

R 2/1 - 13

(5)

Tel: 03-293-9011

Bill: (1)dlm.JK/MA 38

Tarikh: 5hb November 1995

Semua Y.A. Hakim
Mahkamah Tinggi
MALAYA

Y.A.,

Land Acquisition Act, 1960

Your attention is drawn to Act 4575 which amended the Land Acquisition Act, 1960 effective from 20.1.94. One of the amendments abolished Assessors in the constitution of the Court by the repeal of sections 40, 41, 42 and 46 of the principal Act. Nevertheless a transitional provision contained in Act 4575 states that:

"21. The amendments made by this Act shall not apply -

- (a) to any land in respect of which there is in force immediately before the commencement of this Act any notification under subsection (1) of section 4, or any declaration under subsection (1) of section 6, of the principal Act, and all proceedings in consequence of such notification or such declaration shall be taken, or if already in progress, shall be continued and concluded, in accordance with the provisions of the principal Act as it stood before the amendments made to it by this Act; or
- (b) to any proceedings, or any objection, or any reference to the Court, under the principal Act which is still pending immediately before the commencement of this Act; or
- (c) to any matter, act or thing whatsoever required to be done under the principal Act in relation to any notification or any declaration, or any proceedings, objection, or reference to the Court, mentioned in the foregoing paragraphs."


The legal effect therefore is that although these sections have been deleted, assessors however are still required to be appointed by the Court for the purpose of aiding the Judge in determining the objection where -

(a) the objection before the Court is in regard to the amount of compensation; and

(b) the amount awarded is not less than five thousand ringgit,

in respect of acquisitions commenced before 20.1.74 although the Reference to the Court is made after 20.1.74. The Court is otherwise not properly constituted.

Letter Bil. 42/dlm. JK/TP 91/50 dated 17th March, 1975 is hereby cancelled.


(TAN SRI DATO' ABDUL HAMID BIN HAJI OMAR)
Chief Justice Malaya.

c.c.

Y.A.A. Tan Sri Datuk Lee Hun Hoe,
Hakim Besar Borneo,
Kuching, SARAWAK.