

**TEMPORARY OCCUPATION LICENCE (TOL): THE LAW AND PRACTICE
IN MALAYSIA**

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The students/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others.

ABSTRACT

Temporary Occupation Licence (TOL) is basically defined as a form of tenure which grants an allotter temporary occupation of vacant public land, including reservations, way-leaves and public utility, with the condition that only temporary materials will be used for construction of any building on the allocated plot. In Malaysia, TOL is regarded as a way of disposal of land other than alienation by the State Authority. The TOL system in Malaysia is rooted from the principles of Torrens System which is first introduced in Australia. The TOL system is one aspect of the law that remains unchanged and which continues to be misunderstood and abused.

The National Land Code 1965 had provided the way it should be practice by the TOL holder, however there has been an obvious contradiction between the practice and the law provided under the Code. Under legal consequences, this contradiction implies non-compliance of the practice of TOL with the provisions of TOL under National Land Code 1965.

Despite many problems and issues had arisen from this system, a new changes or revolutionary changes should be adapted to this system so that the applicability of the law and the practice is at par and avoid the misconception and misunderstanding about TOL system.

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