



UNDANG-UNDANG MALAYSIA

Akta A1415

**AKTA PEMAJUAN PERUMAHAN (KAWALAN
DAN PELESENAN) (PINDAAN) 2012**

Tarikh Perkenan Diraja 30 Januari 2012

Tarikh penyiaran dalam *Warta* ... 9 Februari 2012

Hakcipta Pencetak (H)

PERCETAKAN NASIONAL MALAYSIA BERHAD

Semua Hak Terpelihara. Tiada mana-mana bahagian jua daripada penerbitan ini boleh diterbitkan semula atau disimpan di dalam bentuk yang boleh diperolehi semula atau disiarkan dalam sebarang bentuk dengan apa jua cara elektronik, mekanikal, fotokopi, rakaman dan/atau sebaliknya tanpa mendapat izin daripada **Percetakan Nasional Malaysia Berhad (Pencetak kepada Kerajaan Malaysia yang dilantik)**.

Akta A1415

AKTA PEMAJUAN PERUMAHAN (KAWALAN DAN PELESENAN) (PINDAAN) 2012

Suatu Akta untuk meminda Akta Pemajuan Perumahan (Kawalan dan Pelesenan) 1966.

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DIPERBUAT oleh Parlimen Malaysia seperti yang berikut:

Tajuk ringkas, permulaan kuat kuasa dan pemakaian

1. (1) Akta ini bolehlah dinamakan Akta Pemajuan Perumahan (Kawalan dan Pelesenan) (Pindaan) 2012.

(2) Akta ini mula berkuat kuasa pada tarikh yang ditetapkan oleh Menteri melalui pemberitahuan dalam *Warta*.

(3) Akta ini terpakai bagi Semenanjung Malaysia.

Pindaan seksyen 3

- 2. Seksyen 3 Akta Pemajuan Perumahan (Kawalan dan Pelesenan) 1966 [Akta 118],** yang disebut “Akta ibu” dalam Akta ini, dipinda dalam takrif “housing developer” dengan memasukkan selepas perkataan “development” perkataan “, and in a case where the housing developer is under liquidation, includes a person or body appointed by a court of competent jurisdiction to be the provisional liquidator or liquidator for the housing developer.”.

Pindaan seksyen 6**3. Seksyen 6 Akta ibu dipinda—**

- (a) dalam perenggan (1)(a) dan (b), dengan menggantikan perkataan “not less than two hundred thousand ringgit” dengan perkataan “a sum equivalent to three per cent of the estimated cost of construction as certified by an architect in charge of the housing development”; dan
- (b) dengan memasukkan selepas subseksyen (1A) subseksyen yang berikut:

“(1B) For the purpose of paragraphs (1)(a) and (b), “estimated cost of construction” means the cost of constructing a housing development and includes financial costs, overhead costs and all other expenses necessary for the completion of the housing development but excludes land cost.”.

Pindaan seksyen 7B**4. Seksyen 7B Akta ibu dipinda—**

- (a) dalam nota bahu, dengan memasukkan selepas perkataan “sections” perkataan “7,”; dan
- (b) dengan memasukkan selepas perkataan “sections” perkataan “7,”.

Penggantian seksyen 8A**5. Akta ibu dipinda dengan menggantikan seksyen 8A dengan seksyen yang berikut:**

“8A. (1) Notwithstanding anything contained in any agreement, a purchaser shall at any time be entitled to terminate the sale and purchase agreement entered into in respect of a housing development which the licensed housing developer is engaged in, carries on, undertakes or causes to be undertaken if—

- (a) the licensed housing developer refuses to carry out or delays or suspends or ceases work for a continuous period of six months or more after the execution of the sale and purchase agreement;

- (b) the purchaser has obtained the written consent from the end financier; and
- (c) the Controller has certified that the licensed housing developer has refused to carry out or delayed or suspended or ceased work for a continuous period of six months or more after the execution of the sale and purchase agreement.

(2) For the purpose of paragraph (1)(b), no end financier shall unreasonably withhold its written consent to the termination of the sale and purchase agreement.

(3) In the event that the purchaser exercises his right to terminate the sale and purchase agreement under subsection (1), the licensed housing developer shall within thirty days of such termination refund or cause to be refunded to such purchaser all monies received by the licensed housing developer from the purchaser free of any interest.

(4) Upon receipt of the refund under subsection (2), the purchaser shall immediately cause all encumbrances on the land to be removed and the cost and expenses for such removal shall be borne by the licensed housing developer and may be claimed as a civil debt from the licensed housing developer.

(5) Any person who fails to comply with this section shall be guilty of an offence and shall, on conviction, be liable to a fine which shall not be less than fifty thousand ringgit but which shall not exceed two hundred and fifty thousand ringgit and to a further fine not exceeding five thousand ringgit for every day during which the offence continues after conviction.

(6) This section applies only to an agreement lawfully entered into between a purchaser and a licensed housing developer after the date of coming into operation of the Housing Development (Control and Licensing) (Amendment) Act 2012 [*Act A1415*].”.

Pindaan seksyen 16N**6. Seksyen 16N Akta ibu dipinda—**

(a) dalam perenggan (1)(b)—

- (i) dalam subperenggan (ii), dengan memasukkan selepas perkataan “goodwill;” perkataan “or”;
- (ii) dengan memotong subperenggan (iii); dan
- (iii) dengan menomborkan semula subperenggan (iv) yang sedia ada sebagai subperenggan (iii); dan

(b) dalam subseksyen (2), dengan memotong perkataan “licensed”.

Pindaan seksyen 16Q

7. Seksyen 16Q Akta ibu dipinda dalam nota bahu dengan menggantikan perkataan “Cause of action” dengan perkataan “Claims”.

Pindaan seksyen 16AD**8. Subseksyen 16AD(1) Akta ibu dipinda—**

- (a) dengan menggantikan perkataan “five” dengan perkataan “ten”; dan
- (b) dengan menggantikan perkataan “ten” dengan perkataan “fifty”.

Seksyen baru 18A

9. Akta ibu dipinda dengan memasukkan selepas seksyen 18 seksyen yang berikut:

“Offences relating to abandonment of housing development by a licensed housing developer

18A. (1) Any licensed housing developer who abandons or causes to be abandoned a housing development or any phase of a housing development which the licensed housing

developer is engaged in, carries on, undertakes or causes to be undertaken shall be guilty of an offence and shall, on conviction, be liable to a fine which shall not be less than two hundred and fifty thousand ringgit but which shall not exceed five hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both.

(2) For the purpose of this section, “abandons” means refuses to carry out or delays or suspends or ceases work continuously for a period of six months or more or beyond the stipulated period of completion as agreed under the sale and purchase agreement.”.

Pindaan seksyen 24

10. Perenggan 24(2)(g) Akta ibu dipinda dengan menggantikan perkataan “twenty” dengan perkataan “fifty”.

Kecualian dan peralihan

11. (1) Apa-apa tindakan atau prosiding yang telah bermula atau belum selesai sebaik sebelum tarikh permulaan kuat kuasa Akta ini hendaklah, selepas tarikh permulaan kuat kuasa Akta ini, diteruskan seolah-olah Akta ibu tidak dipinda oleh Akta ini.

(2) Jika pemaju perumahan berlesen telah diberi suatu lesen sebaik sebelum tarikh permulaan kuat kuasa Akta ini tetapi belum membayar deposit di bawah subseksyen 6(1), peruntukan Akta ibu yang terpakai bagi pembayaran deposit hendaklah terus terpakai seolah-olah Akta ibu tidak dipinda oleh Akta ini.