



CONVEYANCING PRACTICE: UPDATES & GUIDELINES: REPORT OF MEETING WITH THE PEJABAT DAERAH/TANAH KLANG ON 04.05.2021

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Sat, Jul 10, 2021 at 6:02 PM

SBC/CIR/116/2021
10th July, 2021

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SHIELD FOR THE RIGHTEOUS

The Conveyancing Practice Committee Selangor Bar ("CPC of Selangor Bar") led by the Chairperson, Nurul Muhaniza Binti Hanafi, had a meeting with the Pejabat Tanah Daerah Klang ("PTD Klang") on 4.5.2021.

The CPC of Selangor Bar wishes to update members on the following matters :-

1. Transaction for presentations and searches can be done by walk- ins as follows :

For Lawyers

Mondays to Wednesdays

- 8.30am to 3.30pm

Fridays

- 8.30am to 11.45am

- 2.45pm to 3.30pm

• Thursday are reserved strictly for members of the public who are not legally represented by any lawyers

2. The PTD Klang limits the presentation numbers to only 30 in the morning and 10 in the afternoon for legal firms. Each individual is limited to a maximum of 3 presentations per day.

Please be informed that we have requested the PTD Klang to increase the daily presentation numbers or at least increase the number of the documents allowed to be presented but was informed that the PTD Klang has reached its maximum capacity in order to complete the registration of dealings / non dealings within a timeline of 24 hours. Currently PTD Klang is not able to cope with increased numbers due to high volume of work and lack of support staff;

3. For attestation of instruments such as transfer, charge and caveats involving Malay Reserved Land, members are required to email request for appointments to pendaftaranklang@selangor.gov.my;

4. Currently attestation slots for members are fixed on Mondays, Tuesdays and Wednesdays of the week and the PTD Klang is only able to process the attestation for 20 titles per day. PTDK needs some time to peruse and check the documents to avoid any fraud or instances of forged documents;

5. Thursdays are strictly reserved for the attestation of instruments such as Form 14A and caveats involving members of the public who are not represented by any lawyers.

There have been cases whereby members of the public brought along instruments such as Form 14A/Transfer form and Form 16A/Charge form prepared by lawyers on Thursday for execution before the land administrator. Members are advised to comply with the regulations as set up by PTD Klang and not to pass the Form 16A / Charge instruments to their clients on the pretext of "2 in 1" attestation on the day specifically allotted for the public.

6. Currently there are about 300 requests for attestation appointments which are still pending being processed by

the PTD Klang and the attestation slots are already fully booked up till end May 2021.

7. There have been cases where members do not turn up for the scheduled attestation appointments without any prior notice to PTD Klang.

Members who are not able to keep the scheduled appointment dates or need to reschedule the appointment dates for whatever reasons are strongly advised to notify the PTD Klang at least a minimum of seven (7) working days prior to the scheduled appointment to enable PTD Klang to offer the vacant slots to other members. We urge the members to co-operate and notify the PTDK in advance of the cancellation by email and / or phone call.

Please email to klang@selangor.gov.my or **contact : 03-33711963**.

8. For any instruments which require re-initialling or amendments by a certain land officer or penghulu, members have no alternative but to get the same respective officer or penghulu to do so. No other officer or penghulu can witness or initial on the instruments which were previously attested / witnessed by other officers;

9. For collection / extraction of titles, members are advised to collect their documents / titles on the fixed date as stamped on the presentation statement / Penyata Perserahan at earliest, one day before the fixed date as stamped on the presentation statement. We have been informed that time is being wasted on searching for documents which are still too early for collection.

10. The PTD Klang will no longer entertain phone calls from members seeking reasons for rejected documents prior to the collection / extraction of their documents. Members are advised to refer to the reasons as stated in the rejection letter upon their collection / extraction from the counter and to seek clarification (if they are unable to understand the basis of the rejection) after such collection / extraction;

11. Members are advised to adopt and comply with the correct format of "Statutory Declaration" (such as for the change of name / identity, consent for third party charge, etc) under the Statutory Declaration Act 1960 as per the Second Schedule of the said Statutory Declaration Act;

12. A clear copy of the identity card ("IC") of the clients in the original size will be required to be presented for the registration purposes at the PTD Klang. Members are advised to make a clear photocopy of the IC from the original IC in the original size. Any certified true copy of IC which has been photocopied or scanned on the previously photostated / scanned copy of the said IC will be rejected;

13. Members who have problem with their errant runners or legal / presentation clerks who are involved with fraud cases, are advised to notify PTD Klang in advance, if possible;

14. Under the implementation of e-SELAMAT (Secured Land Management System) application, the PTD Klang requires biometric verification of the identity of the parties ie transferors and transferees for Malay Reserved Lands and properties which are valued at RM1 million and above. (This includes for the application of consent to transfer involving properties valued at RM1 million and above). A certificate of confirmation of such identification will be issued to the respective parties and members are advised to accompany their clients for the biometric process and retain the said certificate which is to be submitted for presentation of the transfer at the later stage.

Members are to take note that in the event that the original copy of the said certificate is misplaced or missing, the vendors / transferors have to repeat the same process. PTD Klang will not accept any certified true copy of the said Certificate from members;

15. PTD Klang requires biometric verification and enquiries / siasatan of the identity of the vendors / transferors on any transaction of transfer of property valued at RM2 million and above. Biometric service counters are open for members' clients every day except on Thursdays (which is meant for public who are not represented by any lawyers);

16. Members are advised to ensure that the court orders served on PTD Klang for the registration states the prayers for the PTD Klang to register the said order under section 417 of the National Land Code. We have been informed that some court orders obtained by members are defective and are not able to be registered at PTD Klang. Members are advised to consult the respective land officer for the correct terms of prayers prior to the filing of their application to the court in order to ensure the smooth registration of the said order;

17. Members are advised to practise due diligence and proper process of attestation / witnessing instruments by their clients prior to affixing their rubber stamps on the said instruments. This is to avoid fraudulent transaction as PTD Klang has detected cases where members sign instruments as witnesses without meeting the actual person;

18. Members are to ensure that the signatory of the letters addressed to PTD Klang states the name and Bar Council membership number of the members for verification purposes. PTD Klang has also detected a few cases where a certain member signed the letters under a particular firm's letterhead while being attached with another firm.

This standard operation procedure is still applicable until further notice by PTD Klang.

We trust that this information will be useful to guide our members in the dealings with the PTD Klang. The CPC of Selangor Bar will continue to engage with the PTD Klang and welcomes members to highlight issues that they face and provide constructive suggestions to make practice more conducive for everyone.

Thank you.

Kokila Vaani Vadiveloo
Chairman
Selangor Bar Committee



To add or change your email address, please fax (and not send via email) your new email address under your firm's letterhead to Selangor Bar's Secretariat at [+603-5519 9037](tel:+603-55199037)

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