



12 Julai 2024
12 July 2024
P.U. (A) 194

WARTA KERAJAAN PERSEKUTUAN

FEDERAL GOVERNMENT GAZETTE

PERATURAN-PERATURAN HARTA PUSAKA KECIL (PEMBAHAGIAN) (PINDAAN) 2024

SMALL ESTATES (DISTRIBUTION) (AMENDMENT) REGULATIONS 2024

DISIARKAN OLEH/
PUBLISHED BY
JABATAN PEGUAM NEGARA/
ATTORNEY GENERAL'S CHAMBERS

AKTA HARTA PUSAKA KECIL (PEMBAHAGIAN) 1955

PERATURAN-PERATURAN HARTA PUSAKA KECIL (PEMBAHAGIAN) (PINDAAN) 2024

PADA menjalankan kuasa yang diberikan oleh seksyen 30 Akta Harta Pusaka Kecil (Pembahagian) 1955 [*Akta 98*], Menteri membuat peraturan-peraturan yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Peraturan-peraturan ini bolehlah dinamakan **Peraturan-Peraturan Harta Pusaka Kecil (Pembahagian) (Pindaan) 2024**.

(2) Peraturan-Peraturan ini mula berkuat kuasa pada 15 Julai 2024.

Pindaan am

2. Peraturan-Peraturan Harta Pusaka Kecil (Pembahagian) 1955 [*L.N. 495/1955*], yang disebut “Peraturan-Peraturan ibu” dalam Peraturan-Peraturan ini, dipinda dengan menggantikan perkataan “Land Administrator” di mana-mana jua terdapat dengan perkataan “Estate Distribution Officer”.

Pindaan peraturan 1A

3. Peraturan 1A Peraturan-Peraturan ibu dipinda dengan memasukkan sebelum takrif “Principal Registry” takrif yang berikut:

‘ “person” includes an individual, a creditor, a purchaser, the Corporation, the Majlis, a guardian or next friend;’

Penggantian peraturan 2

4. Peraturan-Peraturan ibu dipinda dengan menggantikan peraturan 2 dengan peraturan yang berikut:

“Forms. 2. (1) All forms required to be lodged or filed with the Estate Distribution Officer under these Regulations shall be lodged or filed at the Estate Distribution Office unless the Estate Distribution Officer determines otherwise.

(2) The forms to be used for the purposes of these Regulations shall be as specified in the First Schedule.”.

Penggantian peraturan 3

5. Peraturan-Peraturan ini dipinda dengan menggantikan peraturan 3 dengan peraturan yang berikut:

“Petition and search by Principal Registry. 3. (1) A petition for distribution of small estate shall be lodged by a petitioner in Form A to the Estate Distribution Officer.

(2) Upon receipt of the petition under subregulation (1), the Estate Distribution Officer shall complete Part I of Form B and notify the Principal Registry in any manner required by the Principal Registry.

(3) Upon receipt of the notification under subregulation (2), the Registrar shall cause search to be made for any previous application in respect of the estate of the deceased person referred to in the petition.

(4) The Registrar shall certify within a period of one month the finding of the search in Form C to the Estate Distribution Officer, in default of which the Estate Distribution Officer may proceed with the issuance of a notice of hearing in Form D or a notice of inquiry in Form DDB, as the case may be.”.

Peraturan baharu 3C

6. Peraturan-Peraturan ibu dipinda dengan memasukkan selepas peraturan 3B peraturan yang berikut:

“Inquiry. 3C. (1) Upon receipt of a petition under regulation 3, an application under regulation 3A or a subsequent application under regulation 12, the Estate Distribution Officer may conduct an inquiry to verify any information or document relating to such petition, application or subsequent application.

(2) For the purposes of subregulation (1), the Estate Distribution Officer shall issue a notice of inquiry in Form DDB to the petitioner, applicant or any other person to attend the inquiry and shall cause such notice of inquiry to be served.

(3) The issuance of the notice of inquiry by the Estate Distribution Officer shall not be less than seven days from the date of hearing.

(4) In the course of inquiry, the Estate Distribution Officer may require the petitioner, applicant or any other person to furnish any information or document as may be necessary.

(5) If the information or document required under subregulation (3) has not been furnished, the Estate Distribution Officer may dismiss the petition or application referred to in subregulation (1).”.

Penggantian peraturan 4

7. Peraturan-Peraturan ibu dipinda dengan menggantikan peraturan 4 dengan peraturan yang berikut:

“Notice of hearing for petition.

4. (1) Pursuant to the search by the Registrar under subregulation 3(4)—

(a) where there is a previous application in respect of the estate of the deceased, the Estate Distribution Officer shall strike out the petition and inform the petitioner; or

(b) where there is no previous application in respect of the estate of the deceased, the Estate Distribution Officer shall issue to the petitioner a notice of hearing for petition in Form D.

(2) The issuance of the notice of hearing for petition by the Estate Distribution Officer shall not be less than seven days from the date of hearing.

(3) Upon receipt of the notice of hearing for petition under paragraph (1)(b), the petitioner shall serve a copy of such notice of hearing for petition on all persons who are named and addressed in the petition as required under section 9 of the Act by hand, post or by electronic communications.

(4) The Estate Distribution Officer may require any person to appear before him to give evidence or to produce any document in his possession in relation to the petition.

(5) Any person who does not comply with the requirement under subregulation (3), the Estate Distribution Officer may issue a notice of directions in Form DD.”.

Penggantian peraturan 5

8. Peraturan-Peraturan ibu dipinda dengan menggantikan peraturan 5 dengan peraturan yang berikut:

“Transfer to High Court or another Estate Distribution Officer.

5. (1) If the estate of the deceased is a not a small estate, the Estate Distribution Officer shall transfer to the Registrar of the appropriate High Court the petition referred to in subregulation 3(1) in Form I.

(2) If the estate is a small estate and it would be more expedient for the petition to be heard by the Estate Distribution Officer of any other State pursuant to subsection 4(2) of the Act, the Estate Distribution Officer shall submit to the President of Estate Distribution an application for transfer of the petition in Form Q.

(3) Upon receipt of application for transfer, the President of Estate Distribution shall make an order of transfer in Form R and the Estate Distribution Officer of any other State shall deal with the petition.”.

Penggantian peraturan 6

9. Peraturan-Peraturan ibu dipinda dengan menggantikan peraturan 6 dengan peraturan yang berikut:

“Service of notice.

6. Any notice issued under these Regulations to be served on the petitioner, applicant or any person relating to the estate of the deceased may be effected by hand, post or by electronic communications.”.

Peraturan baharu 6A, 6B dan 6C

10. Peraturan-Peraturan ibu dipinda dengan memasukkan selepas peraturan 6 peraturan yang berikut:

“Hearing.

6A. (1) The petitioner or any person who is required to attend the hearing under subregulation 4(1) shall attend the hearing on the date and time and at the place specified in the notice of hearing.

(2) Where the petitioner or such person does not attend the hearing without any reasonable cause, the Estate Distribution Officer may dismiss the petition if the Estate Distribution Officer is satisfied that the notice of hearing for petition has been served on the petitioner or such person.

Summary
distribution.

6B. (1) The petitioner or applicant referred to in section 8B of the Act may apply for a summary distribution order to the Estate Distribution Officer in Form DDC.

(2) Upon receipt of the application under subregulation (1), the Estate Distribution Officer may require the petitioner or applicant to furnish additional documents within a period as he thinks fit from the date the application is received.

(3) The Estate Distribution Officer shall, after considering the application and the additional documents—

(a) issue to the petitioner or applicant a distribution order in Form E;

(b) grant to the petitioner or applicant a letter of administration in Form F; or

(c) issue to the applicant a subsequent application order in Form T.

(4) Where the petitioner or applicant who does not comply with the requirement under subregulation (2), the Estate Distribution Officer may dismiss the application for a summary distribution and may proceed with the issuance of a notice of hearing for petition in Form D, or in the case of subsequent application, with the issuance of a notice of hearing in Form S.

Letters of
administration
pendente lite.

6C. (1) A petitioner or any beneficiary of the estate of the deceased may, at any time pending the issuance of any distribution order, apply in writing or in any manner as determined by the Estate Distribution Officer for a letter of administration *pendente lite* for the purpose of obtaining information from any party in respect of the estate of the deceased.

(2) Upon receipt of the application under subregulation (1), the Estate Distribution Officer shall, if he thinks fit, grant a letter of administration *pendente lite* in Form FA.

(3) The letter of administration *pendente lite* granted under subregulation (2) shall be valid for the period of three months from the date the letter of administration *pendente lite* is granted.”.

Pindaan peraturan 7

11. Peraturan 7 Peraturan-Peraturan ibu dipinda—

(a) dengan menggantikan subperaturan (1) dengan subperaturan yang berikut:

“(1) At the conclusion of the summary distribution or hearing, the Estate Distribution Officer may perform all or any of the following:

(a) make a distribution order in Form E;

(b) grant a letter of administration in Form F.”; dan

(b) dengan memotong subperaturan (2).

Penggantian peraturan 8

12. Peraturan-Peraturan ini dipinda dengan menggantikan peraturan 8 dengan peraturan yang berikut:

“Appointment of guardian or next of friend and entry of caveat. 8. (1) For the purposes of section 10 of the Act, the Estate Distribution Officer may appoint a guardian for a minor or a person of unsound mind, or a next friend for a patient, in Form H.

(2) For the purposes of paragraph 13(2)(b) of the Act, an order for the entry of a caveat to protect the interest of the beneficiary who is a minor or a person of unsound mind shall be in Form HH.”.

Pemotongan peraturan 9 dan 10

13. Peraturan-Peraturan ini dipinda dengan memotong peraturan 9 dan 10.

Pindaan peraturan 11

14. Peraturan 11 Peraturan-Peraturan ini dipinda—

(a) dalam subperaturan (2), dengan memotong perkataan “forthwith posted at the office of the Land Administrator issuing the notice. Copies of the notice shall if practicable”; dan

(b) dengan menggantikan subperaturan (7) dengan subperaturan yang berikut:

“(7) Upon the determination of the collateral dispute pursuant to subregulation 4, the Estate Distribution Officer shall proceed to issue an order for distribution in Form E or grant a letter of administration in Form F or a subsequent application order in Form T.”.

Penggantian peraturan 12

15. Peraturan-Peraturan ibu dipinda dengan menggantikan peraturan 12 dengan peraturan yang berikut:

“Subsequent application. 12. (1) An application made in accordance with section 17 of the Act subsequent to the determination of the suit shall be in Form P and upon receipt of such application, the Estate Distribution Officer shall issue a notice of hearing for subsequent application in Form S.

(2) The issuance of the notice of hearing for subsequent application by the Estate Distribution Officer shall not be less than seven days from the date of hearing.

(3) Where the applicant does not attend the hearing without any reasonable cause, the Estate Distribution Officer may dismiss the application if the Estate Distribution Officer is satisfied that the notice of hearing for an application has been served on the applicant.

(4) At the conclusion of the summary distribution or hearing under this regulation, the Estate Distribution Officer may—

(a) make a subsequent application order in Form T; or

(b) grant a letter of administration in Form F.”.

Penggantian peraturan 12A

16. Peraturan-Peraturan ibu dipinda dengan menggantikan peraturan 12A dengan peraturan yang berikut:

“Amendment of order. 12A. Where an order issued under these Regulations is unable to be registered or enforced, the Estate Distribution Officer may, with prior approval of the President of Estate Distribution, amend the order.”.

Pemotongan peraturan 13, 14 dan 16

17. Peraturan-Peraturan ibu dipinda dengan memotong peraturan 13, 14 dan 16.

Penggantian peraturan 16A

18. Peraturan-Peraturan ibu dipinda dengan menggantikan peraturan 16A dengan peraturan yang berikut:

“Sale of property. 16A. (1) Upon receipt of subsequent application by an administrator under regulation 12, the Estate Distribution Officer may order for the sale of property as provided for in the application.

(2) Prior to the issuance of the order under subregulation (1), the Estate Distribution Officer shall take into consideration that —

(a) any potential buyer to the property has been ascertained; and

(b) the sale price of the property is equal to the market value of the property or any value as agreed by the beneficiary.”.

Pemotongan peraturan 16AA

19. Peraturan-Peraturan itu dipinda dengan memotong peraturan 16AA.

Penggantian peraturan 16B

20. Peraturan-Peraturan itu dipinda dengan menggantikan peraturan 16B dengan peraturan yang berikut:

“Sale of property by tender among the beneficiaries.

16B. (1) In the exercise of his duties under paragraph 15(4)(d) of the Act, the Estate Distribution Officer may order the land or any part of it to be sold by tender among the beneficiaries.

(2) Prior to the issuance of the order under subregulation (1), the Estate Distribution Officer shall—

(a) specify the distributive proportions due to the respective beneficiaries or the amount due to the creditor, the payment of estate duty, if any, out of the estate of the deceased, and the payment in respect of funeral expenses at the date on which the order is made; and

(b) fix a reserve price for the purposes of the sale of property by tender, being a price equal to the market value of the property or undivided distributive shares in question as estimated by the Estate Distribution Officer at the date of the tender.

(3) In specifying or fixing any amount for the purposes of sale of property by tender among the beneficiaries, the Estate Distribution Officer shall have regard to any other liabilities which will have to be paid out of the proceeds of sale of property by tender among the beneficiaries.”.

Peraturan baharu 16BA

21. Peraturan-Peraturan ibu dipinda dengan memasukkan selepas peraturan 16B peraturan yang berikut:

“Sale of land by majority consent. 16BA. (1) Subject to subsection 15(4A) of the Act, the Estate Distribution Officer shall offer the land or part of it to be purchased by the beneficiary who does not consent to the sale of the land or part of it.

(2) If the beneficiary referred to in subregulation (1) refuse to purchase the land or part of it, the Estate Distribution Officer may open to tender such land or part of it to other beneficiaries or any other potential buyers.”.

Pemotongan peraturan 16C

22. Peraturan-Peraturan ibu dipinda dengan memotong peraturan 16C.

Pindaan peraturan 18

23. Peraturan 18 Peraturan-Peraturan ibu dipinda—

(a) dalam subperaturan (1)—

(i) dengan menggantikan perkataan “column 2” dengan perkataan “column (3)”; dan

(ii) dengan menggantikan perkataan “column 1” dengan perkataan “column (2)”; dan

(b) dengan memasukkan selepas subperaturan (2) subperaturan yang berikut:

“(3) The fees specified in the Second Schedule shall apply to any rehearing of petition or application before the Estate Distribution Officer as ordered by the High Court.”.

Pindaan Jadual Pertama

24. Jadual Pertama kepada Peraturan-Peraturan ibu dipinda—

(a) dengan memotong Borang EE, Borang FF, Borang G, Borang J, Borang K1, Borang K2, Borang K3, Borang W dan Borang X;

(b) dengan menggantikan Borang A dengan borang yang berikut:

“FORM A

PETITION FOR DISTRIBUTION UNDER SECTION 8
[Subregulation 3(1)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate of deceased

Petition of (Petitioner)
of.....
..... (address)
Contact No. E-mail

I, the above-named petitioner state as follows:

1. The deceased died on the day of year

2. I am a person claiming to be interested in the said estate as—
 *Beneficiary**/Creditor/Purchaser/Corporation/Majlis/Guardian/
 Next Friend
 (*Delete as appropriate)
 **As beneficiary, my relationship to the deceased is
3. Name of deceased’s father..... (alive/dead),
 and name of deceased’s mother (alive/dead).
4. To the best of my knowledge and belief the deceased left
 a widow/widower and the next-of-kin, as follows:

Name	NRIC (or any other identification no.)	Relationship to deceased	Address/e-mail

(If no ample space, please attach and sign the annexure)

5. The deceased was at the date of his death possessed
 of the following property:

A – IMMOVABLE PROPERTY

Description/ Title No./Sales and Purchase Agreement/ Any Interest	Lot/ Parcel/ PT No.	Town/ Village/ Mukim and District	Share	Address of the property

(If no ample space, please attach and sign the annexure)

B – MOVABLE PROPERTY

Description of movable property	Approximate Value

(If no ample space, please attach and sign the annexure)

C – DEBTS DUE TO DECEASED

Description of debt	Amount	Name and address/ e-mail of debtor

(If no ample space, please attach and sign the annexure)

6. The deceased was at the date of his death indebted as follows:

Nature of debt	Amount	Name and address/ e-mail of creditor

(If no ample space, please attach and sign the annexure)

7. I hereby solemnly affirm and declare that the deceased and I have not been adjudged a bankrupt.

8. I pray that the deceased’s estate may be distributed in the manner provided under the Small Estates (Distribution) Act 1955 and as far as my knowledge goes, no previous application for distribution of the estate of the deceased has been made by any person.

9. I hereby declare that the details furnished above are true and best of my knowledge and belief, and I undertake to inform of any changes therein immediately. In case any of the above information is found to be false or untrue or misleading or misrepresenting, I am aware that I may be held liable for it. I hereby authorize sharing of the information furnished on this form.

Dated this day of 20.....

Signed and solemnly declared by the
above-named
at
in the State of
dated this..... 20.....

}
.....
Signature of Petitioner

In the presence of:

.....
Sessions Court Judge/Magistrate/
Commissioner for Oaths

”;

(c) dengan menggantikan Borang AA dengan borang yang berikut:

“FORM AA

SUBSTITUTION OF PETITIONER
[Regulation 3A]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate of deceased

Petition by (name of the earlier petitioner)
of.....
.....(address)
Contact No. E-mail

I, NRIC/any other identification no.
claiming to be interested in the said estate as beneficiary stated in the above
petition, hereby solemnly affirmed that the said petitioner;

*(a) had died on (date); or

*(b) is incapable to represent himself due to critical illness or
unsoundness of mind.

2. In lieu of the above said petitioner, I apply to be the new petitioner
for the petition.

3. I hereby make this solemn declaration conscientiously believing
the particular given above to be true and in case any of the above information
is found to be false or untrue or misleading or misrepresenting,
I am aware that I may be held liable for it.

Dated this day of 20.....

Signed and solemnly declared by the
above-named
at
in the State of
dated this20



.....
Signature
of Applicant

In the presence of:

.....
Sessions Court Judge/Magistrate/
Commissioner for Oaths

_____”;

*Delete as appropriate

(d) dengan menggantikan Borang B dengan borang yang berikut:

“FORM B

PART I

NOTICE OF APPLICATION
(PROBATE AND ADMINISTRATION)
[Subregulation 3(2)]

1. Name of deceased
Other names (if any)
2. New NRIC/Old NRIC of deceased.....
3. Other Identification No. of deceased
4. Death Certificate/reference no.
5. Date of death
6. Petition number.....
7. Name of petitioner
8. New NRIC/Old NRIC of Petitioner
9. Other Identification No. of Petitioner.....
10. Relations

L.S
Estate Distribution Officer

Date:

PART II

NOTICE OF ISSUE OF GRANT
(PROBATE AND ADMINISTRATION)
[Subregulation 7(3A)]

1. Name of deceased
Other names (if any)
2. New NRIC/Old NRIC of deceased.....
3. Other Identification No. of deceased
4. Death Certificate/ reference no.
5. Date of death
6. Petition number.....
7. Name of petitioner
8. New NRIC/Old NRIC of Petitioner
9. Other Identification No. of Petitioner
10. Date on which Grant was issued/Distribution Order made
11. Name and right of person/Distribution Order to whose favour made

L.S

.....
Estate Distribution Officer

Date:

”;

(e) dengan menggantikan Borang C dengan borang yang berikut:

“FORM C

PRINCIPAL PROBATE REGISTRY
SMALL ESTATES (DISTRIBUTION) ACT 1955
[Subregulation 3(4)]

To: OFFICE ADDRESS

Name of deceased
Other names (if any)
New NRIC/Old NRIC
Any other identification no.
Death Certificate/reference no.
Date of death

Petition number
Name of petitioner
New NRIC/Old NRIC
Any other identification no.
Relations

With reference to your notice dated *..... in connection with the above-mentioned matter, I have caused a search to be made of the record of applications for Probate/Letters of Administration and Distribution made after 1.4.1946 and of authority grants after that date and find *.....:

*(a) *Court/Amanah Raya Berhad/Others,
*Petition No./Caveat No./Others
*Filed by.....
*Name of Petitioner.....
*New NRIC/Old NRIC/Any other Identification No.
*Date
*Relations.....

*(b) that no application has been made for administration in respect of this Estate of the deceased

.....
*Registrar,
High Court, Kuala Lumpur/Kuching*

Date: 20

.....
*Fill/Delete as appropriate ”;

(f) dengan menggantikan Borang D dengan borang yang berikut:

“FORM D

NOTICE OF HEARING (PETITION FOR DISTRIBUTION)
[Subregulations 3(4) and 6B(4), and paragraph 4(1)(b)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate ofdeceased

Petition of of.....

Petition having made by.....of
.....for distribution of the estate and
effects ofdeceased, late of

NOTICE IS HEREBY GIVEN THAT—

The petition will be heard at

On theday of20.....at a.m./p.m.

All persons claiming to have any interest in the estate of the
deceased are required to attend at the time and place above-mentioned.

Any person wishing to object to the petition may lodge a written
objection to the Estate Distribution Officer before the above date.

In the course of hearing, all persons to whom this notice is
specifically addressed to are legally bound to appear before Estate
Distribution Officer.

Dated atthis day of 20.....

Estate Distribution Officer
Office.....

To:
.....
.....

”;

(g) dengan menggantikan Borang DD dengan borang yang berikut:

“FORM DD

NOTICE OF DIRECTIONS UNDER SECTION 11A
(REQUIRING ATTENDANCE AND PRODUCTION OF DOCUMENTS)
[Subregulation 4(5)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate ofdeceased

Petition of of.....

To:
of.....

WHEREAS a petition for distribution/application of subsequent application of the estates and effects of the above-named deceased has been made and the petition/application will be heard at on the day of 20..... at a.m./p.m.;

AND WHEREAS it appears to me that you are likely to be able to give evidence regarding the petition/application in the estate of the deceased and to produce all documents including issue documents of title and other documents evidencing title, in your possession and you are hereby required to appear before me at the time and place stated above;

NOW, THEREFORE you are warned that if you, without just cause or excuse, neglect or refuse to appear or fail to produce such documents, an action will be brought against you under section 174 or 175 of the Penal Code [Act 574].

Given under my hand and seal at.....

Dated atthis day of 20.....

Estate Distribution Officer
Office.....”;

(h) dengan menggantikan Borang DDA dengan borang yang berikut:

“FORM DDA

LETTER OF CONSENT
[Regulation 4A]

MALAYSIA

State of

Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate ofdeceased
Petition or Application of of

I NRIC/any other identification no. of
.....
hereby solemnly affirmed that the above-mentioned deceased leaving
estates as follows:

Immovable Property			
Description and No. of Title	Lot/Parcel/ PT No.	Town/Village/Mukim and District	Share of the Deceased

(If no ample space, please attach and sign the annexure)

Movable Property (e.g. : vehicle, cash, bank account, bond, etc.)

(If no ample space, please attach and sign the annexure)

2. I am a person claiming to be interested in the estate as beneficiary of the above-mentioned deceased's estate and agree the estate may be distributed as follows (choose and initial)—

(Initial & affix
small seal of
Commissioner
of Oaths)

*(a) consistent with Islamic law – *faraid* for Muslim*/
Distribution Act 1958 [*Act 300*] for non-Muslim;

*(b) by consensus as in Schedules below;

*(c) surrender my whole share or interest in the estate to
..... (name and NRIC/any other
identification no.) and I hereby declared that I shall
have no rights or claims over the estate thereafter
(If intended to give to one person among
beneficiaries).

3. **I hereby acknowledge that this Letter of Consent is not for the purpose of appointing a representative during the hearing or appointing an administrator for the above-mentioned estate of the deceased.

4. I hereby declare that the above-mentioned statement is true and fully understand the implications of my consent given herewith and signed by me.

.....
(Name and Signature/
thumb-print of the person
making the consent)

Before me,

Date:

.....
(Sessions Court Judge, Magistrate,
Estate Distribution Officer,
Land Administrator,
Commissioner for Oaths,
Consular Officers or
***Notary Public)

*Delete as appropriate.

**For appointing a representative during the hearing or appointing an administrator, the beneficiaries are required to make a standard Statutory Declaration as specified under the Statutory Declarations Act 1960 [*Act 783*].

***For attestation before Notary Public, the Notary Public must be appointed under the Notaries Public Act 1959 [*Act 115*].

SCHEDULE I

MALAYSIA

State of

IMMOVABLE PROPERTY TO BE DISTRIBUTED

Description/Title No./Lot/Parcel/ (Estate of the deceased)	Town/ Village/ Mukim and District	Name of Parties	Share to be distributed

.....
(Name and signature/
thumb-print of the person
making the consent)

.....
(Sessions Court Judge, Magistrate,
Estate Distribution Officer, Land
Administrator, Commissioner for Oaths,
Consular Officers or *Notary Public)

SCHEDULE II

MALAYSIA

State of

MOVABLE PROPERTY TO BE DISTRIBUTED

Description	Name of Parties	Share to be distributed

.....
(Name and Signature/
thumb-print of the person
making the consent)

.....
(Sessions Court Judge, Magistrate, Estate
Distribution Officer, Land Administrator,
Commissioner for Oaths, Consular
Officers or *Notary Public)

Date :

*For attestation before Notary Public, the Notary Public must be appointed under the Notaries Public Act 1959 [Act 115].

”;

(i) dengan memasukkan selepas Borang DDA borang yang berikut:

“FORM DDB

NOTICE OF INQUIRY
[Subregulations 3(4) and 3C(2)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate ofdeceased

Petition of of.....

Petition/Application having made by
of..... on the day of20.....for
distribution of the estate and effects ofdeceased.

TAKE NOTICE that the Petitioner or Applicant or any person concerned
named—

.....NRIC/any other identification no.
.....NRIC/any other identification no.
.....NRIC/any other identification no.

shall attend before the Estate Distribution Officer for an inquiry.

The above-mentioned inquiry will be held at

On the..... day of20..... ata.m./p.m.

In the course of inquiry, all persons to whom this notice is
specifically addressed to are legally bound to appear before Estate
Distribution Officer.

AND FURTHER TAKE NOTICE that you are required to:
.....
.....
.....

Dated atthis day of 20.....

Estate Distribution Officer
Office.....

To:

.....
.....

FORM DDC

APPLICATION FOR SUMMARY DISTRIBUTION
BY WAY OF STATUTORY DECLARATION UNDER SECTION 8B
[Subregulation 6B (1)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

I.....NRIC/any other identification no.
..... citizen
of..... address at
do solemnly and sincerely declare that:

(2) I am the Petitioner/Applicant in the estate of.....
.....(deceased), NRIC/any other identification no.
...../Distribution Suit No.;

(3) I am not an undischarged bankrupt;

(4) This application is made for the purposes of (choose and initial)—

**(a)* Summary Distribution of movable property only as stated
in Form A and I hereby declared that the deceased did not
leave any immovable property (land/house etc.);

**(b)* Summary Distribution of movable property only as stated
in the subsequent application (Form P) and I acknowledge
that there is no change in the heirs of the deceased; or

**(c)* revocation of the trustee who had been appointed in the
previous petition/application because the minor had
attained the age of majority.

(5) For the purpose of application in paragraph (4)(a) or (4)(b)
above, the deceased left the heir(s) as stated in the petition or
application and I hereby declare that there are no heir(s)
left behind. If I fail to provide actual information relating to
the deceased including the information of the deceased's heir(s)

(Initial & affix
small seal of
Commissioner
for Oaths)

that are entitled to the deceased's property, I will take full responsibility to provide any compensation or anything equivalent to remedy such situation.

(6) For applications in paragraph (4)(a) or (4)(b), I pray the estate may be distributed as follows (choose and initial) —

(Initial & affix small seal of Commissioner of Oaths) *(a) consistent with Islamic law - *faraid* for Muslim*/ Distribution Act 1958 [Act 300] for non-Muslim;

*(b) by consensus as in Schedules below;

and I make this solemn declaration conscientiously believing the declaration to be true, and by virtue of the Statutory Declarations Act 1960.

Signed and solemnly declared by the
above named
at
in the State of
dated this.....20.....

.....
Signature of Applicant

Before me,

.....
Sessions Court Judge/Magistrate/
Commissioner for Oaths

.....
*Delete as appropriate. ”;

(j) dengan menggantikan Borang E dengan borang yang berikut:

“FORM E

ORDER FOR DISTRIBUTION UNDER SECTION 13
[Subregulation 11(7), and paragraphs 6B(3)(a) and 7(1)(a)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate ofdeceased

Petition of of.....

This matter coming on for disposal at..... on the.....day
of..... 20..... before me the *undersigned/
the former
for the Office of.....

IT IS ORDERED THAT—

Firstly, such part of the immovable property of the deceased
as is described in Schedule I hereto be distributed in the manner
provided in the said Schedule.

Secondly, such part of the movable property of the deceased
as is described in Schedule II hereto be distributed in the manner
provided in the said Schedule.

Thirdly, the Grant of Letters of Administration hereunto annexed
and marked as Form F do issue to of
in respect of the assets of the deceased not included in Schedules I and II
hereto.

Fourthly, whereas the net value of the estate is found by me to be
RM.....the Estate Duty fee thereon
amounting to RM.....shall be paid.

Given under my hand and seal at.....

Dated this day of 20.....

L.S
Estate Distribution Officer

*Delete as appropriate.

SCHEDULE I

MALAYSIA

State of.....

IMMOVABLE PROPERTY TO BE DISTRIBUTED

Title No./Lot/ Parcel/Sub-lease No./Others Estate of the deceased	Town/ Village/ Mukim and District	Name of beneficiary and NRIC/any other identification no.	Share to be registered

Date:

L.S
Estate Distribution Officer

(Record of Registration for Registrar of Titles and/or Land Administrator)

SCHEDULE II

MALAYSIA

State of

MOVABLE PROPERTY TO BE DISTRIBUTED

Description	Name of beneficiary and NRIC/any other identification no.	Share

Date:

L.S
Estate Distribution Officer ”;

(k) dengan menggantikan Borang F dengan borang yang berikut:

“FORM F

GRANT OF LETTERS OF ADMINISTRATION UNDER SECTION 13
[Subregulation 11(7), paragraphs 6B(3)(b), 7(1)(b) and 12(4)(b)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate ofdeceased

Petition of of.....

I..... hereby make known that on the.....
day of20.....Letters of Administration of the estate and effects
of deceased,
late of were granted to—
..... as administrator

of..... he having undertaken to administer
the same and in any case subject to directions of Estate Distribution Officer, he is
to make a full or true inventory of the said estate and effects and submit the same
to the Estate Distribution Officer either within six months from the date of
this grant or within such time as the Estate Distribution Officer may from time
to time appoint, or also to render to the Estate Distribution Officer a true account
of the said estate and effects within one year from the same date or within
such time as the Estate Distribution Officer may from time to time appoint.

This grant is subject to the following limitation—

It is limited under section 8B or section 13 of the Small Estates
(Distribution) Act 1955, to the collection and preservation of the property of
the deceased or any interest of deceased therein and to give discharge for debts
due to his estate (if any), however subject to any directions given by
the Estate Distribution Officer in the course of settlement of said estate and effects.

A schedule of the property of the deceased and any note or directions towards that
property (if any) is as appended overleaf.

Given under my hand and seal at.....

Dated this day of 20.....

L.S
ESTATE DISTRIBUTION OFFICER

SCHEDULE OF THE PROPERTY OF THE ABOVE-NAMED DECEASED

Gross Value	RM	Cent
Liabilities		
Net value ..		

CERTIFICATE OF PAYMENT

I hereby certify that RM being the estate duty payable in respect of the property aforesaid has been paid by petitioner or applicant.

Date:

L.S
Estate Distribution Officer ”;

(l) dengan memasukkan selepas Borang F borang yang berikut:

“FORM FA

LETTER OF ADMINISTRATION *PENDENTE LITE* UNDER SECTION 8C
[Subregulation 6C(2)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate of deceased

Petition of of.....

I..... the Estate Distribution Officer of
..... hereby
appointof.....
as administrator, to obtain an information of particular of any asset of the
deceased from any persons or agencies.

The particular person shall having undertaken to administer the same and
to make a full and true inventory of the said estate and effects and submit the same
to the Estate Distribution Officer within three months from the date of this grant.

A schedule of the property of the deceased and any note or direction towards
that property (if any) is as appended overleaf.

Given under my hand and seal at.....

Dated this day of 20.....

L.S
Estate Distribution Officer

SCHEDULE OF THE PROPERTY OF THE ABOVE-NAMED DECEASED

Gross Value	RM	Cent
Liabilities		
Net value ..		

Date:

L.S
Estate Distribution Officer ”;

(m) dengan menggantikan Borang H dengan borang yang berikut:

“FORM H

APPOINTMENT OF GUARDIAN/NEXT FRIEND UNDER SECTION 10
[Subregulation 8(1)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate of deceased

Petition of of.....

WHEREAS it appears that is a beneficiary/are beneficiaries of, or claimant to an interest in, the estate of deceased and that the said is a person of unsound mind/is a minor of unsound mind/are minors of unsound mind/ is a minor/are minors/patient.

NOW THEREFORE I,
..... for the Office of
HEREBY APPOINT of
TO BE THE *GUARDIAN/NEXT FRIEND of the said
for the purpose of all proceedings in the above-mentioned suit.

Given under my hand and seal at.....

Dated this day of 20.....

L.S
Estate Distribution Officer

*Delete as appropriate

”;

(n) dengan menggantikan Borang HH dengan borang yang berikut:

“FORM HH

ORDER FOR ENTRY OF A CAVEAT UNDER SUBSECTION 13(2)
[Subregulation 8(2)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate of deceased

Petition of of.....

I....., Estate Distribution Officer, for the Office of in exercise of the powers conferred upon me under Small Estates Distribution Act 1955 hereby order the Registrar of Title/Land Administrator of to enter a Registrar caveat in respect of the land/particular interest described in the Schedule below, to protect the interest of.....who is/are a minor/minors/of unsound mind/minor and unsound mind.

2. This caveat is expressed to bind the land itself or the particular interest described in the said Schedule and the effect thereof is to prohibit any transfer, assignment or disposal of the said land or particular interest without the prior order of the Estate Distribution Officer or an order from the High Court.

Given under my hand and seal at.....

Dated this day of 20.....

L.S
Estate Distribution Officer

SCHEDULE OF LAND AND INTEREST				
Town/ Village/Mukim	Lot/Parcel/L.O. No.	Description and No. of title	Registered No. of Lease/sub-lease (If any)	Registered No. of Charge (If any)

”;

(o) dengan menggantikan Borang I dengan borang yang berikut:

“FORM I

ORDER OF TRANSFER TO HIGH COURT UNDER SUBSECTION 8(7)
[Subregulation 5(1)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate of deceased

Petition of of.....

WHEREAS it appears to me that the estate of the above-mentioned is not a Small Estate as defined in the Small Estates (Distribution) Act 1955.

NOW THEREFORE I,,
Estate Distribution Officer for the Office of
HEREBY transfer the above-mentioned petition to the High Court at

Given under my hand and seal at.....

Dated this day of 20.....

L.S
Estate Distribution Officer ”;

(p) dengan menggantikan Borang L dengan borang yang berikut:

“FORM L

CERTIFICATE OF COLLATERAL DISPUTE UNDER SECTION 14
[Subregulation 11(1)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate of deceased

Petition of of.....

I.....
the Estate Distribution Officer for the Office of
in the State of HEREBY CERTIFY THAT
it is necessary/desirable in the interests of justice that a collateral dispute
should be decided before an order is made in the above-mentioned Estate.

Given under my hand and seal at

Dated this day of 20.....

L.S
Estate Distribution Officer ”;

(q) dengan menggantikan Borang M dengan borang yang berikut:

“FORM M

NOTICE OF HEARING FOR COLLATERAL DISPUTE UNDER SECTION 14
[Subregulation 11(2)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate of deceased

Petition of of.....

WHEREAS in the above-mentioned Estate a collateral dispute has arisen between
.....of.....
and.....of.....
and.....of.....
concerning rights and interests in property of the deceased.

NOW THEREFORE you
of are hereby required to attend
at on day
of 20..... at..... a.m./p.m. for the hearing
and determination of the said dispute.

Dated atthis day of 20.....

Estate Distribution Officer
Office.....

To:
.....
.....

”;

(r) dengan menggantikan Borang N dengan borang yang berikut:

“FORM N

ORDER OF COLLATERAL DISPUTE UNDER SECTION 14
[Subregulation 11(4)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate of deceased

Petition of of.....

This matter coming on for disposal at
on the day of 20..... before me
the undersigned Estate Distribution Officer for the Office of
..... in the presence of
..... and

IT IS ORDERED

THAT.....
.....

Given under my hand and seal at

Dated this day of 20.....

L.S
Estate Distribution Officer ”;

(s) dengan menggantikan Borang P dengan borang yang berikut:

“FORM P

SUBSEQUENT APPLICATION UNDER SECTION 17
[Subregulation 12(1)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate of deceased

Petition of of.....

Whereas an order has been made on the estate of the above-named deceased,
I,
NRIC/any other identification no)
of
e-mail contact no.

I, hereby apply to the Estate Distribution Officer for ** (please indicate
specific application sought for):

.....
.....
.....
.....

Dated this day of 20.....

.....
Signature of Applicant

- Please attach the previous order

** The specific application sought for:

- (i) revocation of trustee/administrator;
- (ii) appointment of new trustee/new administrator;
- (iii) withdrawal of caveat;
- (iv) distribution of the deceased estate which has not been declared under section 8; or
- (v) any further order (example: permission for order for sale, insert title no. and etc).

”;

(t) dengan menggantikan Borang Q dengan borang yang berikut:

“FORM Q

APPLICATION FOR TRANSFER UNDER SUBSECTION 8(8)
[Subregulation 5(2)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate of deceased

Petition of of.....

I, Estate Distribution Officer
for the Office of in the State of
hereby apply for the transfer of the above-mentioned Suit
to the Estate Distribution Officer for the Office of
in the State of on the grounds that—

Dated this day of 20.....

L.S
Estate Distribution Officer

To the President of Estate Distribution

_____”;

(u) dengan menggantikan Borang R dengan borang yang berikut:

“FORM R

ORDER OF TRANSFER UNDER SUBSECTION 4(2)
[Subregulation 5(3)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate of deceased

Petition of of.....

WHEREAS application has been made by the Estate Distribution Officer for the Office of in the State of for the transfer of the above-mentioned Suit to the Estate Distribution Officer for the Office of in the State of

NOW THEREFORE I the President of Estate Distribution HEREBY ORDER that the petition in the said Suit be heard and determined by the Estate Distribution Officer for the Office of in the State of

Given under my hand and seal at

Dated this day of 20.....

L.S
President of Estate Distribution ”;

(v) dengan menggantikan Borang S dengan borang yang berikut:

“FORM S

NOTICE OF HEARING UNDER SECTION 17
(SUBSEQUENT APPLICATION)
[Subregulations 6B(4) and 12(1)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate of deceased

Petition of of.....

Application having been made by
of to the Estate Distribution Officer
for the Office of.....
for

TAKE NOTICE that the application will be heard at
.....

On the day of 20.....
at a.m./p.m.

All person wishing to be heard upon the application are required to attend
at the time and place above-mentioned.

In the course of hearing, all persons to whom this notice is specifically
addressed to are legally bound to appear before Estate Distribution Officer.

Dated atthis day of 20.....

Estate Distribution Officer
Office.....

To:
.....
.....

”; dan

(w) dengan menggantikan Borang T dengan borang yang berikut:

“FORM T

ORDER OF SUBSEQUENT APPLICATION UNDER SECTION 17
[Subregulation 11(7), and paragraphs 6B(3)(c) and 12(4)(a)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate of..... deceased

Petition of of

WHEREAS application has been made by
..... of.....
for a further order in the above-mentioned Suit.

NOW THEREFORE I, the undersigned/
the former the Estate Distribution Officer
for the Office of in the State of
HEREBY ORDER THAT

Given under my hand and seal at

Dated this day of 20.....

L.S
Estate Distribution Officer ”.

Penggantian Jadual Kedua

25. Peraturan-Peraturan ibu dipinda dengan menggantikan Jadual Kedua dengan jadual yang berikut:

"SECOND SCHEDULE

[Regulation 18]

FEES

(1) No.	(2) Item	(3) Fees (RM)
1.	Order for Grant of Letters of Administration <i>pendente lite</i>	RM50.00
2.	Order for distribution or Grant of Letters of Administration:	
	(a) for estate value not exceeding RM1,000.00	RM30.00
	(b) for estate value exceeding RM1,000.00 to RM50,000.00	RM50.00
	(c) for estate value exceeding RM50,001.00 to RM2,000,000.00	0.2% of the estate value
	(d) for estate value exceeding RM2,000,001.00 to RM5,000,000.00	0.3% of the estate value
	(e) for transmission of trust deed to a new trustee or beneficiary, whichever applicable	RM50.00 or 0.3% of the estate value whichever is higher
3.	Order in collateral dispute	RM50.00
4.	Order made pursuant to subsequent application:	
	(a) application for revocation of trustee	RM50.00
	(b) application for withdrawal of caveat	RM50.00
	(c) application for revocation of administrator	RM50.00

(1) No.	(2) Item		(3) Fees (RM)
	<i>(d)</i>	appointment of new trustee	RM50.00
	<i>(e)</i>	appointment of new administrator	RM50.00
	<i>(f)</i>	application for further order	RM50.00
	<i>(g)</i>	for transmission of trust deed to a new trustee or beneficiary, whichever applicable	RM50.00 or 0.3% of the estate value referred in the application whichever is higher
	<i>(h)</i>	application for order for distribution of property which has not been declared in petition	RM50.00 or 0.3% of the estate value referred in the application whichever is higher
5.	Copies of any order made under these Regulations upon application from the administrator or beneficiaries		free for the first copy and RM5.00 for the second and subsequent copies
6.	Copies of any order made under these Regulations upon application from any person other than the Administrator or beneficiaries		RM30.00 for the first copy and RM10.00 for the second and subsequent copies
7.	Any documents required to be copied:		
	<i>(a)</i>	for first copy	RM30.00 per copy
	<i>(b)</i>	for second and subsequent copies	RM10.00 per copy
8.	Record of hearing in writing required to be copied:		
	<i>(a)</i>	for first copy	RM30.00 per folio of 100 words or part thereof
	<i>(b)</i>	for second and subsequent copies	RM10.00 per folio of 100 words or part thereof

Pemotongan Jadual Ketiga

26. Peraturan-Peraturan ibu dipinda dengan memotong Jadual Ketiga.

Kecualian

27. (1) Apa-apa petisyen, permohonan, siasatan, pendengaran dan prosiding berhubung dengan pembahagian suatu harta pusaka kecil yang belum selesai sebelum tarikh permulaan kuat kuasa Peraturan-Peraturan ini hendaklah diuruskan mengikut Peraturan-Peraturan ibu sebagaimana yang dipinda oleh Peraturan-Peraturan ini.

(2) Apa-apa perintah, surat kuasa tadbir, keputusan, penentuan, arahan, perakuan, pelantikan, rujukan, tindakan dan notis berhubung dengan pembahagian suatu harta pusaka kecil yang telah dibuat, dilakukan atau dikeluarkan oleh Pentadbir Tanah di bawah Peraturan-Peraturan ibu sebelum tarikh permulaan kuat kuasa Peraturan-Peraturan ini, hendaklah disifatkan telah dibuat, dilakukan atau dikeluarkan oleh Pegawai Pembahagian Harta Pusaka dan terus berkuat kuasa.

(3) Apa-apa rayuan kepada apa-apa perintah, keputusan atau tindakan yang dibuat atau dilakukan di bawah peraturan 10 Peraturan-Peraturan ibu sebelum tarikh permulaan kuat kuasa Peraturan-Peraturan ini hendaklah, selepas tarikh permulaan kuat kuasa Peraturan-Peraturan ini, diteruskan seolah-olah peraturan 10 Peraturan-Peraturan ibu tidak dipinda oleh Peraturan-Peraturan ini.

Dibuat 11 Julai 2024

[JKPTG.UUU.S.100-1/1/1 JLD.3(10); PN(PU2)211/IV]

NIK NAZMI BIN NIK AHMAD
*Menteri Sumber Asli dan
Kelestarian Alam*

SMALL ESTATES (DISTRIBUTION) ACT 1955

SMALL ESTATES (DISTRIBUTION) (AMENDMENT) REGULATIONS 2024

IN exercise of the powers conferred by section 30 of the Small Estates (Distribution) Act 1955 [*Act 98*], the Minister makes the following regulations:

Citation and commencement

1. (1) These regulations may be cited as the **Small Estates (Distribution) (Amendment) Regulations 2024**.

(2) These Regulations come into operation on 15 July 2024.

General amendment

2. The Small Estates (Distribution) Regulations 1955 [*L.N. 495 of 1955*], which are referred to as the “principal Regulations” in these Regulations, are amended by substituting for the words “Land Administrator” wherever appearing the words “Estate Distribution Officer”.

Amendment of regulation 1A

3. Regulation 1A of the principal Regulations is amended by inserting before the definition of “Principal Registry” the following definition:

‘ “person” includes an individual, a creditor, a purchaser, the Corporation, the Majlis, a guardian or next friend;’.

Substitution of regulation 2

4. The principal Regulations are amended by substituting for regulation 2 the following regulation:

“Forms. 2. (1) All forms required to be lodged or filed with the Estate Distribution Officer under these Regulations shall be lodged or filed at the Estate Distribution Office unless the Estate Distribution Officer determines otherwise.

(2) The forms to be used for the purposes of these Regulations shall be as specified in the First Schedule.”.

Substitution of regulation 3

5. The principal Regulations are amended by substituting for regulation 3 the following regulation:

“Petition and search by Principal Registry. 3. (1) A petition for distribution of small estate shall be lodged by a petitioner in Form A to the Estate Distribution Officer.

(2) Upon receipt of the petition under subregulation (1), the Estate Distribution Officer shall complete Part I of Form B and notify the Principal Registry in any manner required by the Principal Registry.

(3) Upon receipt of the notification under subregulation (2), the Registrar shall cause search to be made for any previous application in respect of the estate of the deceased person referred to in the petition.

(4) The Registrar shall certify within a period of one month the finding of the search in Form C to the Estate Distribution Officer, in default of which the Estate Distribution Officer may proceed with the issuance of a notice of hearing in Form D or a notice of inquiry in Form DDB, as the case may be.”.

New regulation 3c

6. The principal Regulations are amended by inserting after regulation 3B the following regulation:

“Inquiry. 3C. (1) Upon receipt of a petition under regulation 3, an application under regulation 3A or a subsequent application under regulation 12, the Estate Distribution Officer may conduct an inquiry to verify any information or document relating to such petition, application or subsequent application.

(2) For the purposes of subregulation (1), the Estate Distribution Officer shall issue a notice of inquiry in Form DDB to the petitioner, applicant or any other person to attend the inquiry and shall cause such notice of inquiry to be served.

(3) The issuance of the notice of inquiry by the Estate Distribution Officer shall not be less than seven days from the date of hearing.

(4) In the course of inquiry, the Estate Distribution Officer may require the petitioner, applicant or any other person to furnish any information or document as may be necessary.

(5) If the information or document required under subregulation (3) has not been furnished, the Estate Distribution Officer may dismiss the petition or application referred to in subregulation (1).”.

Substitution of regulation 4

7. The principal Regulations are amended by substituting for regulation 4 the following regulation:

“Notice of hearing for petition.

4. (1) Pursuant to the search by the Registrar under subregulation 3(4)—

(a) where there is a previous application in respect of the estate of the deceased, the Estate Distribution Officer shall strike out the petition and inform the petitioner; or

(b) where there is no previous application in respect of the estate of the deceased, the Estate Distribution Officer shall issue to the petitioner a notice of hearing for petition in Form D.

(2) The issuance of the notice of hearing for petition by the Estate Distribution Officer shall not be less than seven days from the date of hearing.

(3) Upon receipt of the notice of hearing for petition under paragraph (1)(b), the petitioner shall serve a copy of such notice of hearing for petition on all persons who are named and addressed in the petition as required under section 9 of the Act by hand, post or by electronic communications.

(4) The Estate Distribution Officer may require any person to appear before him to give evidence or to produce any document in his possession in relation to the petition.

(5) Any person who does not comply with the requirement under subregulation (3), the Estate Distribution Officer may issue a notice of directions in Form DD.”.

Substitution of regulation 5

8. The principal Regulations are amended by substituting for regulation 5 the following regulation:

“Transfer to High Court or another Estate Distribution Officer.

5. (1) If the estate of the deceased is a not a small estate, the Estate Distribution Officer shall transfer to the Registrar of the appropriate High Court the petition referred to in subregulation 3(1) in Form I.

(2) If the estate is a small estate and it would be more expedient for the petition to be heard by the Estate Distribution Officer of any other State pursuant to subsection 4(2) of the Act, the Estate Distribution Officer shall submit to the President of Estate Distribution an application for transfer of the petition in Form Q.

(3) Upon receipt of application for transfer, the President of Estate Distribution shall make an order of transfer in Form R and the Estate Distribution Officer of any other State shall deal with the petition.”.

Substitution of regulation 6

9. The principal Regulations are amended by substituting for regulation 6 the following regulation:

“Service of notice.

6. Any notice issued under these Regulations to be served on the petitioner, applicant or any person relating to the estate of the deceased may be effected by hand, post or by electronic communications.”.

New regulations 6A, 6B and 6C

10. The principal Regulations are amended by inserting after regulation 6 the following regulations:

“Hearing. 6A. (1) The petitioner or any person who is required to attend the hearing under subregulation 4(1) shall attend the hearing on the date and time and at the place specified in the notice of hearing.

(2) Where the petitioner or such person does not attend the hearing without any reasonable cause, the Estate Distribution Officer may dismiss the petition if the Estate Distribution Officer is satisfied that the notice of hearing for petition has been served on the petitioner or such person.

Summary distribution. 6B. (1) The petitioner or applicant referred to in section 8B of the Act may apply for a summary distribution order to the Estate Distribution Officer in Form DDC.

(2) Upon receipt of the application under subregulation (1), the Estate Distribution Officer may require the petitioner or applicant to furnish additional documents within a period as he thinks fit from the date the application is received.

(3) The Estate Distribution Officer shall, after considering the application and the additional documents—

(a) issue to the petitioner or applicant a distribution order in Form E;

(b) grant to the petitioner or applicant a letter of administration in Form F; or

(c) issue to the applicant a subsequent application order in Form T.

(4) Where the petitioner or applicant who does not comply with the requirement under subregulation (2), the Estate Distribution Officer may dismiss the application for a summary distribution and may proceed with the issuance of a notice of hearing for petition in Form D, or in the case of subsequent application, with the issuance of a notice of hearing in Form S.

Letters of
administration
pendente lite.

6C. (1) A petitioner or any beneficiary of the estate of the deceased may, at any time pending the issuance of any distribution order, apply in writing or in any manner as determined by the Estate Distribution Officer for a letter of administration *pendente lite* for the purpose of obtaining information from any party in respect of the estate of the deceased.

(2) Upon receipt of the application under subregulation (1), the Estate Distribution Officer shall, if he thinks fit, grant a letter of administration *pendente lite* in Form FA.

(3) The letter of administration *pendente lite* granted under subregulation (2) shall be valid for the period of three months from the date the letter of administration *pendente lite* is granted.”.

Amendment of regulation 7

11. Regulation 7 of the principal Regulations is amended—

(a) by substituting for subregulation (1) the following subregulation:

“(1) At the conclusion of the summary distribution or hearing, the Estate Distribution Officer may perform all or any of the following:

(a) make a distribution order in Form E;

(b) grant a letter of administration in Form F.”; and

(b) by deleting subregulation (2).

Substitution of regulation 8

12. The principal Regulations are amended by substituting for regulation 8 the following regulation:

“Appointment of guardian or next of friend and entry of caveat.

8. (1) For the purposes of section 10 of the Act, the Estate Distribution Officer may appoint a guardian for a minor or a person of unsound mind, or a next friend for a patient, in Form H.

(2) For the purposes of paragraph 13(2)(b) of the Act, an order for the entry of a caveat to protect the interest of the beneficiary who is a minor or a person of unsound mind shall be in Form HH.” .

Deletion of regulations 9 and 10

13. The principal Regulations are amended by deleting regulations 9 and 10.

Amendment of regulation 11

14. Regulation 11 of the principal Regulations is amended—

(a) in subregulation (2), by deleting the words “forthwith posted at the office of the Land Administrator issuing the notice. Copies of the notice shall if practicable”; and

(b) by substituting for subregulation (7) the following subregulation:

“(7) Upon the determination of the collateral dispute pursuant to subregulation 4, the Estate Distribution Officer shall proceed to issue an order for distribution in Form E or grant a letter of administration in Form F or a subsequent application order in Form T.”.

Substitution of regulation 12

15. The principal Regulations are amended by substituting for regulation 12 the following regulation:

“Subsequent application.

12. (1) An application made in accordance with section 17 of the Act subsequent to the determination of the suit shall be in Form P and upon receipt of such application, the Estate Distribution Officer shall issue a notice of hearing for subsequent application in Form S.

(2) The issuance of the notice of hearing for subsequent application by the Estate Distribution Officer shall not be less than seven days from the date of hearing.

(3) Where the applicant does not attend the hearing without any reasonable cause, the Estate Distribution Officer may dismiss the application if the Estate Distribution Officer is satisfied that the notice of hearing for an application has been served on the applicant.

(4) At the conclusion of the summary distribution or hearing under this regulation, the Estate Distribution Officer may—

(a) make a subsequent application order in Form T; or

(b) grant a letter of administration in Form F.”.

Substitution of regulation 12A

16. The principal Regulations are amended by substituting for regulation 12A the following regulation:

“Amendment of order. 12A. Where an order issued under these Regulations is unable to be registered or enforced, the Estate Distribution Officer may, with prior approval of the President of Estate Distribution, amend the order.”.

Deletion of regulations 13, 14 and 16

17. The principal Regulations are amended by deleting regulations 13, 14 and 16.

Substitution of regulation 16A

18. The principal Regulations are amended by substituting for regulation 16A the following regulation:

“Sale of property. 16A. (1) Upon receipt of subsequent application by an administrator under regulation 12, the Estate Distribution Officer may order for the sale of property as provided for in the application.

(2) Prior to the issuance of the order under subregulation (1), the Estate Distribution Officer shall take into consideration that—

(a) any potential buyer to the property has been ascertained; and

(b) the sale price of the property is equal to the market value of the property or any value as agreed by the beneficiary.”.

Deletion of regulation 16AA

19. The principal Regulations are amended by deleting regulation 16AA.

Substitution of regulation 16B

20. The principal Regulations are amended by substituting for regulation 16B the following regulation:

“Sale of property by tender among the beneficiaries. 16B. (1) In the exercise of his duties under paragraph 15(4)(d) of the Act, the Estate Distribution Officer may order the land or any part of it to be sold by tender among the beneficiaries.

(2) Prior to the issuance of the order under subregulation (1), the Estate Distribution Officer shall—

(a) specify the distributive proportions due to the respective beneficiaries or the amount due to the creditor, the payment of estate duty, if any, out of the estate of the deceased, and the payment in respect of funeral expenses at the date on which the order is made; and

(b) fix a reserve price for the purposes of the sale of property by tender, being a price equal to the market value of the property or undivided distributive shares in question as estimated by the Estate Distribution Officer at the date of the tender.

(3) In specifying or fixing any amount for the purposes of sale of property by tender among the beneficiaries, the Estate Distribution Officer shall have regard to any other liabilities which will have to be paid out of the proceeds of sale of property by tender among the beneficiaries.”.

New regulation 16BA

21. The principal Regulations are amended by inserting after regulation 16B the following regulation:

“Sale of land by majority consent.” 16BA. (1) Subject to subsection 15(4A) of the Act, the Estate Distribution Officer shall offer the land or part of it to be purchased by the beneficiary who does not consent to the sale of the land or part of it.

(2) If the beneficiary referred to in subregulation (1) refuse to purchase the land or part of it, the Estate Distribution Officer may open to tender such land or part of it to other beneficiaries or any other potential buyers.”.

Deletion of regulation 16c

22. The principal Regulations are amended by deleting regulation 16c.

Amendment of regulation 18

23. Regulation 18 of the principal Regulations is amended—

(a) in subregulation (1)—

(i) by substituting for the words “column 2” the words “column (3)”; and

(ii) by substituting for the words “column 1” the words “column (2)”; and

(b) by inserting after subregulation (2) the following subregulation:

“(3) The fees specified in the Second Schedule shall apply to any rehearing of petition or application before the Estate Distribution Officer as ordered by the High Court.”.

Amendment of First Schedule

24. The First Schedule to the principal Regulations is amended—

(a) by deleting Form EE, Form FF, Form G, Form J, Form K1, Form K2, Form K3, Form W and Form X;

(b) by substituting for Form A the following form:

“FORM A

PETITION FOR DISTRIBUTION UNDER SECTION 8
[Subregulation 3(1)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate of deceased

Petition of (Petitioner)
of.....

..... (address)

Contact No. E-mail

I, the above-named petitioner state as follows:

1. The deceased died on the day of year

2. I am a person claiming to be interested in the said estate as—

*Beneficiary**/Creditor/Purchaser/Corporation/Majlis/Guardian/
Next Friend

(*Delete as appropriate)

**As beneficiary, my relationship to the deceased is

3. Name of deceased’s father..... (alive/dead),
and name of deceased’s mother (alive/dead).

4. To the best of my knowledge and belief the deceased left
a widow/widower and the next-of-kin, as follows:

Name	NRIC (or any other identification no.)	Relationship to deceased	Address/e-mail

(If no ample space, please attach and sign the annexure)

5. The deceased was at the date of his death possessed of the following property:

A – IMMOVABLE PROPERTY

Description/ Title No./Sales and Purchase Agreement/ Any Interest	Lot/ Parcel/ PT No.	Town/ Village/ Mukim and District	Share	Address of the property

(If no ample space, please attach and sign the annexure)

B – MOVABLE PROPERTY

Description of movable property	Approximate Value

(If no ample space, please attach and sign the annexure)

C – DEBTS DUE TO DECEASED

Description of debt	Amount	Name and address/ e-mail of debtor

(If no ample space, please attach and sign the annexure)

6. The deceased was at the date of his death indebted as follows:

Nature of debt	Amount	Name and address/ e-mail of creditor

(If no ample space, please attach and sign the annexure)

7. I hereby solemnly affirm and declare that the deceased and I have not been adjudged a bankrupt.

8. I pray that the deceased’s estate may be distributed in the manner provided under the Small Estates (Distribution) Act 1955 and as far as my knowledge goes, no previous application for distribution of the estate of the deceased has been made by any person.

9. I hereby declare that the details furnished above are true and best of my knowledge and belief, and I undertake to inform of any changes therein immediately. In case any of the above information is found to be false or untrue or misleading or misrepresenting, I am aware that I may be held liable for it. I hereby authorize sharing of the information furnished on this form.

Dated this day of 20.....

Signed and solemnly declared by the
above-named
at
in the State of
dated this..... 20.....

}
.....
Signature of Petitioner
}

In the presence of:

.....
Sessions Court Judge/Magistrate/
Commissioner for Oaths

”;

(c) by substituting for Form AA the following form:

“FORM AA

SUBSTITUTION OF PETITIONER
[Regulation 3A]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate of deceased

Petition by (name of the earlier petitioner)
of.....
.....(address)
Contact No. E-mail

I,..... NRIC/any other identification no.
claiming to be interested in the said estate as beneficiary stated in the above
petition, hereby solemnly affirmed that the said petitioner;

*(a) had died on (date); or

*(b) is incapable to represent himself due to critical illness or
unsoundness of mind.

2. In lieu of the above said petitioner, I apply to be the new petitioner
for the petition.

3. I hereby make this solemn declaration conscientiously believing
the particular given above to be true and in case any of the above information
is found to be false or untrue or misleading or misrepresenting,
I am aware that I may be held liable for it.

Dated this day of 20.....

Signed and solemnly declared by the
above-named
at
in the State of
dated this20



.....
Signature
of Applicant

In the presence of:

.....
Sessions Court Judge/Magistrate/
Commissioner for Oaths

_____”;

*Delete as appropriate

(d) by substituting for Form B the following form:

“FORM B

PART I

NOTICE OF APPLICATION
(PROBATE AND ADMINISTRATION)
[Subregulation 3(2)]

- 1. Name of deceased.....
Other names (if any).....
- 2. New NRIC/Old NRIC of deceased.....
- 3. Other Identification No. of deceased.....
- 4. Death Certificate/reference no.....
- 5. Date of death.....
- 6. Petition number
- 7. Name of petitioner.....
- 8. New NRIC/Old NRIC of Petitioner.....
- 9. Other Identification No. of Petitioner.....
- 10. Relations.....

L.S
Estate Distribution Officer

Date:

PART II

NOTICE OF ISSUE OF GRANT
(PROBATE AND ADMINISTRATION)
[Subregulation 7(3A)]

- 1. Name of deceased.....
Other names (if any).....
- 2. New NRIC/Old NRIC of deceased.....
- 3. Other Identification No. of deceased.....
- 4. Death Certificate/reference no.....
- 5. Date of death.....
- 6. Petition number.....
- 7. Name of petitioner.....
- 8. New NRIC/Old NRIC of Petitioner.....
- 9. Other Identification No. of Petitioner.....
- 10. Date on which Grant was issued/Distribution Order made.....
- 11. Name and right of person/Distribution Order to whose favour
made.....

L.S
Estate Distribution Officer

Date:

”;

(e) by substituting for Form C the following form:

“FORM C

PRINCIPAL PROBATE REGISTRY
SMALL ESTATES (DISTRIBUTION) ACT 1955
[Subregulation 3(4)]

To: OFFICE ADDRESS

Name of deceased
Other names (if any).....
New NRIC/Old NRIC.....
Any other identification no.
Death Certificate/reference no.
Date of death

Petition number
Name of petitioner
New NRIC/Old NRIC
Any other identification no.
Relations

With reference to your notice dated *..... in connection with the above-mentioned matter, I have caused a search to be made of the record of applications for Probate/Letters of Administration and Distribution made after 1.4.1946 and of authority grants after that date and find *.....:

*(a) *Court/Amanah Raya Berhad/Others,
*Petition No. /Caveat No./Others
*Filed by.....
*Name of Petitioner.....
*New NRIC/Old NRIC/Any other Identification No.
*Date

*(b) that no application has been made for administration in respect of this Estate of the deceased.

.....
Registrar,
High Court, Kuala Lumpur/Kuching

Date: 20

*Fill/Delete as appropriate ”;

(f) by substituting for Form D the following form:

“FORM D

NOTICE OF HEARING (PETITION FOR DISTRIBUTION)
[Subregulations 3(4), and 6B(4) or paragraph 4(1)(b)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955

DISTRIBUTION SUIT NO. OF 20.....

In the Estate ofdeceased

Petition of of.....

Petition having made by.....of
.....for distribution of the estate
and effects ofdeceased, late of

NOTICE IS HEREBY GIVEN THAT—

The petition will be heard at

On theday of20.....at a.m./p.m.

All persons claiming to have any interest in the estate of the
deceased are required to attend at the time and place above-mentioned.

Any person wishing to object to the petition may lodge a written
objection to the Estate Distribution Officer before the above date.

In the course of hearing, all persons to whom this notice is
specifically addressed to are legally bound to appear before Estate
Distribution Officer.

Dated atthis day of 20.....

Estate Distribution Officer
Office.....

To:
.....
.....

”;

(g) by substituting for Form DD the following form:

“FORM DD

NOTICE OF DIRECTIONS UNDER SECTION 11A
(REQUIRING ATTENDANCE AND PRODUCTION OF DOCUMENTS)
[Subregulation 4(5)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate ofdeceased

Petition of of.....

To:
of.....

WHEREAS a petition for distribution/application of subsequent application of the estates and effects of the above-named deceased has been made and the petition/application will be heard at on the day of 20..... at a.m./p.m.;

AND WHEREAS it appears to me that you are likely to be able to give evidence regarding the petition/application in the estate of the deceased and to produce all documents including issue documents of title and other documents evidencing title, in your possession and you are hereby required to appear before me at the time and place stated above;

NOW, THEREFORE you are warned that if you, without just cause or excuse, neglect or refuse to appear or fail to produce such documents, an action will be brought against you under section 174 or 175 of the Penal Code [Act 574].

Given under my hand and seal at.....

Dated atthis day of 20.....

Estate Distribution Officer
Office.....”;

(h) by substituting for Form DDA the following form:

“FORM DDA

LETTER OF CONSENT
[Regulation 4A]

MALAYSIA

State of

Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate ofdeceased
Petition or Application of of

I NRIC/any other identification no.of
.....
hereby solemnly affirmed that the above-mentioned deceased leaving
estates as follows:

Immovable Property			
Description and No. of Title	Lot/Parcel/ PT No.	Town/Village/Mukim and District	Share of the Deceased

(If no ample space, please attach and sign the annexure)

Movable Property (e.g. : vehicle, cash, bank account, bond, etc.)

(If no ample space, please attach and sign the annexure)

2. I am a person claiming to be interested in the estate as beneficiary of the above-mentioned deceased’s estate and agree the estate may be distributed as follows (choose and initial)—

(Initial & affix
small seal of
Commissioner
of Oaths)

*(a) consistent with Islamic law – *faraid* for Muslim*/
Distribution Act 1958 [*Act 300*] for non-Muslim;

*(b) by consensus as in Schedules below;

*(c) surrender my whole share or interest in the estate to
..... (name and NRIC/any other
identification no.) and I hereby declared that I shall
have no rights or claims over the estate thereafter
(If intended to give to one person among beneficiaries).

3. **I hereby acknowledge that this Letter of Consent is not
for the purpose of appointing a representative during the hearing
or appointing an administrator for the above-mentioned estate
of the deceased.

4. I hereby declare that the above-mentioned statement is true and
fully understand the implications of my consent given herewith and
signed by me.

.....
(Name and Signature/
thumb-print of the person
making the consent)

Before me,

Date:

.....
(Sessions Court Judge, Magistrate,
Estate Distribution Officer,
Land Administrator,
Commissioner for Oaths,
Consular Officers or
***Notary Public)

*Delete as appropriate.

**For appointing a representative during the hearing or appointing an administrator, the beneficiaries are
required to make a standard Statutory Declaration as specified under the Statutory Declarations Act 1960
[*Act 783*].

***For attestation before Notary Public, the Notary Public must be appointed under the Notaries Public
Act 1959 [*Act 115*].

SCHEDULE I

MALAYSIA

State of

IMMOVABLE PROPERTY TO BE DISTRIBUTED

Description/Title No./Lot/Parcel/ (Estate of the deceased)	Town/ Village/Mukim and District	Name of Parties	Share to be distributed

.....
(Name and signature/
thumb-print of the person
making the consent)

.....
(Sessions Court Judge, Magistrate,
Estate Distribution Officer, Land
Administrator, Commissioner for Oaths,
Consular Officers or *Notary Public)

SCHEDULE II

MALAYSIA

State of

MOVABLE PROPERTY TO BE DISTRIBUTED

Description	Name of Parties	Share to be distributed

.....
(Name and Signature/
thumb-print of the person
making the consent)

.....
(Sessions Court Judge, Magistrate, Estate
Distribution Officer, Land Administrator,
Commissioner for Oaths, Consular
Officers or *Notary Public)

Date :

*For attestation before Notary Public, the Notary Public must be appointed under the Notaries Public Act 1959 [Act 115].

(i) by inserting after Form DDA the following forms:

“FORM DDB

NOTICE OF INQUIRY
[Subregulations 3(4) and 3C(2)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate ofdeceased

Petition of of.....

Petition/Application having made by
of..... on the day of20.....for
distribution of the estate and effects ofdeceased.

TAKE NOTICE that the Petitioner or Applicant or any person concerned
named—

.....NRIC/any other identification no.
.....NRIC/any other identification no.
.....NRIC/any other identification no.

shall attend before the Estate Distribution Officer for an inquiry.

The above-mentioned inquiry will be held at

On the..... day of20..... ata.m./p.m.

In the course of inquiry, all persons to whom this notice is
specifically addressed to are legally bound to appear before Estate
Distribution Officer.

AND FURTHER TAKE NOTICE that you are required to:

.....
.....
.....

Dated atthis day of 20.....

Estate Distribution Officer
Office.....

To:

.....
.....

FORM DDC

APPLICATION FOR SUMMARY DISTRIBUTION
BY WAY OF STATUTORY DECLARATION UNDER SECTION 8B
[Subregulation 6B (1)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

I.....NRIC/any other identification no.
..... citizen
of..... address at
do solemnly and sincerely declare that:

(2) I am the Petitioner/Applicant in the estate of.....
.....(deceased), NRIC/any other identification no.
...../Distribution Suit No.;

(3) I am not an undischarged bankrupt;

(4) This application is made for the purposes of (choose and initial)—

**(a)* Summary Distribution of movable property only as stated
in Form A and I hereby declared that the deceased did not
leave any immovable property (land/house etc.);

**(b)* Summary Distribution of movable property only as stated
in the subsequent application (Form P) and I acknowledge
that there is no change in the heirs of the deceased; or

**(c)* revocation of the trustee who had been appointed in the
previous petition/application because the minor had
attained the age of majority.

(5) For the purpose of application in paragraph (4)(a) or (4)(b)
above, the deceased left the heir(s) as stated in the petition or
application and I hereby declare that there are no heir(s)
left behind. If I fail to provide actual information relating to
the deceased including the information of the deceased's heir(s)

(Initial & affix
small seal of
Commissioner
for Oaths)

that are entitled to the deceased's property, I will take full responsibility to provide any compensation or anything equivalent to remedy such situation.

(6) For applications in paragraph (4)(a) or (4)(b), I pray the estate may be distributed as follows (choose and initial) —

(Initial & affix small seal of Commissioner of Oaths) *(a) consistent with Islamic law - *faraid* for Muslim*/ Distribution Act 1958 [Act 300] for non-Muslim;

*(b) by consensus as in Schedules below;

and I make this solemn declaration conscientiously believing the declaration to be true, and by virtue of the Statutory Declarations Act 1960.

Signed and solemnly declared by the
above named
at
in the State of
dated this.....20..... }
Signature of Applicant

Before me,

.....
Sessions Court Judge/Magistrate/
Commissioner for Oaths

.....
*Delete as appropriate. ”;

(j) by substituting for Form E the following form:

“FORM E

ORDER FOR DISTRIBUTION UNDER SECTION 13
[Subregulation 11(7), and paragraphs 6B(3)(a) and 7(1)(a)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate ofdeceased

Petition of of.....

This matter coming on for disposal at..... on the.....day
of.....20..... before me the *undersigned/
the former
for the Office of.....

IT IS ORDERED THAT—

Firstly, such part of the immovable property of the deceased
as is described in Schedule I hereto be distributed in the manner
provided in the said Schedule.

Secondly, such part of the movable property of the deceased
as is described in Schedule II hereto be distributed in the manner
provided in the said Schedule.

Thirdly, the Grant of Letters of Administration hereunto annexed
and marked as Form F do issue to of
in respect of the assets of the deceased not included in Schedules I and II
hereto.

Fourthly, whereas the net value of the estate is found by me to be
RM.....the Estate Duty fee thereon
amounting to RM.....shall be paid.

Given under my hand and seal at.....

Dated this day of 20.....

L.S
Estate Distribution Officer

*Delete as appropriate.

SCHEDULE I

MALAYSIA

State of.....

IMMOVABLE PROPERTY TO BE DISTRIBUTED

Title No./Lot/ Parcel/Sub-lease No./Others Estate of the deceased	Town/ Village/Mukim and District	Name of beneficiary and NRIC/any other identification no.	Share to be registered

Date:

L.S
Estate Distribution Officer

(Record of Registration for Registrar of Titles and/or Land Administrator)

SCHEDULE II

MALAYSIA

State of

MOVABLE PROPERTY TO BE DISTRIBUTED

Description	Name of beneficiary and NRIC/any other identification no.	Share

Date:

L.S
Estate Distribution Officer ”;

(k) by substituting for Form F the following form:

“FORM F

GRANT OF LETTERS OF ADMINISTRATION UNDER SECTION 13
[Subregulation 11(7), paragraphs 6B(3)(b), 7(1)(b) and 12(4)(b)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate ofdeceased

Petition of of.....

I..... hereby make known that on the.....
day of20.....Letters of Administration of the estate and effects
of deceased,
late of were granted to—
..... as administrator

of..... he having undertaken to administer
the same and in any case subject to directions of Estate Distribution Officer, he is
to make a full or true inventory of the said estate and effects and submit the same
to the Estate Distribution Officer either within six months from the date of
this grant or within such time as the Estate Distribution Officer may from time
to time appoint, or also to render to the Estate Distribution Officer a true account
of the said estate and effects within one year from the same date or within
such time as the Estate Distribution Officer may from time to time appoint.

This grant is subject to the following limitation—

It is limited under section 8B or section 13 of the Small Estates
(Distribution) Act 1955, to the collection and preservation of the property of
the deceased or any interest of deceased therein and to give discharge for debts
due to his estate (if any), however subject to any directions given by
the Estate Distribution Officer in the course of settlement of said estate and effects.

A schedule of the property of the deceased and any note or directions towards that
property (if any) is as appended overleaf.

Given under my hand and seal at.....

Dated this day of 20.....

L.S
ESTATE DISTRIBUTION OFFICER

SCHEDULE OF THE PROPERTY OF THE ABOVE-NAMED DECEASED

Gross Value	RM	Cent
Liabilities		
Net value ..		

CERTIFICATE OF PAYMENT

I hereby certify that RM being the estate duty payable in respect of the property aforesaid has been paid by petitioner or applicant.

Date:

L.S
Estate Distribution Officer ”;

(l) by inserting after Form F the following form:

“FORM FA

LETTER OF ADMINISTRATION *PENDENTE LITE* UNDER SECTION 8C
[Subregulation 6C(2)]

MALAYSIA

State of

Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate of deceased

Petition of of.....

I..... the Estate Distribution Officer of
..... hereby
appointof.....
as administrator, to obtain an information of particular of any asset of the
deceased from any persons or agencies.

The particular person shall having undertaken to administer the same and
to make a full and true inventory of the said estate and effects and submit the same
to the Estate Distribution Officer within three months from the date of this grant.

A schedule of the property of the deceased and any note or direction towards
that property (if any) is as appended overleaf.

Given under my hand and seal at.....

Dated this day of 20.....

L.S
Estate Distribution Officer

SCHEDULE OF THE PROPERTY OF THE ABOVE-NAMED DECEASED

Gross Value	RM	Cent
Liabilities		
Net value ..		

Date:

L.S
Estate Distribution Officer ”;

(m) by substituting for Form H the following form:

“FORM H

APPOINTMENT OF GUARDIAN/NEXT FRIEND UNDER SECTION 10
[Subregulation 8(1)]

MALAYSIA

State of

Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate of deceased

Petition of of.....

WHEREAS it appears that is a beneficiary/are beneficiaries of, or claimant to an interest in, the estate of deceased and that the said is a person of unsound mind/is a minor of unsound mind/are minors of unsound mind/ is a minor/are minors/patient.

NOW THEREFORE I,
..... for the Office of
HEREBY APPOINT of
TO BE THE *GUARDIAN/NEXT FRIEND of the said
for the purpose of all proceedings in the above-mentioned suit.

Given under my hand and seal at.....

Dated this day of 20.....

L.S
Estate Distribution Officer

*Delete as appropriate

”;

(n) by substituting for Form HH the following form:

“FORM HH

ORDER FOR ENTRY OF A CAVEAT UNDER SUBSECTION 13(2)
[Subregulation 8(2)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate of deceased

Petition of of.....

I....., Estate Distribution Officer, for the Office of in exercise of the powers conferred upon me under Small Estates Distribution Act 1955 hereby order the Registrar of Title/Land Administrator of to enter a Registrar caveat in respect of the land/particular interest described in the Schedule below, to protect the interest of.....who is/are a minor/minors/of unsound mind/minor and unsound mind.

2. This caveat is expressed to bind the land itself or the particular interest described in the said Schedule and the effect thereof is to prohibit any transfer, assignment or disposal of the said land or particular interest without the prior order of the Estate Distribution Officer or an order from the High Court.

Given under my hand and seal at

Dated this day of 20.....

L.S
Estate Distribution Officer

SCHEDULE OF LAND AND INTEREST				
Town/ Village/Mukim	Lot/Parcel/L.O. No.	Description and No. of title	Registered No. of Lease/sub-lease (If any)	Registered No. of Charge (If any)

”;

(o) by substituting for Form I the following form:

“FORM I

ORDER OF TRANSFER TO HIGH COURT UNDER SUBSECTION 8(7)
[Subregulation 5(1)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate of deceased

Petition of of.....

WHEREAS it appears to me that the estate of the above-mentioned is not a Small Estate as defined in the Small Estates (Distribution) Act 1955.

NOW THEREFORE I,,
Estate Distribution Officer for the Office of
HEREBY transfer the above-mentioned petition to the High Court at
.....

Given under my hand and seal at.....

Dated this day of 20.....

L.S
Estate Distribution Officer ”;

(p) by substituting for Form L the following form:

“FORM L

CERTIFICATE OF COLLATERAL DISPUTE UNDER SECTION 14
[Subregulation 11(1)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate of deceased

Petition of of.....

I.....
the Estate Distribution Officer for the Office of
in the State of HEREBY CERTIFY THAT
it is necessary/desirable in the interests of justice that a collateral dispute
should be decided before an order is made in the above-mentioned Estate.

Given under my hand and seal at

Dated this day of 20.....

L.S
Estate Distribution Officer ”;

(q) by substituting for Form M the following form:

“FORM M

NOTICE OF HEARING FOR COLLATERAL DISPUTE UNDER SECTION 14
[Subregulation 11(2)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate of deceased

Petition of of.....

WHEREAS in the above-mentioned Estate a collateral dispute has arisen between
.....of.....
and.....of.....
and.....of.....
concerning rights and interests in property of the deceased.

NOW THEREFORE you
of are hereby required to attend
at on day
of 20..... at..... a.m./p.m. for the hearing
and determination of the said dispute.

Dated atthis day of 20.....

Estate Distribution Officer
Office.....

To:

.....
.....

”;

(r) by substituting for Form N the following form:

“FORM N

ORDER OF COLLATERAL DISPUTE UNDER SECTION 14
[Subregulation 11(4)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate of deceased

Petition of of.....

This matter coming on for disposal at
on the day of 20..... before me
the undersigned Estate Distribution Officer for the Office of
..... in the presence of
..... and

IT IS ORDERED

THAT.....
.....

Given under my hand and seal at

Dated this day of 20.....

L.S
Estate Distribution Officer ”;

(s) by substituting for Form P the following form:

“FORM P

SUBSEQUENT APPLICATION UNDER SECTION 17
[Subregulation 12(1)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate of deceased

Petition of of.....

Whereas an order has been made on the estate of the above-named deceased,
I,
NRIC/any other identification no)
of
e-mail contact no.

I, hereby apply to the Estate Distribution Officer for ** (please indicate
specific application sought for):

.....
.....
.....
.....

Dated this day of 20.....

.....
Signature of Applicant

- Please attach the previous order
** The specific application sought for:
(i) revocation of trustee/administrator;
(ii) appointment of new trustee/new administrator;
(iii) withdrawal of caveat;
(iv) distribution of the deceased estate which has not been declared under section 8; or
(v) any further order (example: permission for order for sale, insert title no. and etc)

”;

(t) by substituting for Form Q the following form:

“FORM Q

APPLICATION FOR TRANSFER UNDER SUBSECTION 8(8)
[Subregulation 5(2)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate of deceased

Petition of of.....

I, Estate Distribution Officer
for the Office of in the State of
hereby apply for the transfer of the above-mentioned Suit
to the Estate Distribution Officer for the Office of
in the State of on the grounds that—

Dated this day of 20.....

L.S
Estate Distribution Officer

To the President of Estate Distribution

_____”;

(u) by substituting for Form R the following form:

“FORM R

ORDER OF TRANSFER UNDER SUBSECTION 4(2)
[Subregulation 5(3)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate of deceased

Petition of of.....

WHEREAS application has been made by the Estate Distribution Officer for the Office of in the State of for the transfer of the above-mentioned Suit to the Estate Distribution Officer for the Office of in the State of

NOW THEREFORE I the President of Estate Distribution HEREBY ORDER that the petition in the said Suit be heard and determined by the Estate Distribution Officer for the Office of in the State of

Given under my hand and seal at

Dated this day of 20.....

L.S
President of Estate Distribution ”;

(v) by substituting for Form S the following form:

“FORM S

NOTICE OF HEARING UNDER SECTION 17
(SUBSEQUENT APPLICATION)
[Subregulations 6B(4) and 12(1)]

MALAYSIA

State of
Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate of deceased

Petition of of.....

Application having been made by
of to the Estate Distribution Officer
for the Office of.....
for

TAKE NOTICE that the application will be heard at
.....

On the day of 20.....
at a.m./p.m.

All person wishing to be heard upon the application are required to attend
at the time and place above-mentioned.

In the course of hearing, all persons to whom this notice is specifically
addressed to are legally bound to appear before Estate Distribution Officer.

Dated atthis day of 20.....

Estate Distribution Officer
Office.....

To:
.....
.....

”; and

(w) by substituting for Form T the following form:

“FORM T

ORDER OF SUBSEQUENT APPLICATION UNDER SECTION 17
[Subregulation 11(7), and paragraphs 6B(3)(c) and 12(4)(a)]

MALAYSIA

State of

Office of

SMALL ESTATES (DISTRIBUTION) ACT 1955
DISTRIBUTION SUIT NO. OF 20.....

In the Estate of..... deceased

Petition of of

WHEREAS application has been made by
..... of.....
for a further order in the above-mentioned Suit.

NOW THEREFORE I, the undersigned/
the former the Estate Distribution Officer
for the Office of in the State of
HEREBY ORDER THAT

Given under my hand and seal at

Dated this day of 20.....

L.S
Estate Distribution Officer ”.

Substitution of Second Schedule

25. The principal Regulations are amended by substituting for the Second Schedule the following schedule:

"SECOND SCHEDULE

[Regulation 18]

FEES

(1) No.	(2) Item	(3) Fees (RM)
1.	Order for Grant of Letters of Administration <i>pendente lite</i>	RM50.00
2.	Order for distribution or Grant of Letters of Administration:	
	(a) for estate value not exceeding RM1,000.00	RM30.00
	(b) for estate value exceeding RM1,000.00 to RM50,000.00	RM50.00
	(c) for estate value exceeding RM50,001.00 to RM2,000,000.00	0.2% of the estate value
	(d) for estate value exceeding RM2,000,001.00 to RM5,000,000.00	0.3% of the estate value
	(e) for transmission of trust deed to a new trustee or beneficiary, whichever applicable	RM50.00 or 0.3% of the estate value whichever is higher
3.	Order in collateral dispute	RM50.00
4.	Order made pursuant to subsequent application:	
	(a) application for revocation of trustee	RM50.00
	(b) application for withdrawal of caveat	RM50.00
	(c) application for revocation of administrator	RM50.00

(1) No.	(2) Item		(3) Fees (RM)
	<i>(d)</i>	appointment of new trustee	RM50.00
	<i>(e)</i>	appointment of new administrator	RM50.00
	<i>(f)</i>	application for further order	RM50.00
	<i>(g)</i>	for transmission of trust deed to a new trustee or beneficiary, whichever applicable	RM50.00 or 0.3% of the estate value referred in the application whichever is higher
	<i>(h)</i>	application for order for distribution of property which has not been declared in petition	RM50.00 or 0.3% of the estate value referred in the application whichever is higher
5.	Copies of any order made under these Regulations upon application from the administrator or beneficiaries		free for the first copy and RM5.00 for the second and subsequent copies
6.	Copies of any order made under these Regulations upon application from any person other than the Administrator or beneficiaries		RM30.00 for the first copy and RM10.00 for the second and subsequent copies
7.	Any documents required to be copied:		
	<i>(a)</i>	for first copy	RM30.00 per copy
	<i>(b)</i>	for second and subsequent copies	RM10.00 per copy
8.	Record of hearing in writing required to be copied:		
	<i>(a)</i>	for first copy	RM30.00 per folio of 100 words or part thereof
	<i>(b)</i>	for second and subsequent copies	RM10.00 per folio of 100 words or part thereof

Deletion of Third Schedule

26. The principal Regulations are amended by deleting the Third Schedule.

Saving

27. (1) Any petition, application, investigation, hearing and proceedings in relation to the distribution of a small estate pending before the date of coming into operation of these Regulations shall be dealt with in accordance with the principal Regulations as amended by these Regulations.

(2) Any order, letter of administration, decision, determination, direction, certification, appointment, reference, action and notice in relation to the distribution of a small estate made, done or issued by the Land Administrator under the principal Regulations before the date of coming into operation of these Regulations, shall be deemed to be made, done or issued by the Estate Distribution Officer and continue to be in force.

(3) Any appeal to any order, decision or act made or done under regulation 10 of the principal Regulations before the date of coming into operation of these Regulations shall, after the date of coming into operation of these Regulations, be continued as if regulation 10 of the principal Regulations has not been amended by these Regulations.

Made 11 July 2024

[JKPTG.UUU.S.100-1/1/1 JLD.3(10); PN(PU2)211/IV]

NIK NAZMI BIN NIK AHMAD
*Minister of Natural Resources and
Environmental Sustainability*