;

iv. entitled to the benefit or any tenancy exempt from registration affecting the said land or part, being a tenancy protected by an endorsement on the register document of title; and

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*Town/Village/Mukim……....……District ……...……..covering an area of …….....……square meters, the State Authority has approved the imposition of the express condition: …….....……..…….. commencing from……..…….. and expiring on……...…… On the area of …….....……as shown in the plan attached subject to the payment of RM……..... and the imposition of a new quit rent of RM…….....

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L.S.

……
Director/Land Administrator

FOR USE BY REGISTRAR/LAND ADMINISTRATOR

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Registrar/Land Administrator

---

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(RULE 58C)

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To: ……..

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	=	RM

Take further notice that if the above total is not paid in full within the time specified, then by virtue of the Rule 58C(11) the approval of your applications will lapse.

Dated this …… day of …….. 20……

……
Land Administrator ”

*Delete as appropriate

Dated 28 April 2022
[Bil.(66)dlm.PTG.PHG.UP/10/REV/KTP/09(01) Sj. 3]

MOHD ZUKRI BIN SIDEK
Clerk of Council
State of Pahang

Hakcipta Pencetak (H)
PERCETAKAN NASIONAL MALAYSIA BERHAD
Semua Hak Terpelihara. Tiada mana-mana bahagian jua daripada penerbitan ini boleh diterbitkan semula atau disimpan di dalam bentuk yang boleh diperolehi semula atau disiarkan dalam sebarang bentuk dengan apa jua cara elektronik, mekanikal, fotokopi, rakaman dan/atau sebaliknya tanpa mendapat izin daripada **Percetakan Nasional Malaysia Berhad (Pencetak kepada Kerajaan Malaysia yang dilantik)**.

PNMB
DICETAK OLEH
PERCETAKAN NASIONAL MALAYSIA BERHAD,
KUALA LUMPUR
BAGI PIHAK DAN DENGAN PERINTAH KERAJAAN MALAYSIA