

**PEKELILING PENGARAH TANAH DAN GALIAN SELANGOR
BILANGAN 1/1960**

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CANCELLATION OF APPLICATIONS FOR NON- PAYMENT

At the conference of Senior Land Officers held on 20th November, 1958 in Kuala Lumpur, an opinion was expressed that it was desirable to provide in the Rules to the Mining Enactment for a time to be specified by the Collectors within which survey and other fees shall be paid similar to the procedure provided for alienations under the Land Code , in order that application for Mining Land which has been approved shall not be left to pay the deposit against cost of survey as required by section 10 (ii) of the Mining Enactment and other revenue as provided under sections 11 (vi) and 27 of the same Enactment. If the deposit or the premium, rent or other fees are not paid within the time specified , the Collector would have the power to power to cancel the application provided in section 19 of the Land Code, cap 138 and Rule 5 or the Land Rules 1930.

2. This matter has been taken up by the Commissioner of Lands , Federation of Malaya with the Attorney General, Federation of Malaya who has advised as follows:-

“I do not think that it is necessary to make a new rule or otherwise amend the Law to give effect to the desire of the Senior Land Officers. The Ruler is the Landlord and can impose any conditions he pleases on the grant of a mining lease. It is therefore possible for him when approving a mining lease to State that such approval is subject to the payment by the applicant of specified fees within a specified time and that failure by the applicant to make such payment within such time shall be deemed to be refusal by the applicant of the mining lease approved to him. In the event of such failure, the application can automatically be treated as cancelled.

The ruler, as owner of State Land, should be regarded as any other Landlord; an ordinary landlord certainly has the power to prescribe a time- limit within which specified payment must be made and to treat the tenant's application as cancelled on failure by him to make such payments

3. In accordance with the above advise, it has now been agreed that the District Officer / collectors of land Revenue in submitting his recommendations for the consideration of the Ruler in Council should among other recommendations include the following:-

“That the payment on account of premium, rent, survey and other fees in respect of the application shall be made within a period of three months from the date of notification of the approval by the Collector of Land Revenue. In the event of failure to make the payment within the period stated above, the applicant will be deemed to have withdrawn his application and the application will be cancelled.”

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(MA'AROF BIN SHEIKH AHMAD)
PESURUHJAYA TANAH DAN GALIAN
SELANGOR

Kuala Lumpur,
28th April, 1960