



In force from: 1 September 2009

1. Short title and commencement.

(1) This Act may be cited as the Small Estates (Distribution) (Amendment) Act 2008.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the Gazette.

2. General amendment.

The Small Estates (Distribution) Act 1955 [Act 98], which is referred to as the "principal Act" in this Act, is amended by substituting the word "Collector" wherever it appears, except in paragraph (b) in the definition of "Collector" in section 2, the words "Land Administrator".

3. Amendment of section 2.

Section 2 of the principal Act is amended-

(a) by inserting before the definition of "Director General of Lands and Mines" the following definition:

' "Corporation" means the Amanah Raya Berhad, a company incorporated under the Companies Act 1965 [Act 125] pursuant to section 3 of the Public Trust Corporation Act 1995 [Act 532];';

(b) by deleting the definition of "Official Administrator";

(c) in the definition of "State", by substituting for the fullstop a

semicolon; and

(d) by inserting after the definition of "State" the following definition:

' "valuation officer" means a valuation officer employed by the Government and includes an assistant valuation officer.'.

4. Amendment of section 3.

Subsection 3(2) of the principal Act is amended by substituting for the words "six hundred thousand ringgit" the words "two million ringgit".

5. Amendment of section 4.

Section 4 of the principal Act is amended-

(a) in subsection (2), by substituting for the words "the greater part in value of the property is situated" the words

"a petition has been lodged or in the case of more than one petition has been lodged, the Land Administrator of the district where the first petition has been lodged,";

and

(b) in subsection (5), by inserting before the words "shall determine" the words "or a valuation officer".

6. Amendment of section 8.

Section 8 of the principal Act is amended-

(a) in subsection (1), by substituting for the words "having jurisdiction under section 4 a petition" the words "at any district wherever the immovable property comprised in the estate is situated a petition";

(b) in subsection (2), by inserting after the word "title" the words "or other documents evidencing title";

(c) in subsection (5)-

(i) by inserting before the words "shall value" the words "or a valuation officer"; and

(ii) by inserting after the word "situate" the words ", if any";

(d) in subsection (6), by inserting before the word "under" the words "or a valuation officer";

(e) by substituting for subsection (8) the following subsection:

"(8) If the Land Administrator decides that the estate is a small estate, he shall deal with the petition in accordance with subsection 4(2) but if

it appears to him that it would be more expedient for the petition to be heard by another Land Administrator, he may apply to the Director of Lands and Mines or the Director General of Lands and Mines, as the case may require, for an order to be made under subsection 4(2)."; and

(f) in subsection (9)-

(i) by inserting after the word "If" the words "upon ascertaining from the principal registry of the High Court,"; and

(ii) by deleting the words "that other petition has been transferred to him under subsection (8) or".

7. New section 8a.

The principal Act is amended by inserting after section 8 the following section:

"8a. When any movable property is administered by the Corporation Where a petition for distribution is lodged with a Land Administrator and that any movable property comprised in the estate had been administered or is being administered by the Corporation, the Corporation shall deliver to the Land Administrator any document relating to the property for the purpose of determining whether the estate is or is not a small estate."

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8. Amendment of section 12.

Subsection 12(3) of the principal Act is amended by inserting after the words "any penghulu" the words "or a Settlement Officer".

9. New section 13a.

The principal Act is amended by inserting after section 13 the following section:

"13a. Direction or declaration by the Corporation in respect of movable property

Where any movable property comprised in a small estate has been

administered by the Corporation, the Land Administrator shall accept any direction or declaration made by the Corporation in relation to the property."

10. Amendment of section 15.

Section 15 of the principal Act is amended-

(a) by inserting after subsection (5) the following subsection:

"(5a) Where two or more beneficiaries are entitled to a share in any movable property comprised in the estate the Land Administrator may, at his discretion, having regard to the interest of those concerned, order the property to be sold in such manner as may be prescribed."; and

(b) in subsection (6), by substituting for the words "and (5)" the words ", (5) and (5a)".

11. Amendment of section 33.

Subsection 33(2) of the principal Act is amended by deleting the words ", Malaysia".

12. Transitional provision.

(1) All petitions relating to a small estate lodged with a Collector before the coming into operation of this Act shall, on and after the coming into operation of this Act, be proceeded with and have effect as if the

principal Act had not been amended by this Act.

(2) All hearings relating to a small estate commenced or pending before a Collector before the coming into operation of this Act shall, on and after the coming into operation of this Act, continue and be concluded as if the principal Act had not been amended by this Act.