

TENANCY EXEMPT FROM REGISTRATION
UNDER THE MALAYSIAN TORRENS
SYSTEM

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PREFACE

In the course of learning the land law of Malaysia particularly regarding the exempt tenancy. We realized that there is a scanty supply of available reading material. There is only a few of articles and books that provides a survey of the whole subject of tenancy exempt from registration in this country.

The main objective of this project paper is to explain the principles of tenancy exempt from registration as they apply under the Malaysian Torrens system. This project paper seeks to bring together the court pronouncements in these country in the area of exempt tenancy and extract relevant principles therefrom.

The underlying methods throughout the topics is to state the principle of law according to the statutory provision and illustrate them with cases. Researches had been done from various books, journals and articles.

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CHAPTER I

INTRODUCTION

INTERESTS IN ALIENATED LAND.

The Law governing land tenure and dealings in West Malaysia is based solely on the torrens system, which was adopted from the Australian Torrens System but with very substantial modifications. Where it does not directly importing the English equitable concepts. In Australia, there exists a dual system of land law namely the common Law system of Land tenure imported directly from England as well as the torrens system devised in Australia.

Under strict torrens concept, Malaysian like its Australian and other counter parts is a system of registration of titles to and interests in alienated land. Alienated land here means, any land (including any parcel of a sub-divided building) in respect of which a registered title for the time being subsists whether final or qualified whether in perpetuity or for a term of years, and whether granted by the state authority under this Act or in the exercise of powers conferred by any previous land law, but does not include mining land. ¹

1. Section 5 (Interpretation) National Land Code 1965.