

D.R. 48/2006

RANG UNDANG-UNDANG

b e r n a m a

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

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DIPERBUAT oleh Parlimen Malaysia seperti yang berikut:

Tajuk ringkas dan permulaan kuat kuasa

1. (1) Akta ini bolehlah dinamakan Akta Pemajuan Perumahan (Kawalan dan Pelesenan) (Pindaan) 2006.

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

Pindaan tajuk panjang

2. Akta Pemajuan Perumahan (Kawalan dan Pelesenan) 1966 [*Akta 118*], yang disebut "Akta ibu" dalam Akta ini, dipinda dalam tajuk panjang dengan memasukkan selepas perkataan "Peninsular Malaysia" perkataan ", the protection of the interest of purchasers".

Pindaan seksyen 2**3. Seksyen 2 Akta ibu dipinda—**

- (a) dengan menggantikan subseksyen (2) dengan subseksyen yang berikut:

"(2) The Minister may by order published in the *Gazette* exempt any housing developer or housing accommodation from any or all of the provisions of this Act and such exemption may be granted for such duration as may be specified in the order, and may be made subject to such limitations, restrictions or conditions as the Minister may specify in the order."; dan

- (b) dengan memasukkan selepas subseksyen (2) subseksyen yang berikut:

"(2A) The Minister may at any time by order published in the *Gazette*, revoke any exemption granted by him under subsection (2).".

Pindaan seksyen 3**4. Seksyen 3 Akta ibu dipinda—**

- (a) dengan menggantikan takrif "certificate of fitness for occupation" dengan takrif yang berikut:

' "certificate of completion and compliance" means the certificate of completion and compliance given or granted under the Street, Drainage and Building Act 1974 [*Act 133*] and any by-laws made under that Act certifying that the housing accommodation has been completed and is safe and fit for occupation but does not include partial certificate of completion and compliance';

- (b) dengan menggantikan takrif "housing accommodation" dengan takrif yang berikut:

' "housing accommodation" includes any building, tenement or messuage which is wholly or principally constructed, adapted or intended for human habitation

or partly for human habitation and partly for business premises and such other type of accommodation as may be prescribed by the Minister from time to time to be a housing accommodation pursuant to section 3A;'; dan

(c) dengan menggantikan takrif "housing development" dengan takrif yang berikut:

' "housing development" means to develop or construct or cause to be constructed in any manner whatsoever more than four units of housing accommodation and includes the collection of moneys or the carrying on of any building operations for the purpose of erecting housing accommodation in, on, over or under any land; or the sale of more than four lots of land or building lots with the view of constructing more than four units of housing accommodation;'

Seksyen baru 3A

5. Akta ibu dipinda dengan memasukkan selepas seksyen 3 seksyen yang berikut:

"Powers of the Minister to determine housing accommodation"

3A. (1) The Minister may, from time to time, by order published in the *Gazette*, prescribe any type of accommodation to be a housing accommodation.

(2) In the event of any doubt as to whether a housing accommodation falls within the meaning of this Act, the Minister's decision shall be final and shall not be questioned in any court."

Pindaan seksyen 7

6. Seksyen 7 Akta ibu dipinda—

(a) dalam perenggan (b), dengan memasukkan selepas perkataan "branch office of the licensed housing developer"

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perkataan "and at any other place where a sale of housing accommodation is conducted,";

(b) dengan menggantikan perenggan (f) dengan perenggan yang berikut:

"(f) not later than the 21st day of January and the 21st day of July of each year or at such frequency as may be determined by the Controller from time to time or upon the request of the Controller, send to the Controller a correct and complete statement in writing made on oath or affirmation, in such form and containing such information as the Controller may from time to time determine, on the progress of the housing development which the housing developer is engaged in, carries on or undertakes or causes to be undertaken until certificate of completion and compliance have been issued for all the housing accommodation in that housing development;"

(c) dalam perenggan (g), dengan menggantikan perkataan "certificate of fitness for occupation" dengan perkataan "certificate of completion and compliance";

(d) dengan menggantikan perenggan (h) dengan perenggan yang berikut:

"(h) undertake the following —

- (i) within twenty-one days from the date of receipt by the housing developer of the certificate of completion and compliance, submit such certificate to the Controller; and
- (ii) within twenty-one days after the date of handing over of vacant possession to the first purchaser of the housing accommodation in the housing development, inform the Controller in writing of the handing over;"

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(e) dengan menggantikan perenggan (i) dengan perenggan yang berikut:

"(i) inform the Controller of any refusal in the issuance of certificate of completion and compliance;"

(f) dalam perenggan (j), dengan menggantikan perkataan "certificates of fitness for occupation" dengan perkataan "certificate of completion and compliance"; dan

(g) dalam perenggan (k), dengan memasukkan selepas perkataan "and the transfer of such titles to the purchasers" perkataan "at such frequency as may be determined by the Controller beginning from the date of the handing over of vacant possession to the first purchaser of the housing accommodation in the housing development until separate or strata titles for all the housing accommodation have been issued".

Pindaan seksyen 7 A

7. Seksyen 7A Akta ibu dipinda—

(a) dalam subseksyen (9), dengan menggantikan perkataan "certificates of fitness for occupation" dengan perkataan "certificate of completion and compliance"; dan

(b) dalam subseksyen (10), dengan menggantikan perkataan "fifty thousand" dengan perkataan "two hundred and fifty thousand".

Seksyen baru 7c

8. Akta ibu dipinda dengan memasukkan selepas seksyen 7B seksyen yang berikut:

"Freezing of the Housing Development Account

7c. (1) If the Controller has reason to believe that a licensed housing developer is carrying on his business in a manner detrimental to the interest of the purchasers or is contravening

any of the provision of this Act, the Controller may in writing order a freeze on the Housing Development Account and direct the bank or finance company, as the case may be, not to part with, deal in or otherwise permit any withdrawal of any moneys from the Housing Development Account until the order is revoked or varied or unless in accordance with any conditions as may be imposed by the Controller at his absolute discretion from time to time during the currency of the order.

(2) No bank or finance company, or director, officer or employee of the bank or finance company, as the case may be, shall be subject to any claim or demand by or liability to any person in respect of anything done or omitted to be done in good faith in pursuance of or execution or intended execution of or in connection with the execution or intended execution of an order of the Controller under subsection (1).

(3) Any person who fails to comply with an order of the Controller under subsection (1) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit."

Pindaan seksyen 8A

9. Subseksyen 8A(1) Akta itu dipinda—

- (a) dengan memasukkan selepas perkataan "a licensed housing developer" perkataan "or the purchasers";
- (b) dengan menggantikan perenggan (a) dengan perenggan yang berikut:
 - "(a) such application, duly made in accordance with subsection (2), is received by the Minister within six months after the execution of the first sale and purchase agreement in respect of that housing development or that phase of housing development;"
- (c) dengan memasukkan selepas subseksyen (2) subseksyen yang berikut:
 - "(2A) In the case of an application made by the purchasers under subsection (1), no licensed housing developer shall unreasonably withhold his written consent to the termination of the sale and purchase agreement."; dan

- (d) dalam subseksyen (11), dengan menggantikan perkataan "not exceeding fifty thousand ringgit" dengan perkataan "which shall not be less than fifty thousand ringgit but which shall not exceed two hundred and fifty thousand ringgit".

Seksyen baru 10k

10. Akta ibu dipinda dengan memasukkan selepas seksyen IOJ seksyen yang berikut:

"Penalty for obstruction and failure to provide translation

10k. Any person who contravenes section 10c, subsection 10D(2) or section 10E shall be guilty of an offence and shall, on conviction, be liable to a fine which shall not be less than ten thousand ringgit but which shall not exceed one hundred thousand ringgit or to imprisonment for a term not exceeding five years or to both."

Pindaan seksyen 11

11. Perenggan \\{\\}(c) Akta ibu dipinda dengan memotong perkataan "with the concurrence of the Minister of Finance".

Pindaan seksyen 16c

12. Subseksyen 16c(1) Akta ibu dipinda dengan menggantikan perenggan (b) dengan perenggan yang berikut:

"(£>) not less than five other members to be appointed by the Minister from amongst persons who are members of or who have held office in the Judicial and Legal Service or advocates and solicitors admitted and enrolled under the Legal Profession Act 1976 [Act 166], the Advocates Ordinance of Sabah [Sabah Cap. 2] or the Advocates Ordinance of Sarawak [Sarawak Cap. 110] and who have not less than seven years' standing."

Pindaan seksyen 16E

13. Seksyen 1 6E Akta ibu dipinda dengan menggantikan perenggan (d) dengan perenggan yang berikut:

"(d) upon the member ceasing to be an advocate and solicitor under the Legal Profession Act 1976, the Advocates Ordinance of Sabah or the Advocates Ordinance of Sarawak."

Pindaan seksyen 16M

14. Seksyen 16M Akta ibu dipinda dengan menggantikan perkataan "twenty-five" dengan perkataan "fifty".

Pindaan seksyen 16N

15. Seksyen 16N Akta ibu dipinda dengan menggantikan subseksyen (2) dengan subseksyen yang berikut:

"(2) The jurisdiction of the Tribunal shall be limited to a claim that is based on a cause of action arising from the sale and purchase agreement entered into between the homebuyer and the licensed housing developer which is brought by a homebuyer not later than twelve months from —

- (a) the date of issuance of the certificate of completion and compliance for the housing accommodation or the common facilities of the housing accommodation intended for subdivision, whichever is later;
- (b) the expiry date of the defects liability period as set out in the sale and purchase agreement; or
- (c) the date of termination of the sale and purchase agreement by either party and such termination occurred before the date of issuance of the certificate of completion and compliance for the housing accommodation or the common facilities of the housing accommodation intended for subdivision, whichever is later."

Pindaan seksyen 16o

16. Subseksyen 16o(l) Akta ibu dipinda dengan menggantikan perkataan "twenty-five" dengan perkataan "fifty".

Pindaan seksyen 16P

17. Subseksyen 16P(1) Akta ibu dipinda dengan menggantikan perkataan "twenty-five" dengan perkataan "fifty".

Pindaan seksyen 16Y

18. Seksyen 16Y Akta ibu dipinda dengan memasukkan selepas subseksyen (3) subseksyen yang berikut:

"(4) The Tribunal may at any time rectify or correct clerical mistake in any award or errors arising therein from any accidental slip or omission."

Pindaan seksyen 16AC

19. Seksyen 16AC Akta ibu dipinda—

- (a) dalam perenggan (1)(b), dengan memasukkan selepas perkataan "Magistrate's Court" perkataan "or the Sessions Court, as the case may be,"; dan
- (b) dengan menggantikan subseksyen (2) dengan subseksyen yang berikut:

"(2) For the purpose of paragraph (1)(b), in cases where the award made by the Tribunal has not been complied with, the Secretary to the Tribunal shall send a copy of the award made by the Tribunal to the Magistrate's Court or the Sessions Court, as the case may be, having jurisdiction in the place to which the award relates or in the place where the award was made and the Court shall cause the copy to be recorded."

Pindaan seksyen 16AD

20. Subseksyen 16AD(1) Akta ibu dipinda—

- (a) dengan menggantikan perkataan "therein" dengan perkataan "by the Tribunal"; dan
- (b) dengan menggantikan perkataan "not exceeding five thousand ringgit" dengan perkataan "which shall not be less than five thousand ringgit but which shall not exceed ten thousand ringgit".

Pindaan seksyen 18

21. Seksyen 18 Akta ibu dipinda dengan menggantikan perkataan "fifty" dengan perkataan "two hundred and fifty".

Pindaan seksyen 19

22. Seksyen 19 Akta ibu dipinda dengan menggantikan perkataan "not exceeding fifty thousand ringgit" dengan perkataan "which shall not be less than fifty thousand ringgit but which shall not exceed two hundred and fifty thousand ringgit".

Pindaan seksyen 20

23. Seksyen 20 Akta ibu dipinda dengan menggantikan perkataan "not exceeding fifty thousand ringgit" dengan perkataan "which shall not be less than fifty thousand ringgit but which shall not exceed two hundred and fifty thousand ringgit".

Pindaan seksyen 21

24. Seksyen 21 Akta ibu dipinda dengan menggantikan perkataan "fifty" dengan perkataan "two hundred and fifty".

Pindaan seksyen 22

25. Subseksyen 22(1) Akta ibu dipinda dengan menggantikan perkataan "not exceeding fifty thousand ringgit" dengan perkataan "which shall not be less than fifty thousand ringgit but which shall not exceed two hundred and fifty thousand ringgit".

Pindaan seksyen 22c

26. Seksyen 22c Akta ibu dipinda dengan menggantikan seksyen 22c dengan seksyen yang berikut:

"**22c.** Notwithstanding anything contained in any written law or any rule of law, agreement, assignment or charge lawfully entered into between a homebuyer as defined in section 16A and his financier, a homebuyer shall be entitled on his own volition and in his own name to initiate, commence, institute and maintain in any court or tribunal any action, suit or proceeding against a housing developer or any other person in respect of any matter arising out of the sale and purchase agreement entered into between the homebuyer and that housing developer provided the homebuyer's financier under a deed of absolute assignment is notified in writing either before or within fourteen days after the action, suit or proceeding against the housing developer has been filed before any court or tribunal."

Seksyen **baru** 22D, 22E **dan** 22F

27. Akta ibu dipinda dengan memasukkan selepas seksyen 22c seksyen yang berikut:

"**Assignment**

22D. (1) For the avoidance of any doubt, an absolute assignment in writing, under the hand of the assignor of the housing accommodation, not purporting to be by way of charge only, of the proprietary right or interest in the housing accommodation and the legal chose in action in the sale and purchase agreement in respect of a housing accommodation, of which express notice in writing has been given to the housing developer by the assignor in the manner set out in subsection (2) shall be deemed to have been effectual in law to pass and transfer the proprietary right, interest, chose in action and all legal and other remedies for the same to the assignee, from the date of the receipt of such notice by the housing developer, and the concurrence of the housing developer shall not be required.

(2) Subject to subsection (8), every notice of assignment given to the housing developer pursuant to subsection (1) shall be delivered by the assignor or his solicitors to the housing developer at or after the completion of the sale and purchase between the assignor and the new purchaser of the housing accommodation and shall be accompanied by-

- (a) duly stamped sale and purchase agreement between the assignor and the new purchaser of the housing accommodation, if any;
- (b) duly executed deed of absolute assignment between the assignor and the new purchaser of the housing accommodation together, if applicable, with a letter of undertaking from the new purchaser or the new purchaser's financier, as the case may be, to deliver the duly stamped deed of absolute assignment within fourteen days after the same has been stamped; and
- (c) full payment of all sums and outgoings due to the housing developer under the sale and purchase agreement.

(3) A housing developer shall keep and maintain an up-to-date, proper and accurate register of all purchasers of the housing accommodation until separate or strata titles for all the housing accommodation in the housing development have been issued by the appropriate authority and registered in the names of all the purchasers of the housing accommodation in that housing development.

(4) The housing developer shall provide all necessary and accurate confirmation of the records in the register whenever requested by a purchaser of the housing accommodation or his solicitors or his financier or his financier's solicitors subject to a payment of a fee not exceeding fifty ringgit or such amount as may be prescribed from time to time for meeting every request for confirmation in respect of all of the following:

- (a) full particulars of the housing accommodation;
- (b) the postal address of the housing accommodation;
- (c) the current purchaser of the housing accommodation;

- (d) the current chargee or assignee of the housing accommodation;
- (e) the total amount due to the developer under the sale and purchase agreement as at the date of the confirmation; and
- (f) such other matter as may be prescribed from time to time.

(5) Any person who requires any consent from a housing developer to any absolute assignment or assignment by way of charge in contravention of subsection (2) 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 one hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both.

(6) Any housing developer who —

- (a) requires any consent to any absolute assignment in contravention of subsection (1);
- (b) imposes any condition to any absolute assignment or assignment by way of charge including requiring the new purchaser to execute any additional agreement or make any other payment in contravention of this section;
- (c) fails to comply with subsection (3); or
- (d) fails or refuses to provide any confirmation in contravention of subsection (4) or imposes any condition or any fee in respect of any matter arising from subsection (4),

shall be guilty of an offence and shall, on conviction, be liable to a fine of not less than fifty thousand ringgit but not more than one hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both.

(7) For the purpose of this section, references to "new purchaser" wherever appearing shall include a purchaser's financier or any beneficiary under the estate of a deceased purchaser or an assignee under an absolute assignment whether with or without consideration.

(8) The expression "completion of the sale and purchase" in subsection (2) in relation to a deed of absolute assignment executed in favour of a purchaser's financier or any beneficiary under the estate of a deceased purchaser or an assignee under an absolute assignment whether with or without consideration not in pursuance of a sale and purchase agreement shall mean the date of that deed of absolute assignment in which case paragraph (2)(a) shall not apply.

(9) This section shall apply to any housing accommodation where separate or strata title for the housing accommodation has not been issued by the appropriate authority.

Release of moneys by a stakeholder

22E. (1) Any stakeholder who releases any money to a housing developer or to any other person knowing that such an act is contrary to the provisions of the sale and purchase agreement shall be guilty of an offence and shall, on conviction, be liable to a fine which shall not be less than ten thousand ringgit but which shall not exceed one hundred thousand ringgit or to imprisonment for a term not exceeding five years or to both.

(2) Any person who knowingly and wilfully aids, abets, counsels, procures or commands the commission of an offence against subsection (1) shall be liable to be punished with the punishment provided for the offence.

Progress certification

22F. (1) Any architect or engineer, as the case may be, who issues a progress certification knowing that the works therein referred to have not been completed in accordance with the provisions of the sale and purchase agreement shall be guilty of an offence and shall, on conviction, be liable to a fine which shall not be less than ten thousand ringgit but which shall not exceed one hundred thousand ringgit or to imprisonment for a term not exceeding five years or to both.

(2) Any person who knowingly and willfully aids, abets, counsels, procures or commands the commission of an offence under subsection (1) shall be liable to be punished with the punishment provided for the offence."

Pindaan seksyen 24

28. Subseksyen 24(2) Akta ibu dipinda—

- (a) dalam perenggan (d), dengan memasukkan selepas perkataan "construction" perkataan "or completion";
- (b) dalam perenggan (g), dengan menggantikan perkataan "five" dan "three" masing-masing dengan perkataan "twenty" dan "five";
- (c) dalam perenggan (i), dengan memotong perkataan "and" yang terdapat di hujung perenggan itu; dan
- (d) dengan memasukkan selepas perenggan (i) perenggan yang berikut:

"(ia) provide exemption from the operation of this Act of such housing developer or housing accommodation as the Minister deems expedient and prescribe the form, limitations, restrictions or conditions of such exemption; and".

Kecualian dan peralihan

29. (1) Mana-mana orang yang sedang mengusahakan apa-apa pemajuan perumahan yang dibina di atas mana-mana tanah yang ditetapkan atau dibenarkan bagi pemajuan komersial dan milikan kosong mana-mana kemudahan perumahan dalam pemajuan perumahan itu belum diserahkan pada tarikh yang ditetapkan hendaklah, pada bila-bila masa sebaik selepas tarikh yang ditetapkan tetapi tidak lewat daripada enam bulan selepas tarikh itu, memohon untuk mendapatkan suatu lesen di bawah Akta ini.

(2) Peruntukan seksyen 22c Akta ibu sebagaimana yang dipinda oleh Akta ini hendaklah terpakai bagi perjanjian, serah hak atau gadaian yang dibuat secara sah antara seseorang pembeli rumah dengan pembiayanya sebelum tarikh yang ditetapkan.

HURAIAN

Rang Undang-Undang ini bertujuan untuk meminda Akta Pemajuan Perumahan (Kawalan dan Pelesenan) 1966 ("Akta 118").

2. *Fasal 1* bertujuan untuk mengadakan peruntukan bagi tajuk ringkas dan tarikh permulaan kuat kuasa Akta yang dicadangkan.

3. *Fasal 2* bertujuan untuk meminda tajuk panjang Akta 118 untuk menyatakan dengan jelas dan menekankan bahawa maksud dan tujuan sebenar Akta itu termasuklah melindungi kepentingan pembeli.
4. *Fasal 3* bertujuan untuk meminda seksyen 2 Akta 118 untuk menjelaskan kuasa pengecualian oleh Menteri dan untuk memasukkan subseksyen baru (2A) bagi memberi Menteri kuasa untuk membatalkan pengecualian yang diberikan.
5. *Fasal 4* bertujuan untuk meminda istilah tertentu yang digunakan dalam takrif dalam seksyen 3 Akta 118 berbangkit daripada pindaan yang dicadangkan dalam Rang Undang-Undang ini. Secara khusus, istilah 'certificate of fitness for occupation' akan digantikan dengan 'certificate of completion and compliance' supaya ia selaras dengan pindaan yang dibuat kepada Akta Jalan, Parit dan Bangunan 1974 [*Akta 133*] dan mana-mana undang-undang kecil yang dibuat di bawah Akta itu. Takrif 'housing accommodation' akan termasuk kemudahan perumahan yang didirikan di atas mana-mana tanah yang ditetapkan atau dibenarkan bagi pemajuan komersial.
6. *Fasal 5* bertujuan untuk memasukkan seksyen baru 3A ke dalam Akta 118 untuk memberi Menteri kuasa untuk menentukan melalui perintah apa-apa jenis kemudahan sebagai kemudahan perumahan dan keputusan sedemikian adalah muktamad dan tidak boleh dipersoalkan di mana-mana mahkamah.
7. *Fasal 6* bertujuan untuk meminda seksyen 7 Akta 118 untuk mengadakan peruntukan mengenai kewajipan tambahan seseorang pemaju perumahan yang dilesenkan bagi memastikan perlindungan yang lebih baik kepada pembeli. Sebutan mengenai 'certificate of fitness for occupation' digantikan dengan 'certificate of completion and compliance' bagi maksud keseragaman.
8. *Fasal 7* bertujuan untuk meminda seksyen 7A Akta 118 bertujuan untuk menambahkan penalti minimum di bawah seksyen ini daripada denda sebanyak lima puluh ribu ringgit kepada dua ratus lima puluh ribu ringgit.
9. *Fasal 8* bertujuan untuk memasukkan seksyen baru 7c ke dalam Akta 118 untuk memberi Pengawal kuasa untuk memerintahkan supaya Akaun Pemajuan Perumahan dibekukan sekiranya seseorang pemaju perumahan menjalankan perniagaannya mengikut cara yang menjejaskan kepentingan pembeli atau bertentangan dengan Akta itu.
10. *Fasal 9* bertujuan untuk meminda seksyen 8A Akta 118 untuk memberi pembeli hak untuk menamatkan perjanjian jual dan beli dan untuk menjelaskan tempoh masa bagi penamatan sedemikian. *Fasal* ini juga bertujuan untuk menetapkan penalti minimum sebanyak lima puluh ribu ringgit dan bagi menaikkan penalti maksimum daripada lima puluh ribu ringgit kepada dua ratus lima puluh ribu ringgit.
11. *Fasal 10* bertujuan untuk memasukkan seksyen baru 10K ke dalam Akta 118 bagi memperuntukkan penalti bagi kesalahan menghalang dan kegagalan memberikan terjemahan bagi memastikan pematuhan seksyen 10.

12. *Fasal 11* bertujuan untuk meminda seksyen 11 Akta 118 untuk memberikan kuasa tunggal kepada Menteri untuk melantik suatu syarikat baru bagi mengambil alih kawalan dan menjalankan perniagaan pemaju perumahan yang tidak memenuhi obligasinya kepada pembeli.
13. *Fasal 12* bertujuan untuk meminda seksyen 16c Akta 118 untuk memberi Menteri kuasa melantik anggota Perkhidmatan Kehakiman dan Perundangan yang telah bersara dan peguam bela dan peguam cara dari Sabah dan Sarawak untuk menjadi anggota Tribunal.
14. *Fasal 13* bertujuan untuk meminda seksyen 16E Akta 118 berbangkit daripada pindaan yang dicadangkan dalam seksyen 16c.
15. *Fasal 14* bertujuan untuk meminda seksyen 16M Akta 118 bagi menambahkan bidang kuasa Tribunal daripada dua puluh lima ribu ringgit kepada lima puluh ribu ringgit.
16. *Fasal 15* bertujuan untuk meminda seksyen 16N Akta 118 untuk menjelaskan had bidang kuasa Tribunal berkenaan dengan apa-apa tuntutan dan untuk menyatakan bila sesuatu tuntutan boleh dibawa oleh seseorang pembeli rumah.
17. *Fasal 16* bertujuan untuk meminda seksyen 16o Akta 118 berbangkit daripada pindaan yang dicadangkan dalam seksyen 16M.
18. *Fasal 17* bertujuan untuk meminda seksyen 16P Akta 118 berbangkit daripada pindaan yang dicadangkan dalam seksyen 16M.
19. *Fasal 18* bertujuan untuk meminda seksyen 16Y Akta 118 bagi memperuntukkan kuasa kepada Tribunal untuk membaiki atau membetulkan kesilapan taipan dalam apa-apa award atau ralat yang timbul dalamnya daripada apa-apa kecaciran atau peninggalan yang tidak disengajakan.
20. *Fasal 19* bertujuan untuk meminda seksyen 16AC Akta 118 berbangkit daripada pindaan yang dicadangkan dalam seksyen 16M dan untuk mengehadkan penghantaran sesuatu salinan award Tribunal kepada Mahkamah Majistret atau Mahkamah Sesyen dalam kes ketidakpatuhan sahaja.
21. *Fasal 20* bertujuan untuk meminda seksyen 1 6AD Akta 118 bagi membolehkan Tribunal menentukan tempoh masa yang award Tribunal mesti dipatuhi dan bagi memperuntukkan penalti minimum sebanyak lima ribu ringgit di bawah seksyen itu selain menambah penalti maksimum kepada sepuluh ribu ringgit di bawah seksyen yang sama.
22. *Fasal 21, 22, 23, 24 dan 25* masing-masing bertujuan untuk meminda seksyen 18, 19, 20, 21 dan 22 Akta 118 bagi mencadangkan penambahan penalti bagi pelbagai kesalahan di bawah Akta 118.
23. *Fasal 26* bertujuan untuk meminda seksyen 22c Akta 118. Seksyen baru 22c bertujuan untuk memperuntukkan hak bagi memulakan dan mengekalkan tindakan dalam kes pembeli rumah yang ada pembiaya terhadap seseorang pemaju

perumahan, dsb., yang timbul daripada perjanjian jual dan beli dengan syarat pembiayaan pembeli rumah diberi notis dalam tempoh masa yang ditetapkan.

24. *Fasal 27* bertujuan untuk memasukkan seksyen baru 22D, 22E dan 22F ke dalam Akta 118 bagi memperkatakan masalah yang berkaitan dengan isu penyerahhakan, pelepasan wang oleh seorang pemegang amanah harta dan perakuan kemajuan dalam melindungi kepentingan pembeli.

25. *Fasal 28* bertujuan untuk meminda seksyen 24 Akta 118 bagi memperuntukkan kuasa kepada Menteri untuk membuat peraturan-peraturan untuk mengecualikan pemaju perumahan atau kemudahan perumahan daripada pemakaian Akta dan untuk menetapkan bentuk, had, sekatan atau syarat pengecualian itu. *Fasal* ini juga bertujuan untuk menambah penalti bagi apa-apa perbuatan atau peninggalan yang melanggar dengan mana-mana peraturan daripada denda tidak melebihi lima ribu ringgit kepada dua puluh ribu ringgit dan tempoh pemenjaraan daripada tiga tahun kepada lima tahun.

26. *Fasal 29* mengandungi peruntukan kecualian dan peralihan berbangkit daripada pindaan kepada takrif kemudahan perumahan dalam seksyen 3 Akta 118 sebagaimana dicadangkan *dalam fasal 4* dan yang berkaitan dengan pindaan kepada seksyen 22c Akta 118.

27. Pindaan lain yang tidak diperkatakan secara khusus dalam Huraian ini adalah pindaan kecil atau yang berbangkit.

IMPUKASI KEWANGAN

Rang Undang-Undang ini akan melibatkan Kerajaan dalam perbelanjaan wang tambahan yang amaunnya belum dapat ditentukan sekarang ini.

[PN(U²)2480]