



6 November 2015  
6 November 2015  
P.U. (A) 264

# WARTA KERAJAAN PERSEKUTUAN

## *FEDERAL GOVERNMENT GAZETTE*

### PERATURAN-PERATURAN HARTA PUSAKA KECIL (PEMBAHAGIAN) (PINDAAN) 2015

#### *SMALL ESTATES (DISTRIBUTION) (AMENDMENT) REGULATIONS 2015*



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

AKTA HARTA PUSAKA KECIL (PEMBAHAGIAN) 1955

PERATURAN-PERATURAN HARTA PUSAKA KECIL (PEMBAHAGIAN) (PINDAAN) 2015

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) 2015**.

(2) Peraturan-Peraturan ini mula berkuat kuasa pada 1 Januari 2016.

**Peraturan baru 1A**

2. Peraturan-Peraturan Harta Pusaka Kecil (Pembahagian) 1955 [*L.N. 495/1955*], yang disebut “Peraturan-Peraturan ibu” dalam Peraturan-Peraturan ini, dipinda dengan memasukkan selepas peraturan 1 peraturan yang berikut:

**“Interpretation**

1A. In these Regulations—

“Principal Registry” means the Principal Registry of High Court in Kuala Lumpur or the Principal Registry in Kuching, as the case may be.”.

**Pindaan peraturan 2**

3. Peraturan 2 Peraturan-Peraturan ibu dipinda dengan memotong perkataan “with the exception of Form B”.

**Pindaan peraturan 3**

4. Peraturan 3 Peraturan-Peraturan ibu dipinda—

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

“(1) Upon receipt of a petition for distribution which shall be in Form A, the Land Administrator shall notify the Principal Registry in any manner required by the Principal Registry.”; dan

(b) dengan memasukkan selepas subperaturan (1) subperaturan yang berikut:

“(1A) The Land Administrator shall complete Part I of Form B for record purposes.”.

### **Peraturan baru 3A dan 3B**

5. Peraturan-Peraturan itu dipinda dengan memasukkan selepas peraturan 3 peraturan-peraturan yang berikut:

#### **“Substituted petitioner**

3A. (1) In the event that the existing petitioner claiming to be interested in the said estate as beneficiary dies or is incapable to represent himself due to critical illness or unsoundness of mind and no distribution order has been made under subregulation 7(1), any widow, widower or next of kin stated in Form A may apply to the Land Administrator to substitute the petitioner by filing Form AA.

(2) Upon receipt of Form AA, the Land Administrator shall notify the Principal Registry in any manner required by the Principal Registry.

#### **Inclusion of additional name of the deceased**

3B. Where it appears that any of the property of the deceased were held under a name different from the name stated in the proof of death, the petitioner under section 8 or the applicant under section 17 of the Act shall provide any necessary documents to satisfy the Land Administrator that the property forms part of the estate of the deceased in the petition or application.”.

**Pindaan peraturan 4**

6. Peraturan 4 Peraturan-Peraturan ibu dipinda—

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

“(1) If upon the expiration of the one month period mentioned in subregulation 3(2), the result of the search shows that a previous application has been made, the Land Administrator shall forthwith stay all proceedings and shall notify the petitioner thereof and of his rights under subsection 8(9) of the Act.”; dan

(b) dalam subperaturan (2), dengan menggantikan perkataan “regulation” dengan perkataan “subregulation”.

**Pindaan peraturan 5**

7. Subperaturan 5(1) Peraturan-Peraturan ibu dipinda dengan memasukkan selepas perkataan “the appropriate” perkataan “High”.

**Pindaan peraturan 6**

8. Peraturan 6 Peraturan-Peraturan ibu dipinda—

(a) dalam subperaturan (1)—

(i) dengan memotong perkataan “the form of”; dan

(ii) dengan memotong perkataan “and also at such places of public resort as the Land Administrator may generally or in particular cases direct”;

(b) dalam subperaturan (2)—

(i) dengan memotong perkataan “prepaid registered”; dan

- (ii) memasukkan selepas perkataan “post” perkataan “or by electronic communication”;
- (c) dalam subperaturan (3), dengan menggantikan nombor “15” dengan perkataan “seven”; dan
- (d) dalam subperaturan (4)—
  - (i) dengan memotong perkataan “or any one of the beneficiaries”; dan
  - (ii) dengan memotong perkataan “or the beneficiary concerned”.

### **Pindaan peraturan 7**

#### 9. Peraturan 7 Peraturan-Peraturan ibu dipinda—

- (a) dalam subperaturan (3), dengan menggantikan perkataan “send notice thereof to the Registrar, Principal Registry, High Court, Kuala Lumpur or Kuching, as the case may require, in the Form B by completing all the particulars required in Part I thereof” dengan perkataan “immediately notify the petition to the Principal Registry in any manner required by the Principal Registry”;
- (b) dengan memasukkan selepas subperaturan (3) subperaturan yang berikut:
  - “(3A) The Land Administrator shall complete Part II of Form B for record purposes.”; dan
- (c) dengan menggantikan subperaturan (4) dengan subperaturan yang berikut:
  - “(4) The Registrar shall cause the particulars to be recorded in Part II of Form B.”.