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**UNIVERSITI TUN HUSSEIN ONN MALAYSIA**

**FINAL EXAMINATION  
SEMESTER I  
SESSION 2018/2019**

COURSE NAME : REAL ESTATE LAW II  
COURSE CODE : BPE 20603  
PROGRAMME CODE : BPD  
EXAMINATION DATE : DECEMBER 2018 / JANUARY 2019  
DURATION : 3 HOURS  
INSTRUCTION : ANSWER ALL FIVE QUESTIONS

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THIS QUESTION PAPER CONSISTS OF **THREE (3)** PAGES

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**Q1** The National Land Code 1965 governs and facilitates the administrative and procedures of land matters. Besides, there are other written rules and laws in various Acts and enactments as well as circulars to guide all land related activities. With reference to the clauses and provisions under the real estate laws, define the following terms.

- (i) Riparian rights
- (ii) Spatium
- (iii) *Sic utere tuo ut alienum non laedas*
- (iv) *Ad caelo usque ad centrum*

(20 marks)

**Q2** In dealing with land related activities such as undertaking the urban regeneration projects, the land to a certain extent, needs to be acquired so that it is available in the market for development purposes. However, there are difficulties in dealing with some aspects of the land acquisition and compensation under the Land Acquisition Act 1960.

Explain the provisions under the Land Acquisition Act 1960 (amended) and provide solutions to the followings.

- (i) The importance of the land tenure security
- (ii) Adequate compensation in dealing with errant landowners
- (iii) Acquisition of waqf and Malay Reservation lands.
- (iv) Compensation for undivided shares of multiple landowners.

(20 marks)

**Q3** The National Land Code 1965 is based on the Torrens System of land registration that had been implemented in Adelaide, South Australia in 1858.

Discuss the followings.

- (i) Caveat
- (ii) Easement
- (iii) Restriction in interests
- (iv) Encumbrances

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(20 marks)

**Q4** The Malay Reservation Enactment had been regulated and implemented in 1913. The key purpose of the regulation was to protect the Malays land holding from being transacted to non-Malays. Unfortunately, after more than 100 years the value of Malay Reservation land were lower than the open market place in some areas.

Explain the followings.

Infrastructure	Land supply constraints
New MRL Act	New Land Bank

**Figure Q4: Proposing MRL**

(20 marks)

**Q5** Article 13 of the Federal Constitution clearly stated about the rights to own land. Therefore, land is only to be acquired with the payment of adequate compensation. Under the Land Acquisition Act 1960, it has been laid down the principles of adequate compensation.

Discuss the legal issues and the economic implications of the followings.

- (i) The value of land taken for stratum and strata titles
- (ii) Severance for the undivided shares
- (iii) Injurious affection due to flooding
- (iv) Ex-gratia payments to affected fishermen

(20 marks)

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**-END OF QUESTIONS-**

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