



LAWS OF SARAWAK

ONLINE VERSION

HIRE PURCHASE REGISTRATION ORDINANCE

**Chapter 71
(1958 Ed.)**

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Sarawak Lawnet

HIRE PURCHASE REGISTRATION ORDINANCE

CHAPTER 71 (1958 Ed.)

An Ordinance to make better provision in the law relating to the registration of hire purchase and other agreements.

[1st February, 1934]

Short title

1. This Ordinance may be cited as the Hire Purchase Registration Ordinance*.

Interpretation

2. In this Ordinance—

“movable property” means all property other than land and buildings of a permanent nature erected on land, and includes ships, goods, chattels, money, actionable claims and any other right, privilege or estate capable of transfer, delivery or assignment.

[Am. Ord. No. 7/49.]

* Notes:

- (1) The previous short title of this Ordinance was the “Registration of Deeds Ordinance (Cap. 84 (1948 Ed.))”.
- (2) This Ordinance including subsidiary legislation (*see* F.L.N. 200/65) has been declared Federal Laws.

Registrars

3. The person appointed in that behalf by the Minister by notification in the Sarawak Government *Gazette*† such person being known by such title as the Minister may by the notification direct and the District Officer of each district (other than the Kuching District), and such other person or persons as may from time to time be appointed by the Minister, shall be Registrars for the purpose of this Ordinance.

[*Mod. F.L.N. 451/64; Am. Fed. Act 5/65.*]

Documents compulsorily registrable

4. No instrument of hire-purchase of moveable property shall be valid unless registered in manner prescribed by this Ordinance.

[*Am. Ord. No. 7/49.*]

Documents optionally registrable

5. Subject to sections 7 and 8, any document may be registered at the request of any party thereto.

[*Am. Ord. No. 7/49.*]

Conditions of registration of compulsory documents

6. No hire-purchase agreement shall be registered unless—

(a) the Registrar is satisfied that the hirer has the right to effect the transaction;

(b) the true consideration is expressed in the deed; and

(c) the property concerned is accurately described and identified.

[*Am. Ord. No. 7/49.*]

† Assistant District Officer of Kuching, Sarawak as Registrar (*see* P.U. (B) 528/94).

Other Districts in Sarawak, *see* also G.N. 2032/79.

Documents not registrable

7.—(1) No document shall be registered which—

(a) evidences any illegal or gambling transaction, or any other transaction which is not enforceable in a court; or

(b) binds a minor or person of unsound mind to any obligation or liability, unless the document is signed on his behalf by a guardian or committee duly appointed by the appropriate court and authorized to sign such document.

(2) The Registrar may refuse to register any document if—

(a) he is not satisfied that the document gives effect to a transaction made in good faith between all the parties;

(b) he is not satisfied that each party fully understands its purport and effect; or

(c) he has any reason to believe that the document is intended to deceive or mislead.

All documents to be stamped and executed

8. No document shall be registered until—

(a) the full appropriate stamp duty for the time being in force has been affixed; and

(b) all the parties or their duly constituted attorneys have executed the same by subscribing their respective signatures thereto or by placing their thumb marks thereon.

[Am. Ord. No. 7/49.]

Personal attendance of executants

9. Before registering a document the Registrar may require each party executing the same to appear before him in person or by duly constituted attorney and admit his execution.

Mode of registration

10.—(1) On registration of a document a true copy shall be taken by the Registrar who shall affix his official seal to, and sign, both the original and the copy.

(2) The copy shall be retained by the Registrar and shall be available for inspection by any person at any time during office hours on payment of the prescribed fee.

Copies of document to be furnished on application

11. On payment of the prescribed fee or stamp duty or both a Registrar shall furnish anyone, whether a party to the document or not, with a plain or certified copy of any document registered with him.

Evidence of registered documents and certified copies of documents

12.—(1) A document bearing a Registrar's seal and indorsement of registration shall be deemed to have been executed according to law, and shall, until the contrary is proved, be evidence that the parties thereto have the legal right to effect the transaction.

(2) A copy of a document certified by a Registrar as a true copy may be accepted as proof that the original is identical therewith.

Cancellation of registered documents

13. The Registrar by whom a document has been registered may cancel the same—

(a) if subsequently he is made aware of any defect in the title or right of any party thereto to effect the transaction therein contained;

(b) if there has been any misrepresentation as to its purport or intent; or

(c) if the purport of the document has been fulfilled and the parties concerned authorize cancellation.

[Am. Ord. No. 7/49.]

Stamp duty on certified copies

14. The stamp duty payable under the First Schedule to the Stamp Act 1949 [*Act 378*] shall be in addition to and not in lieu of the fee for copying documents prescribed by any rules made hereunder.

Registrar may draft documents

15. At the request of any person a Registrar may, on payment of the prescribed fee, prepare or draft or assist in preparing or drafting any document whether the same is intended to be registered or not:

Provided that no liability shall attach to the Registrar or to the Government of the Federation or of Sarawak for any defect in such document unless it be proved that the Registrar was aware thereof and deliberately caused the same either by commission or omission.

[Mod. F.L.N. 451/64.]

Rules

***16.** The Minister may make rules generally for carrying out the provisions of this Ordinance and in particular such rules may prescribe fees.

[Mod. F.L.N. 451/64.]

* See Hire Purchase (Fees) Rules, Vol. VIII of the 1958 Revised Edition, p.61.