

CADASTRAL STUDIES (MGHU 1514)

WEEK 3 - LAND ADMINISTRATION

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OUTLINE

- Land
- Land Management
- Land Administration System
- Land Registration System

Land

Real property is most often thought of as a piece of land on the surface of the earth, including or excluding building and other structures permanently attached to the surface, above the surface or below the surface. Throughout history, there were four phases in man's relationship with the land. The first phase was when land was regarded as wealth (before 1800), followed by land as a commodity (1800-1950), then land as a scarce resource (1950-1980), and finally land as a community scarce resource (after 1980) (Ting, 2002).

Land

Land is a valuable resource for mankind as life depends on having land in which to live and work (Wallace and Williamson, 2006; Dale, 1995). Without land, there would not be any human activity on the face of this earth because land is both a physical commodity and an abstract concept of rights of ownership and use. According to Williamson (1983), land and its resources have been the basis of wealth for most societies since the beginning of civilisation. However, the management of such land and its resources, while being central to most communities, has seen many varied approaches and systems.

Land

The United Nations Economic Commission for Europe (2005: 99) defines land as “the surface of the earth, the materials beneath, the air above and all things fixed to the soil”. In addition, land in modern administration also includes resources like marine environment, buildings, and all things attached to it and under the surface (Williamson et al., 2008).

Land

In Malaysia, the definition of land by the National Land Code 1965 (2010) includes land that is covered by water. The State Authorities control the seas up to 3 nautical miles from the low water mark, while the Federal Government has jurisdiction from that point to the outer edge of the Exclusive Economic Zone up to 200 nautical miles from territorial sea baseline. In addition, the country also has rights to the seabed of the continental shelf up to 350 nautical miles (648 km) from the coastal baseline.

Land

According to Dale and McLaughlin (1988), land is a word with many meanings. Land can be defined as a landscape, the product of geological processes; a resource with capital and labour to be exploited in order to achieve economic development; a volume of space stretching notionally from the centre of the earth to the infinite in the sky, and associated with it are a variety of rights which determine activity as a reflected in the many different forms of land use. When we talk about land, it will be in terms of its present appearance including all cultivation or development undertaken. The land must be seen not as an isolated physical unit, but as something integrated into the whole of a society with its legal, institutional and socio-economic characteristics (Larsson, 1997).

Defining Rights to Land

The United Nations Economic Commission for Europe (2005) defines the rights to land to include “rights of ownership and rights of use”. According to Larsson (1997: 12), “the definition of rights to land has at least three dimensions”. It encompasses what is included in a certain right, who the holder of this right is, and the extent of the right in a piece of land.

Defining Rights to Land

Land ownership is often described as bundles of specific rights defined by law, for example the right to cultivate, build, enjoy production, sell and so on which is not forbidden by law or custom or which must be approved by authorities, and the action shall not be very harmful to neighbours, other citizens or the environment (Larsson, 1997). The rights to land, be it ownership or other interests are vital. It is also significant how such rights are legally defined, whatever they are more or less absolute or limited by specified conditions and rules (Larsson, 1997).

Defining Rights to Land

According to Dale and McLaughlin (1988), the term 'land ownership' is commonly used in land management to define the rights to use the land that can be owned. Such rights may be held through local customs or the formal processes of the law. In order to prove who owns the rights to any particular area of land, it is necessary to investigate the entitlement where the title is the evidence of a person's rights to property. However, the title does not necessarily imply occupation or use (Dale and McLaughlin, 1999).

Defining Rights to Land

Dale (1995) also points out that there are many kinds of rights in land, ranging from full ownership to a mere conditional right of access at certain periods and for certain purposes, e.g. rights to water, rights to trees and minerals and so on. Registration of rights is commonly thought of only as the registration of title and rights of ownership, without considering the registration of such rights as mentioned above. This limitation arises from the fact that written registers of rights usually come into being in countries in relatively advanced stages of social development.

Defining Rights to Land

According to Dale and McLaughlin (1999), for many of the poor, the right to use the land may be more important than the right to ownership. Allocating land use rights has allowed the occupation and development of the land to proceed without having to address either the legal concept of land ownership or political traditions that have claimed much or all of the land for the State. Therefore, land use rights may entitle the occupier to some or all of the profits that he/she acquires from using the land, which often forms the basis for land taxation schemes. Presently, land use rights are becoming increasingly complex as societies become more educated on the types of activities that are allowed on the land.

Defining Rights to Land

Land use rights are an important determinant of property value in the land market. It is important for the landowner and professionals who are undertaking land transactions to know the rights to the land. However, they should understand that many land use rights are expressed conditions and restrictions of interests that forbid certain activities on the land that may not show on the registry title.

Defining Rights to Land

In conclusion, a clear definition of rights lays the foundation for good land management, not only from a private perspective, but also from the public point of view. The formalisation of rights to land, which is an integral component of an effective cadastral system, is very important for sustainable economic development and environmental management in both urban and rural areas (United Nations - Federation Internationale de Geometres, 1996).

LAND MANAGEMENT

Land Management

From an institutional perspective, land management includes the formulation of land policy, the legislative framework, resource management, land administration arrangements and land information management. It entails both government and private initiatives.

The United Nations Economic Commission for Europe defines land management as: the activities associated with the management of land as a resource from an environment and an economic perspective. (United Nations Economic Commission for Europe, 2005: 99)

Land Management

Land administration and land management are very crucial components in land and related issues. Although they are not identical, they are very similar to each other. Modern multi-discipline land administration focuses on land management, delivery and organisation. It also provides the supporting framework for trading in complex commodities. On the other hand, land management is the process of managing the use and development of land resources, and is a key activity of both government and private sector. It is aimed at delivering efficient land markets and effective management of the use of the land in support of economic, social and environment sustainability (Enemark, 2009).

Land Management

Land management is the process by which the resources of land are put to appropriate use or effect. It encompasses all activities associated with the management of land and natural resources that are required to achieve sustainable development (Enemark, 2005). Effective land management addresses many critical objectives, which include improving the efficiency of the use of land resources and estate management. Therefore, good land management will help to promote economic and social development in both urban and rural areas (United Nations Economic Commission for Europe, 1996).

Land Management

Similarly, Dale and McLaughlin (1988) define land management as the process whereby the resources of land are put into good effect. The resources and attributes of land need to be carefully managed for proper use to avoid wastage. Land management entails decision making either by individuals or groups and the implementation of decisions about the land. For these purposes, the management of land should include steps starting from a planning phase to an execution phase and to a monitoring phase, followed by a policy making phase and an operational phase. Finally, a further monitoring stage reviews the results of the entire operation.

Land Management

Hendriatiningsih et al. (2007) note that the development of a region could not be disconnected from the growth of a population where it leads to the increasing insistence and peremptory request of settlement and land. On the other hand, the inability to cater to land demand will lead to the improvement of land management. Ossko (2001), and Aydin, Demir and Atasoy (2004) stress that besides overpopulation, increased vehicle usage and pedestrian traffic necessitate the provision of new transportation facilities such as light rail transit, highways, underground stations. Hence, tunnels have to be constructed above and below the surface in urban areas to ease traffic congestion and to improve urban life-style.

Land Management

brief, land that is located close to a big city is certainly different from land that is situated far away in a sparsely populated region even if physically it looks exactly the same (Larsson, 1997). Hence good management of land includes taking cognizance of the critical roles of land in the country. It is also places importance on keeping computerised records of all land related data for ease of storage and retrieval (Dale and McLaughlin, 1988).

Land Policy

The United Nations Economic Commission for Europe defines land policy as: the framework for determining how land should be used and conserved in order to meet social and economic objectives. (United Nations Economic Commission for Europe, 2005: 99)

Land Policy

According to the above definition, land policy consists of a combination of social economic and legal prescriptions that dictate how the land is to be used and how the benefits from the land are to be shared. Land policies influence the ways in which the development of land is regulated. The revenue generated through taxation and fees from the sale or lease of land can be properly regulated by appropriate land policies. Moreover, conflicts concerning the ownership as well as use of the land can also be resolved where there exist well-defined land policies. Land policies concern both public and private land and impacts all aspects of land administration, including land title formalisation, land survey and property description, land registration, land valuation, land use control and management, and infrastructure and utilities management.

Land Policy

Land policy comprises a complex of social, political, economic and legal prescriptions that dictates how the land and benefits from the land are to be allocated. Land policy principles which are relevant to land administration should include a statement on the rights and responsibilities of the various land related activities such as land management, land reform, land registration, cadastre and, particularly, the role of land administration infrastructure. These principles should be included in the State or national policy, while taking cognizance of the people, land relations in a jurisdiction, the need for appropriate land administration responses and a description of the land administration infrastructure.

Land Policy

Finally, a core principle must be articulated, one that promotes equal access to property for all while respecting the sensitivity to local needs and requirements. Policies must be formulated to ensure the process for formalising and subsequently transferring property rights are as simple and efficient as possible. From the outset, the policy agenda must ensure that there is a balanced and integrated approach to address the needs of both urban and rural communities, as well as deal with land and other resources.

LAND ADMINISTRATION SYSTEM

Land Administration System

Historically, there have been four processes or components in land administration, namely land registration, land valuation, land use planning and cadastral survey and mapping. For historical, technical and political reasons, the responsibilities of these four processes or components in many countries are carried by different government departments.

Land Administration System

The term 'land administration', introduced in the 1990's, probably became more widely used after the United Nations Economic Commission for Europe in 1996 formed an ad hoc group of experts known as the 'Meeting of Officials in Land Administration'. The importance of land administration increased after 1990, when land administrations in modern democracies shifted their technical focus and began to engage professionals from the disciplines of engineering, economics, political and social sciences, law and computer technology as well as international organisations, and national governments. These bodies and individuals had erstwhile been struggling to deliver land and food security as well as to build land markets (Williamson and Wallace, 2007).

Land Administration System

The United Nations Economic Commission for Europe defines land administration as: the processes of determining, recording and disseminating information about the tenure, value and use of land when implementing land management policies. It is considered to include land registration, cadastral surveying and mapping, legal and multipurpose cadastre and land information systems. (United Nations Economic Commission for Europe, 1996: 14)

Land Administration System

Dale and McLaughlin (1999) add that State land administration functions may be divided into four components, namely juridical component, regulatory component, fiscal component and information management component. In Malaysia, these functions of land administration are traditionally organised by the Department of Survey and Mapping Malaysia (DSMM), State Land and Mines Office (PTG)/District Land Office (PTD), and State Local Authority which are responsible for survey and mapping, land registration and valuation respectively.

Land Administration System

The juridical component places great emphasis on the holding and registration of rights in land while the regulatory component is mostly concerned with the development and use of land. Meanwhile, the fiscal component focuses on the economic utility of the land and finally the information management component is integral to all three components described above. In this connection, the juridical cadastre underpins land registration, zoning and other information systems that facilitate planning and enforcement of regulations. The fiscal cadastre also supports valuation and taxation (Dale and McLaughlin, 1999).

Land Administration System

Land administration is concerned with three principals and interdependent commodities, viz. ownership, value and use of land. Ownership usually relates to the possession of rights in land; value normally relates to market value; use relates to the rights to use and profit from the land. As a result, land administration is now a multi-disciplinary endeavour, focussing on land management, delivery and organisation. It also provides the supporting framework for trading in complex commodities. An analysis of how modern land markets are able to invent and support a constant stream of new commodities shows how fundamental the infrastructure in the prosaic activities of tenure, use, development and value underpins these wealth-generating activities (Wallace and Williamson, 2006).

Land Administration System

Land administration systems initially began because governments needed coherent and fair tax collection systems which they developed to service land markets (Williamson and Wallace, 2007). Their basic functions are to organise processes associated with land tenures, values, uses and development. Their primary tools are surveying, registration systems and databases operated by government organisations. Every land administration system should include land registration to facilitate ownership information of land.

Land Administration System

The function of the land administration system is to record, maintain and make available information that can create security of tenure and support the land market (United Nations Economic Commission for Europe, 2004). Meanwhile, land registration provides a safe and certain foundation for the acquisition, enjoyment and disposal of the rights pertaining to land, where such right is something to which some person or group of persons is entitled (United Nations Economic Commission for Europe, 1996).

Land Administration System

Williamson and Wallace (2007) point out that modern land administration systems in developed economies facilitate sustainable development. This is realized through economic, social and environmental sustainability. It supports public participation and informed, accountable government decision-making in relation to the built and natural environments.

Land Administration System

land administration system provides a mechanism for the management of real estate property, and in particular their central cadastral components which are essential elements of every country's national infrastructures (United Nations - Federation Internationale de Geometres, 1999). Land administration facilitates the implementation of land policies in both developed and developing countries. It also provides an infrastructure for the implementation of land related policies and land management strategies. It should focus on the needs of the users of the data by providing spatial integrity and unique land parcel identification in support of security of tenure and effective land markets (Enemark, 2005). The information stored within a system should be sufficient to meet the users' needs and must be kept up to date, and contain only essential data.

Land Administration System

The role of land administration systems in developed countries primarily supports the operation of land markets, land use planning and development, land taxation, urban infrastructure and natural resource management (Williamson, 2001). In addition, Williamson (2001) notes that competing and overlapping concerns in land, economics, social issues, politics and the environment require an ever-changing people to land relationship in order to facilitate complex decision-making and support the implementation of decisions. Together with digital information in modern land administration systems, there has been a vast improvement in the capacity to store and retrieve data, process, transmit and analyse land-related information (Dale, 1999).

Land Administration System

In short, land administration systems are the basis of conceptualising rights, restrictions and responsibilities related to people, policies and places in support of sustainability as well as land and property. Property rights are normally concerned with ownership and tenure whereas restrictions usually control the use of the land and the activities on it. On the other hand, the responsibilities in land administration relate more to a social, ethical commitment or attitude to environmental sustainability and good husbandry (Enemark, 2005).

Land Tenure

United Nations Economic Commission for Europe (2005: 99) defines land tenure as “the mode of holding rights in land”.

Another definition of land tenure is given by Dale and McLaughlin: Land tenure describes the manner in which rights in land are held. It is defined by a broad set of rules, some of which are formally defined through laws concerning property while others are determined by custom. (Dale and McLaughlin, 1999: 17)

Land Tenure

The way in which rights in land are held is called tenure (United Nations Economic Commission for Europe, 1996). In many countries the absolute owner of all land is the State or head of State, but for all normal purposes, two common forms of tenure can be identified, viz. freehold and leasehold.

Land Tenure

In absolute tenure, the owner can do whatever he or she likes with the land; for example dispose of the land or subject it to any restrictive agreement or planning regulation that is imposed by statute with regard to its use. The freehold status is not absolute since generally the State retains the right to acquire land in the public interest, for example for building highways (United Nations Economic Commission for Europe, 1996; United Nations Economic Commission for Europe, 2005). Freehold is indefinite in duration and is the highest form of tenure that a citizen can hold.

Land Tenure

Freehold is the right to enjoy the reversion in a property to hold it with a perpetual right with no limit of time to hold the property. A freehold property lies with the title holder unless the title holder transfers it. Freehold therefore means that the land is held by services that are free in nature, and not necessarily that it is free from all rent and conditions (Simpson, 1976).

Land Tenure

On the other hand, leasehold means that the freehold owner, usually the State, has relinquished most of the rights in the land for a set period. Buying the leasehold on a property gives the right to use the property for a fixed period of time at a given price on the basis of a lease contract, such as 60 or 99 years. During this period, the leasehold owner has the right of use of the land or property but at the end of which the title returns to the freehold owner (United Nations Economic Commission for Europe, 1996; United Nations Economic Commission for Europe, 2005). A leasehold land is for a fixed, define period. Tenure duration terms and conditions may also be set by the sovereign authority. For individual occupants, leasehold has generally been found to provide a sufficient sense of security to stimulate investment and an acceptable level of collateral to permit this. ⁴³

Land Tenure

According to the United Nations Economic Commission for Europe (2005), the forms of land tenure that are recognised will influence the rights in land that are recorded in the registers. Good practice in land tenure will result in laws that define the forms of land tenure that are legal, such as freehold and leasehold; specifying land and property rights, restrictions and obligations that must be registered; and acknowledging that customary rights may exist outside the formal legal system but can be recognised at the local level.

Land Tenure

In short, Dalrymple (2005) summarises land tenure as something that regulates the allocation and security of rights in land, requiring legal surveys to determine the parcel boundaries, enabling the transfer of property or use from one party to another through sale or lease, and is concerned with the management and adjudication of doubts and disputes regarding rights and parcel boundaries.

Land Value

The earliest land records, developed for taxation purposes, were from ancient Egypt, dating back to 3000BC (Larsson, 1991). Historically, taxation was based on very crude, simple records or without any record at all. Experiences from many countries indicate that without full inclusive records, tax collection will be incomplete, resulting in considerable losses in public revenue. An annual land tax is based on land valuation, which depends on reliable land information (Larsson, 1991).

Land Value

The United Nations Economic Commission for Europe (2005: 100) defines land value as “the worth of a property determined in a variety of ways which give rise to different estimates of the value”. According to Ting (2002), the valuation of land is in itself an exercise reflecting what society deems to be of value. This can be done through planning rules or market forces. A high value is placed on credible property systems within the market and the economy.

Land Value

Land value may differ according to the method of estimation and assessment. The value and worth of land depends on the purpose of which that value is determined. The value of a building for insurance purposes may not be the same as the price that it would fetch in an auction or in the open market. The estimation of value or market price of a property is more an art than a science, and it depends on many external factors as well as the physical maturity of the land or property (United Nations Economic Commission for Europe, 1996).

Land Value

It is necessary to estimate the value of any land or property in any dealing, including the cost of survey of the land (Dale, 1976). Valuations are also needed for investment management, insurance and cadastral survey. Good valuations guide the market towards fair prices and allow informed decisions to be made about the efficient use of resources (Dale and McLaughlin, 1999).

Land Value

According to Larsson (1991), a good land taxation system may have many advantages in addition to providing the government with more revenue. If some of the revenues are retained locally, they will increase the effectiveness of the local authorities and institutions. Hence an effective land taxation system is a powerful instrument to decentralise administration, strengthen local authorities and provide means for local development.

Land Value

Land taxation is a tax levied on developed and undeveloped land. For development purposes, land tax plays an important role. In some countries, there is a higher tax on vacant land than on developed land in order to encourage landowners to develop their land. However, while high taxes may discourage land owners from bringing their land onto the market, failure to tax can also have adverse consequences (Dale and McLaughlin, 1999).

Land Value

From the summary of land taxation by Steudler (2004), it can be seen that the levy of land taxes is based on land information for mainly two reasons. Only comprehensive, trustworthy parcel-based land information can provide the overview that is needed for a fair and complete land tax system.

Land Use

Land use has many different interpretations, but in the present context it may be defined as “the economic and cultural activities practised upon the land” (Dale and McLaughlin, 1999: 73).

Land Use

Land use varies according to labour capacity, machine and chemical technology options, economics and trade opportunities, environment and landscape conditions, and other user requirements. Land use can be restricted according to planning and development outside the control of the immediate owner or occupier. In some cases where legal definitions are complex and difficult, the implementation of recognised actual use regulates the occupation and development of land (Dale and McLaughlin, 1999).

Land Use

There are two basic approaches to regulate how land is developed and used, namely using legislation which is applicable uniformly to all properties; the second approach is using a permit system whereby the property owner must make an application for the period of the proposed development. In addition, there are four common forms of land use control, *viz. zoning, site-plan control, building regulations, and development control (Dale and McLaughlin, 1999).*

Land Use

Land use is the interaction between land rights and land management. It includes the enjoyment of land rights. It can be controlled through planning policies, regulations and enforcement, implementation of construction planning of permits, and adjudication of land use conflicts (United Nations Economic Commission for Europe, 1996). As mentioned by the United Nations Economic Commission for Europe (2004), land use control may also be regarded as the process of enforcing real property rights, where each land-related activity is subject to property rights. On the other hand, land use planning is the process of allocating resources, especially rights to use land in particular ways, in order to achieve maximum efficiency while respecting the nature of the environment and the welfare of the community (United Nations Economic Commission for Europe, 2005).

Land Use

In conclusion, land use here refers to the planning aspect. When the cadastre includes initial land allocation, subdivision or consolidation, the land use planning aspect becomes very important (Federation Internationale de Geometres, 1995). The cadastre, as the record of land parcels and registry of ownership, becomes a useful tool for city planning and the delivery of vital services such as electricity, sewerage, water and so on. As today's society faces continuing land shortages and resource scarcity, it is crucial to improve land management and planning, as well as giving more people the chance to own a property over the same land parcel through strata titles (Williamson, 1983).

LAND REGISTRATION SYSTEM

Land Registration System

A land register is a set of records of rights of a person or group of persons entitled to land parcels through deeds or titles. It is a land registration in which ownership of rights to the land is recorded.

Land Registration System

The objects of all registration are, among other things, to afford to the public the means of knowing who are the owners of the land of a country, what are the interests carved out of it and what the charges are upon and encumbrances affecting it so that the owners may discharge the liabilities. Ownership entails that those who deal with owner should be protected, and, in many cases, that the transfer to others of their proprietary interests may be easily and inexpensively effected. (Das, 1963: 183)

Land Registration System

- ❑ Land registration provides the framework and means for recognising formalised land ownership rights and for regulating the transfer of these rights.
- ❑ Land registration to the documentation of certain interests in the land and the provision of documentary evidence for resolving property disputes as well as information for a wide variety of public functions.
- ❑ Land registration is to provide a safe and certain foundation for the acquisition, enjoyment and disposal of rights in land.

Land Registration System

Traditionally, a land register has two components, viz. texts defining the interests and diagrams defining spatial identity. Modern land cadastres supporting registration are highly sophisticated and expensive to design, build and managed because they need to display height, width and depth (Wallace and Williamson, 2006).

Land Registration System

□ Land registration systems are organised in different ways throughout the world, especially with regard to the land registration component.

Deeds System- only the transaction is recorded

Title System- the title itself is recorded and secured

- The Deeds System is a register of owners focusing on 'who owns what' while the Title System is a register of properties presenting 'what is owned by whom'.

Land Registration System

According to the United Nations Economic Commission for Europe (1996) and Dale and McLaughlin (1999), there are three basic types of land registration system for the recording of rights. They can be distinguished depending on the manner in which transaction of land ownership rights is confirmed and documented, namely private conveyance, registration of deeds and registration of the title.

In order to create sustainable development, there must be a secure and complete documentation or representation of legal and physical land objects

Deeds Registration

- ❑ A public repository is maintained for registering documents associated with property transactions, for example deeds, mortgages and survey plans.
- ❑ Deeds registration is a system for registering legal documents, rather than for registering title to land.
- ❑ A deed, in itself, does not prove title. It shows that a transaction took place but does not prove that the parties are legally entitled to carry out the transaction.

Weaknesses of Deeds Registration

- ❑ The deeds merely prove the fact that a transaction took place, without guaranteeing that the intended changes did really occur;
- ❑ It is not compulsory to register all changes of ownership, so that a correct impression at one moment may become erroneous later on; and
- ❑ The object the deed refers to is not very well described.

Title Registration

- ❑ A register of title is an authoritative record, kept in a public office, of the rights to clearly defined units of land as vested for the time being in some particular person or body.
- ❑ The best known title registration system is the Torrens registration system which is introduced by Sir Robert Torrens from Australia in the 1850's. It is based on the Mirror Principle, the Curtain Principle and the Insurance Principle.

Title Registration

- ❑ The registration of title is the registration to the land parcel, not the deed.
- ❑ Each parcel is identified on a cadastral map that is cross-referenced to the register that lists the name of the owner, the nature of the tenure, and other ancillary information.
- ❑ The registers must be kept up to date at all times and be a reflection of the legal position on the ground.
- ❑ It is then only necessary to consult the current entry on the proprietorship register to find the name of the owner.

Type of Title in Malaysia

Qualified title

Registry title

Land Office title

Others

Titles Before National Land Code 1965

□ For land title that issued before National Land Code 1965, continue in use until it have been continued into or replaced other register under National Land Code 1965 (S160).

Example:

Registrar Office: Certified of Title (CT), Grant, State Lease, Lease for Agriculture Land.

Land Office: Entry/Extract of The Mukim Register (EMR).

Qualified Title

- ❑ The purposes of qualified title are:
 - To enable land to be alienated in advance of survey;
 - To enable title to be issued in advance of survey:
 - ✓ to the individual portions into which any alienated land is to be sub-divided or partitioned.
 - ✓ to the combined area to be formed by the amalgamation of any such lands.

Qualified Title

- ❑ Qualified title shall confer on the proprietor the like rights in every respect as those conferred by final title, save that:
 - The boundaries of the land shown on the document of title thereto shall be provisional only except so far as any of them may have been established by any earlier survey;
 - Unless otherwise provided for under this Act, the land shall not be capable of being sub-divided or partitioned, or included in any amalgamation, nor shall any building thereon be capable of subdivisions.

- ❑ Where any land held under qualified title has been duly surveyed (Final Survey) in accordance with the provisions of section 396 National Land Code 1965, final title may be issued in continuation of the qualified title.

Registry Title

□ Registry title means title evidenced by a grant or State lease, or by any document of title registered in a Registry under the provisions of any previous land law. It register by the Registrar.

- Registry title shall be appropriate in the case of:
- i. town or village land;
 - ii. any lot of country land exceeding four hectares in area; and
 - iii. any part of the foreshore or sea-bed.

Land Office Title

Land Office title means title evidenced by a Mukim grant or Mukim lease, or by any document of title registered in a Land Office under the provisions of any previous land law. It register by the Land Administrator.

Land Office title shall be appropriate in the case of any lot of country land, not exceeding four hectares in area.

Provided that:

- State Authority may if it thinks fit, on approving the alienation of any country land, direct that the land shall ultimately be held under Registry title notwithstanding that its area does not exceed four hectares.

- Under the Land (Group Settlement Areas) Act, 1960, under which Land Office title is required to be issued.

Document of Title

- ❑ Document of Title in relation to any alienated land, means both the Register Document of Title and the Issue Document of Title.
- ❑ In the case of land held under qualified title in respect of which no application for an issue document of title has been made by the proprietor.

Register Document of Title and Issue Document of Title

□ Register Document of Title means any document registered, or prepared for registration, under this Act and evidencing or, as the case may be, intended to evidence title to land, and any document evidencing title to land registered before the commencement of this Act under the provisions of any previous land law.

□ Issue Document of Title means any document prepared for issue to the proprietor of any land (whether under this Act or under the provisions of any previous land law), being a copy of, or an extract from, the register document of title.

Continuation of Title (S166)

□ Final Title:

- Where Registrar or Land Administrator decides with respect to the register document of title that there is insufficient space for the making of further entries or its physical condition no longer be used.
- Where the issue document of title has been lost or wholly or partially destroyed or is being improperly or wrongfully withheld.
- Where partial surrender of land or on the re-survey of a natural boundary under section 202 or under section 354.

Continuation of Title (S166)

□ Final Title:

- Where any alienated land has been partially affected by encroachment by sea or any river.
- Where a document of title relates to more than one lot.
- Where only part of piece of land has been acquired by the State and the part left unacquired has been resurveyed.
- Where the Registrar or Land Administrator decides that a multi-leaf title is required to be issued.
- Where there is a boundaries of new district happen involve the respected document of title.

Continuation of Title (S166)

☐ Qualified Title:

- Where Registrar or Land Administrator decides with respect to the register document of title that there is insufficient space for the making of further entries or its physical condition no longer be used.
- Where the issue document of title has been lost or wholly or partially destroyed or is being improperly or wrongfully withheld.
- Where the Registrar or Land Administrator decides that a multi-leaf title is required to be issued.
- Where there is a boundaries of new district happen involve the respected document of title.

Duplicate Issue Document of Title (S175)

By land owner:

- Where issue document of title that there is insufficient space for the making of further entries or its physical condition no longer be used.
- Where the issue document of title has been lost or wholly or partially destroyed or is being improperly or wrongfully withheld.

Replacement of Register Document of Title (S175A-F & S187A)

By Registrar or Land Administrator:

- Where issue document of title that there is insufficient space for the making of further entries or its physical condition no longer be used.
- Where the issue document of title has been lost or wholly or partially destroyed or is being improperly or wrongfully withheld.

THANK YOU