

**MALAY RESERVATIONS ENACTMENT
PERLIS**

GOVERNMENT OF PERLIS

ENACTMENT NO. 7 OF 1353

THE RESERVATIONS ENACTMENT, 1353*

On the 17th day of Zul-Hijjah, 1353, in the reign of His Highness Tuan Syed Alwi, CMG, CBE, ibni Almerhom Tuan Syed Safi, Raja Perlis, it is enacted as follows:

1. This Enactment may be cited as “The Reservations Enactment, 1353” and shall come into force on the 17th Zul-Hijjah, 1353.

2. In this Enactment the following expressions shall have the respective meanings hereby assigned to them—

“Commissioner” means the officer who for the time being is performing the duties of the Commissioner of Lands and Mines, Perlis.

“Dealing” means any transaction of whatever nature by which land is affected.

“Document of Title” means and includes any form of document of title to land issued by or with the authority of the Government but does not include a licence for temporary occupation.

“Government” means the Government of the State of Perlis.

“Malay” means a person belonging to any Malayan race or person of Arab descent who habitually speaks the Malay language or any Malayan language and professes the Muslim religion.

“Reservation Land” means the land situate within an area which has under the provisions of this Enactment been declared to be, or to be included in, a Reservation, such declaration not having been revoked.

“Siamese” means a Siamese certified by the Commissioner in writing to be a Siamese agriculturist permanently resident in the State of Perlis.

“Alienate” and “State Land” shall have the meanings assigned to them in any Enactment in force from time to time relating to land.

3. (i) The State Council may declare by a proclamation any area of land in the State to be a Reservation.

**Enacted as the Malay Reservations Enactment 1353 – Enactment No. 7 of 1353, coming into force on 17th Zul-Hijjah 1353. For subsequent amendments, see List of Amendments Incorporated.*

(ii) Such declaration shall describe the limits and boundaries of such area by one or more of the following means—

- (a) by reference to a Mukim or locality, or
- (b) by reference to the boundaries of surveyed or demarcated land, or
- (c) by reference to natural features, or
- (d) otherwise as the State Council deems expedient.

(iii) Such declaration shall take effect on such date as may be fixed by the State Council.

4. (i) The State Council may at any time—

- (a) alter the limits or boundaries of any Reservation, or
- (b) revoke any declaration under Section 3 either as to the whole or any part of the area therein referred to, or
- (c) include in any Reservation any land excluded therefrom.

(ii) Such alteration, revocation or exclusion shall take effect on such date as may be fixed by the State Council.

5. (i) Save as hereinafter provided in this Enactment, where any Reservation Land is held under a document of title by a Malay, no right or interest therein shall vest whether by transfer, sale in execution of a decree, sale at the instance of a chargee or otherwise, in any person who is not a Malay; and where any Reservation Land is held under a document of title by a Siamese, no right or interest therein shall vest, whether by transfer, sale in execution of a decree, sale at the instance of a chargee or otherwise, in a person who is not either a Malay or a Siamese.

(ii) Any document or agreement purporting to vest in any person any right or interest in Reservation Land contrary to the provisions of sub-section (i) shall be void.

(iii) No action for breach of contract shall lie in respect of any dealing in or any attempt to deal in any Reservation Land contrary to the provisions of this Enactment.

5A. Restriction of dealings in Reservation Land.

(i) Save as hereinafter provided in this Enactment, no Reservation Land held under a document of title by any Malay shall be mortgaged,

charged or leased to any person who is not a Malay and no Reservation Land held under a document of title by any Siamese shall be mortgaged, charged or leased to any person who is not either a Malay or a Siamese.

(ii) Any instrument executed by any person purporting to create any dealing in Reservation Land contrary to the provisions of sub-section (i) shall be null and void.

6. If at any time it shall appear to the satisfaction of the State Council that any Malay or Siamese has attempted to vest in any person any Reservation Land, held by him under any document of title, contrary to the provisions of Section 5, the State Council may, by order in writing, direct that all interest of such Malay or Siamese, as the case may be, in such land shall be forfeited and upon the registration of such written order in the Land Office in accordance with the provisions of "The Registration of Deeds Enactment, 1327" or any statutory amendment or re-enactment thereof, such land shall vest in the State absolutely; provided that one month's notice to shew cause against such forfeiture shall have been served upon such Malay or Siamese as the case may be and cause shall not have been shewn to the satisfaction of the State Council within the period prescribed in the notice.

7. Restriction on dealings of State Land included in a Reservation.

(i) No State Land included in a Reservation shall be alienated, sold, leased or otherwise disposed of to any person who is not either a Malay or a Siamese.

(ii) The provisions of sub-section (i) shall not apply to any body corporate or company specified in Schedule D.

8. If the document of title to any reservation land—

(a) (i) was at the date upon which such land became reservation land, registered in the name of a person who was neither a Malay nor a Siamese and

(ii) had been at any time prior to the date upon which such land became reservation land, registered in the name of a Malay or a Siamese; or

(b) has after the date upon which such land became reservation

land, been registered by operation of section 11(a) in the name of a person who is neither a Malay nor a Siamese,

then, such reservation land may be acquired by the Government and re-alienated to a Malay or to a Siamese, and any such acquisition shall be deemed to be for a public purpose within the meaning of the Acquisition of Land for Public Purposes Enactment, 1332, or of any statutory amendment or re-enactment thereof.

9. (1) Notwithstanding any of the provisions contained in this Enactment the proprietor of any reservation land may charge such land to any co-operative society registered under the Co-operative Societies Ordinance, 1948¹ and approved by the Ruler in Council either generally or for the purposes of any particular case or to any person specified in Schedule C.

(2) The Ruler in Council may from time to time by order published in the *Gazette* add to, delete from or amend Schedule C.

10. No power of Attorney shall be valid

- (a) whereof the donee or any donee is not a Malay, if it relates to Reservation Land held by a Malay under any document of title;
- (b) whereof a donee or any donee is not either a Malay or a Siamese if it relates to Reservation Land held by a Siamese under any document of title.

11. Notwithstanding anything in Section 5 contained, where any Reservation Land held by a Malay or a Siamese under any document of title—

- (a) is the subject of a charge created prior to the date on which the land was included in a Reservation, such land may with the written consent of the Ruler in Council and subject to such conditions or limitations as the Ruler in Council may see fit to annex to such consent, be sold at the instance of the chargee to a person other than a Malay or to either a Malay or a Siamese as the case may be, but such land if sold to a person other than a Malay or a Siamese shall be subject to the provisions of Section 8;

¹Repealed and now the Co-operative Societies Act 1993 [Act 502].

(b) is the subject of a written agreement for sale, executed in favour of a person other than a Malay or Siamese prior to the date on which the land was included in a Reservation may with the written consent of the Ruler in Council be transferred to the person in whose favour the agreement was executed.

12. No Malay or Siamese holding in a Reservation shall be attached in execution of a decree or other order of any Court unless such decree or order was made prior to the coming into force of this Enactment.

13. (i) On the declaration of a Reservation and on the inclusion in any existing Reservation of any land previously excluded therefrom, the Commissioner shall publish in the manner hereafter provided, a proclamation in the form of Schedule A and may at any time thereafter serve a notice in the form of Schedule B on any person having a registered title to the land within the area so declared or included.

(ii) Proclamations issued under the provisions of sub-section (i) shall be posted at every Mosque and Police Station and other place of public resort in the area to which they refer and shall be read in public by the Penghulus at such places as the Commissioner shall in each case direct.

14. (i) On the taking effect of any declaration under Section 3 or 4 of this Enactment the Commissioner shall inscribe conspicuously on the face of the register document of title the word "Reservation" and on the production of the issue copy of the title if any shall make a similar inscription on the face of such document; provided that it shall not be necessary for the word "Reservation" to be inscribed on any document of title to land which is registered in the name of any person who is not a Malay or Siamese.

For the purpose of this sub-section the expression "register document of title" shall include an entry in any register kept in the Land Office in lieu of a register document of title.

(ii) Before the issue or return of any document of title for land which at the time of such issue or return is included within a Reservation and whereon the inscription prescribed by sub-section (i) has not yet been made, the Commissioner shall make the inscription so prescribed.

15. Any person who fails to comply with any notice in the form of Schedule B served on him in pursuance of Section 12 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty-five dollars.

16. Service of all notices under this Enactment may be made in any manner prescribed by the State Council by rules made under this Enactment; provided that no failure to serve or irregularity in the service of such notice shall effect the validity of any declaration of a Reservation.

17. Where any land ceases to be included in a Reservation, any inscription made under Section 14 shall be cancelled by the Commissioner.

17A. Authority to deal with specified body corporate or company.

(i) Notwithstanding any of the provisions contained in this Enactment any Reservation Land may be alienated, sold, leased or otherwise disposed of to any body corporate or company specified in Schedule D.

(ii) The Ruler in Council may, from time to time, add to, delete from or amend Schedule D.

(iii) Without prejudice to sub-section (i), the provisions of this Enactment shall apply to any body corporate or company specified in Schedule D as they apply to a Malay or a Siamese.

18. If any doubt shall arise as to whether any person is a Malay or Siamese within the meaning of this Enactment, or as to the mode of operation of this Enactment, or the manner in which the provisions thereof are to be construed or carried into effect the same may be referred to the State Council which shall decide the matter and every such decision shall be final and shall not be questioned or altered by any Court.

19. If any case any conflict shall arise between the provisions of this Enactment and the provisions of any other Enactment, the provisions of this Enactment shall prevail.

20. Notwithstanding anything contained in "The Land Tenure Enactment, 1326," The Land Revenue Act, 1326, or any statutory amendment or re-enactment thereof the State Council may by rules under this Enactment—

(i) prescribe the manner for effecting the service of notices under this Enactment,

(ii) prescribe the premia and quit rents on land subject to limitations under this Enactment,

(iii) impose such conditions either generally or in particular cases, as it may think fit, on titles issued after the bringing into force of this Enactment,

(iv) prescribe form of charges and other instruments relating to dealings in land subject to this Enactment.

Provided that unless and until such rules have been made land within a Reservation area shall except as otherwise provided in this Enactment, be subject to the provisions of "The Land Tenure Enactment, 1326" and the Land Revenue Act, 1326, or any amendment or re-enactment thereof.

STATE OF PERLIS

SCHEDULE A

THE RESERVATIONS ENACTMENT, 1353.

NOTICE IS HEREBY GIVEN that all lands situate in.....
.....
.....
by declaration dated and duly
proclaimed on have been included
in a Reservation with effect from

From the said date no land held under any document of title by a Malay may be transferred, leased or charged or otherwise disposed of to any person who is not a Malay and no land held under any document of title by a Siamese may be transferred, leased or charged or otherwise disposed of to any person who is not either a Malay or a Siamese.

If any person has before the day ofarranged to sell his land to a person who is forbidden by this Enactment to purchase it or if he suffers any immediate material financial loss by the inclusion of his land in a Reservation he may send a petition to the Ruler in Council whose decision shall be final.

All persons who own land in the said Reservation should bring their documents of title to the Commissioner of Lands so that he may inscribe on them the word "Reservation." No fee is payable for this.

This notice is published for information only and shall not be deemed to vary the provisions of the Enactment.

Dated at this day of 135

Seal

Commissioner of Lands.

SCHEDULE B

SCHEDULE C

[SECTION 9(1)]

	<i>Ps.</i>
Bank Bumiputra Malaysia Bhd.	PU 15/67
Bank Islam Malaysia Berhad.	
Bank Kerjasama Malaysia Bhd.	PU 5/70
Bank of Commerce Bhd.	
Bank Pembangunan Malaysia Bhd.	PU 1/77
Bank Pertanian Malaysia Bhd.	PU 1/71
Bank Pusat Kerjasama.	
Bumiputra Merchant Bankers Bhd.	
Federal Agricultural Marketing Authority	PU 5/70
Kewangan Bumiputera Berhad.	
Kewangan Usaha Bersatu Berhad.	
Koperasi Polis diRaja Malaysia Bhd.	
Kwong Yik Bank Bhd.	
Lembaga Letrik Negara.	
Lembaga Pemasaran Pertanian Persekutuan. (MARDI)	PU 5/70
Lembaga Pertubuhan Peladang Negeri Perlis.	
Malayan Banking Berhad	PU 1/77
Malaysia Building Society Berhad	PU 2/75
Malaysian Industrial Estates Sdn. Bhd. (MIEL)	
Nesma Finance Berhad.	
Padi and Rice Marketing Board	PU 5/70
Perbadanan Kemajuan Daun Tembakau Tanah Melayu Berhad.	LN 2/65
Perbadanan Pemasaran Padi dan Beras. (LPN)	PU 5/70
Pernas Mining Sendirian Berhad	PU 1/77
Persatuan Peladang Setia Jaya Tambun Tulang.	
Syarikat Kerjasama Guru-Guru Melayu Kedah	PU 1/71

The Federal and Colonial Building Society.	En. 4/57
The Federal Lands Commissioner.	FLN 293/59
The Housing Trust.	En. 4/57
The Leaf Tobacco Development Corporation of Malaya Ltd.	LN 2/65
The Mentri Besar, Perlis.	En. 4/57
The Minister of Finance.	FLN 293/59
The Perlis Planters' Board.	
The Planters' Loan Board.	En. 4/57
The Rubber Industry (Replanting) Board.	En. 4/57
The Rural Industrial Development Authority.	En. 4/57
United Overseas Bank (Malaysia) Bhd.	PU 2/70

SCHEDULE D

[Section 17A]

Astaka Nadua Sdn. Bhd.	PU 1/71
Bank Bumiputra Berhad.	PU 13/66
Bank Islam Malaysia Bhd.	
Bank Pembangunan Malaysia Berhad	PU 2/77
Federal Agricultural and Marketing Authority. (FAMA)	
Felhatan Trading Sdn. Bhd.	PU 1/71
Lembaga Padi dan Beras Negara. (LPN)	PU 2/73
Lembaga Pertubuhan Peladang Negeri Perlis.	
Majlis Ugama Islam dan Adat Istiadat Melayu Perlis.	
National Electricity Board. (NEB) (LLN)	PU 13/66
Perbadanan Nasional Berhad, Menteri Besar Incorporation	PU 4/71, 5/04
Perlis Padi Planters Board	PU 21/70
Pernas Mining Sendirian Berhad	PU 2/77
Persatuan Peladang Harapan Mewah.	
Persatuan Peladang Jayadiri.	
Pertubuhan Peladang Beseri.	
Petronas Dagangan Sdn. Bhd.	
Syarikat Kampung Batas Jejawi Dengan Tanggung Tidak Berhad.	
Syarikat Kerjasama Permodalan Guru-Guru Melayu Perlis Bhd.	
Syarikat Kerjasama Serbaguna Kampung Petal Bhd.	
The Federal Lands Commissioner.	En. 5/62
The Housing Trust.	En. 5/62
The Land Development Authority.	En. 5/62
The Leaf Tobacco Development Corporation of Malaya Ltd.	LN 3/65

LIST OF AMENDMENTS INCORPORATED

Authority	Provision/Particulars of Amendment	
Per.En. 11/1354	s.5A	– New section added.
5/1962	s.7	– Section substituted, which read “No State Land included in a Reservation shall be alienated, sold, leased or otherwise disposed of to any person who is not either a Malay or a Siamese”.
6/1360	s.8	– Section substituted, which earlier read “Any Reservation Land, the document of title to which at any time prior to the coming into force of this Enactment was registered in the name of a Malay or a Siamese and which at the time of coming into force of this Enactment is registered in the name of any person other than a Malay or Siamese, such land having been acquired otherwise than by a transfer by the Malay or Siamese owner thereof in accordance with the provisions of the Land Tenure Enactment, 1326, or any statutory amendment or re-enactment to a Malay or Siamese, and such acquisition shall be deemed to be for a public purpose within the meaning of the Acquisition of Land for Public Purposes Enactment, 1332, or any statutory amendment or re-enactment thereof”.
		[in force from 24.12.1951]
4/1957	s.9	– Section substituted, which earlier read “Notwithstanding anything hereinbefore contained a Malay or a Siamese proprietor of Reservation Land may charge such land to the State or to any Co-operative Society in the State duly registered under “The Co-operative Societies Enactment, 1345” or any statutory amendments or re-enactment thereof.”.
LN 293/1959	ss, 9(1) and 11	– The words “Mentri Besar” substituted with “Ruler in Council”.
		[in force from 4.9.1959]
Per.En. 11/1354	s.14(i)	– Proviso added.
5/1962	s.17A	– New section inserted.
LN 293/1959	Sch.	– In Schedule A, the words “Mentri Besar” were substituted with “Ruler in Council”.
		[in force from 4.9.1959]