

A BILL

*i n t i t u l e d*

An Act to amend the Small Estates (Distribution) Act 1955.

[ ]

**ENACTED** by the Parliament of Malaysia as follows:

**Short title and commencement**

**1.** (1) This Act may be cited as the Small Estates (Distribution) (Amendment) Act 2021.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette* and the Minister may appoint different dates for the coming into operation of different provisions of this Act.

**General amendment**

**2.** The Small Estates (Distribution) Act 1955 [*Act 98*], which is referred to as the “principal Act” in this Act, is amended by substituting for the words “Land Administrator”, wherever appearing including in the shoulder notes the words “Estate Distribution Officer”, except in the definition of “Land Administrator” in section 2, sections 23, 24, 26B and 26C of the principal Act.

**Amendment of section 2****3. Section 2 of the principal Act is amended—**

(a) by deleting the definition of “Director General of Lands and Mines”;

(b) by deleting the definition of “Director of Lands and Mines”;

(c) by inserting after the definition of “distribution order” the following definition:

‘ “Estate Distribution Officer” means an officer appointed under section 2c;’;

(d) by inserting after the definition of “Land Administrator” the following definition:

‘ “Majlis”, in relation to a State, means the Majlis Agama Islam, by whatever name called, established under any written law for the purpose of administering Islamic law;’;

(e) by inserting after the definition of “Native Title” the following definition:

‘ “patient” means a person who is a sole beneficiary, suffering from serious illness or injury, or who is bedridden, and unable to attend any proceeding under this Act;’;

(f) by deleting the definition of “penghulu”;

(g) by inserting after the definition of “prescribed” the following definitions:

‘ “President” means the President of Estate Distribution appointed under subsection 2A(1);

“property” means immovable property or movable property or both;’;

- (h) in the definition of “purchaser”, by inserting after the words “whom he claims” the words “, or is in possession of any movable property sold by the deceased by a written agreement;”; and
- (i) in the definition of “valuation officer”, by inserting after the words “assistant valuation officer” the words “or a registered valuer under the Valuers, Appraisers, Estate Agents and Property Managers Act 1981 [Act 242]”.

## **New Part IA**

4. The principal Act is amended by inserting after Part I the following part:

### “PART IA

#### PRESIDENT OF ESTATE DISTRIBUTION, DEPUTY PRESIDENT OF ESTATE DISTRIBUTION AND ESTATE DISTRIBUTION OFFICER

### **Appointment and powers of President of Estate Distribution**

2A. (1) The Minister shall appoint from among the Estate Distribution Officers appointed under section 2C a President of Estate Distribution.

(2) The President shall have all such power as may be necessary for or in connection with the exercise of his powers under this Act or which are reasonably incidental to such exercise.

(3) Without prejudice to the generality of subsection (2), the powers of the President shall include the power to determine the territorial jurisdiction of any Estate Distribution Officer to deal with the distribution and administration of any estate falls within the Act and to have direct control and supervision over all the Estate Distribution Officers appointed under this Act.

### **Appointment of Deputy President of Estate Distribution**

**2B.** (1) The Minister may appoint such number of Deputy Presidents of Estate Distribution from among the officers appointed under section 2c to assist the President in the exercise of his powers under this Act.

(2) If for any reason the President is unable to exercise his powers, the Minister may appoint one of the Deputy Presidents to exercise the powers of the President.

### **Appointment of Estate Distribution Officer**

**2c.** The Minister may appoint from among the public officers such number of Estate Distribution Officers as may be necessary for the purpose of carrying into effect the provisions of this Act.”.

### **Amendment of section 3**

**5.** Subsection 3(2) of the principal Act is amended—

(a) by substituting for the words “wholly or partly of immovable” the words “of any”; and

(b) by substituting for the words “two million” the words “five million”.

### **Amendment of section 4**

**6.** Section 4 of the principal Act is amended—

(a) in subsection (2), by substituting for the word “district” wherever appearing the word “State”;

(b) in the proviso to subsection (2)—

(i) by deleting the words “the Director of Lands and Mines where all the property is situated in one State or the Director General of Lands and Mines”;

- (ii) by inserting after the words “in another,” the words “the President”; and
  - (iii) by substituting for the words “district, notwithstanding that the property in that district consists solely of movable property” the word “State”;
- (c) in subsection (3), by substituting for the words “the Director of Lands and Mines or the Director General of Lands and Mines” the words “the President”;
- (d) in subsection (4), by substituting for the words “the Director of Lands and Mines or the Director General of Lands and Mines, as the case may be,” the words “the President”; and
- (e) in subsection (5)—
- (i) by substituting for the word “district” the word “State”; and
  - (ii) by deleting the word “immovable”.

#### **Amendment of section 7**

7. Subsection 7(2) of the principal Act is amended by substituting for the words “the Director General of Lands and Mines” wherever appearing the words “the President”.

#### **Amendment of section 8**

8. Section 8 of the principal Act is amended—

- (a) in subsection (1)—
- (i) by substituting for the words “the penghulu or a Settlement Officer of the district or of the locality in which any land of which the deceased was the proprietor is situated, or the Corporation” the words “the Corporation, or Majlis, or guardian, or next friend”;

- (ii) by substituting for the word “district” the word “State”; and
  - (iii) by deleting the word “immovable”;
- (b) in subsection (2)—
- (i) by deleting the word “immovable”; and
  - (ii) by inserting after the word “power” the words “or other supporting documents evidencing the statements claimed in the petition”;
- (c) in subsection (5), by deleting the word “movable”;
- (d) in subsection (6), by deleting the word “movable”;
- (e) by inserting after subsection (6) the following subsection:
- “(6A) Notwithstanding subsection (6), where the valuation of the property for petition for distribution is more than one, the Estate Distribution Officer shall examine each valuation and decide which valuation to be applied in determining whether any estate is or is not a small estate and his decision shall be final and the valuation shall be conclusive for the purposes of this Act.”;
- (f) in subsection (8), by substituting for the words “the Director of Lands and Mines or the Director General of Lands and Mines, as the case may require,” the words “the President”;
- (g) in subsection (9)—
- (i) by substituting for the words “the Director of Lands and Mines or the Director General of Lands and Mines” the words “the President”; and

(ii) by substituting for the words “he shall forthwith stay all proceedings upon the petition before him until either, as the case may be, an order has been made by the Court under paragraph 5(2)(c) directing him to distribute the estate or an order has been made under subsection 4(2) conferring jurisdiction upon him” the words “he shall strike out the petition before him and inform the petitioner accordingly”; and

(h) by inserting after subsection (9) the following subsection:

“(10) The Minister may, with the approval of the State Authority, by notification in the *Gazette*, appoint a date for the coming into operation of this section in relation to the Majlis.”.

#### **Amendment of section 8A**

**9.** Section 8A of the principal Act is amended by substituting for the words “the Corporation shall deliver” the words “the Estate Distribution Officer shall notify the Corporation or petitioner of such case and it shall be the duty of the Corporation or petitioner to deliver”.

#### **New sections 8B and 8C**

**10.** The principal Act is amended by inserting after section 8A the following sections:

##### **“Summary distribution**

**8B.** (1) Where a petition for distribution is lodged or any subsequent application is filed under this Act, the petitioner or applicant may apply to the Estate Distribution Officer for a summary distribution order if the petition or application falls under the following cases:

(a) in the case of the petition, it consists only of movable property and does not exceed six hundred thousand ringgit in total value; or

(b) in the case of any subsequent application—

- (i) it consists only of movable property which has not been declared in the petition and does not exceed six hundred thousand ringgit in total value; or
- (ii) it is filed for the purpose of removing a trustee when a minor has attained age of majority.

(2) The application for an order under subsection (1) may be made as may be prescribed.

(3) Where the Estate Distribution Officer makes an order under subsection (1), the petition or subsequent application shall not be heard.

(4) A copy of an order under subsection (1) shall be served on a petitioner or applicant who shall cause such copy of the order to be served on the beneficiaries.

(5) For the purposes of this section, section 10 and subsection 13(4) shall apply.

### **Letters of administration *pendente lite***

**8c.** Pending any distribution order, letters of administration may be granted to a petitioner or any beneficiary as the Estate Distribution Officer may appoint, limited so that the administrator shall not be empowered to distribute the estate, and shall be subject to such control by, and direction of, the Estate Distribution Officer as the Estate Distribution Officer deems fit, and subject to that limitation the administrator so appointed shall have all the rights and powers of a general administrator.”.



**Amendment of section 9**

**11.** Section 9 of the principal Act is amended—

(a) in subsection (1)—

- (i) by inserting after the words “to be served” the words “on the petitioner”; and
- (ii) by substituting for the words “upon all persons who are named in the petition as beneficiaries of or claimants to the estate or any interest therein or who appear to the Land Administrator to be interested in the distribution of the estate” the words “and upon receiving such notice, the petitioner shall serve a copy of the notice on all persons who are named and addressed in the petition as beneficiaries of or claimants to the estate or any interest in the estate”; and

(b) by deleting subsection (2).

**Amendment of section 10**

**12.** Section 10 of the principal Act is amended—

(a) in the shoulder note, by inserting after the words “**or persons of unsound mind**” the words “**or patient**”;

(b) in subsection (1)—

- (i) by inserting after the words “to be a minor or a person of unsound mind” the words “or a patient”;
- (ii) by inserting after the words “the guardian of a minor or person of unsound mind” the words “or the next friend of the patient”; and
- (iii) by inserting after the words “person of unsound mind” at the end of the subsection the words “or a patient”;

(c) by substituting for subsection (2) the following subsection:

“(2) For the purposes of subsection (1)—

- (a) in relation to the appointment of a guardian, the Estate Distribution Officer shall have regard to any personal law or custom affecting the minor or person of unsound mind; and
- (b) in relation to the appointment of a next friend, the Estate Distribution Officer shall have regard to any personal law or custom, and any circumstances or medical reason rendering a patient unable to represent himself.”; and

(d) by inserting after subsection (2) the following subsection:

“(3) The next friend appointed under this section shall assist the patient in any matter relating to proceedings for the distribution of the estate so far as not detrimental to the interest of the patient.”.

### **Amendment of section 11**

**13.** Section 11 of the principal Act is amended—

- (a) in subsection (1), by deleting the words “in his district”;
- (b) by inserting after subsection (2) the following subsection:

“(2A) Notwithstanding subsection (2), the Estate Distribution Officer shall have power to restrict public access to the hearing of any petition or any part of the petition if he is satisfied that it is expedient in the interests of public safety, public security or propriety, or for other sufficient reason to do so.”; and

(c) in subsection (3)—

(i) by substituting for the words “lot of land” the word “property”; and

(ii) by substituting for the word “land” the word “property”.

## **Amendment of section 12**

**14.** Section 12 of the principal Act is amended—

(a) in subsection (1), by inserting after the word “guardian” the words “or next friend”;

(b) in subsection (2), by inserting after the word “guardian” the words “or next friend”;

(c) in subsection (3), by substituting for the words “penghulu or a Settlement Officer” the word “person”;

(d) in subsection (6)—

(i) by substituting for the words “occupation of any land claimed by an alleged purchaser, the date, as nearly as the evidence admits, when he went into occupation” the words “occupation or possession of any property claimed by an alleged purchaser, the date, as nearly as the evidence admits, when he went into occupation or possession”; and

(ii) by inserting after the words “document of title” the words “or other supporting documents relating to the purchase of the property”;

(e) in subsection (9), by substituting for the words “the Director of Lands and Mines” the words “the President”; and

(f) by inserting after subsection (10) the following subsections:

“(11) Where any beneficiary whose name stated in the petition is unable to attend the hearing, the Estate Distribution Officer may direct the petitioner to submit a letter of consent in a prescribed form from the beneficiary within such time as determined by the Estate Distribution Officer.

(12) Where the letter of consent referred to in subsection (11) is not submitted, the Estate Distribution Officer may, as he thinks fit, proceed to conclude the hearing.”.

### **Amendment of section 13**

**15.** Section 13 of the principal Act is amended—

(a) by substituting for subsection (2) the following subsection:

“(2) Where a petition involves a beneficiary who is a minor or a person of unsound mind, the Estate Distribution Officer shall make the following order:

(a) the share of any minor or person of unsound mind in any immovable property to be registered in the name of a suitable person as a trustee; and

(b) the Land Administrator or the Registrar of Titles to enter a caveat to protect the interest of the minor or person of unsound mind.”;

(b) in subsection (4)—

(i) by substituting for the words “such person” the words “such number of persons”; and

(ii) by deleting the words “, subject to such security as he may require and may in his discretion dispense with security”;

(c) in subsection (5)—

(i) by deleting the words “of any land registered in the name of the deceased”; and

(ii) by substituting for the words “the land” the words “or transfer the property”; and

(d) in subsection (6), by substituting for the words “land registered in the name of the deceased” the word “property”.

#### **Amendment of section 14**

**16.** Subsection 14(2) of the principal Act is amended by deleting the words “movable or immovable” wherever appearing.

#### **Amendment of section 15**

**17.** Section 15 of the principal Act is amended—

(a) in subsection (3)—

(i) in paragraph (a), by inserting after the semicolon at the end of the paragraph the word “or”;

(ii) in paragraph (b), by substituting for the words “; or” a full stop; and

(iii) by deleting paragraph (c);

(b) in subsection (4)—

(i) in paragraph (a), by deleting the words “or a specified interest therein to be charged to the beneficiary for amount of his share, together with interest at such rate as may be just, not exceeding five per centum per annum, in lieu of allocating to him a proprietary interest”;

- (ii) in paragraph *(b)*, by deleting the words “and may order, if necessary, that any such payment and interest thereon at such rate as may be just, not exceeding five per centum per annum, be secured by a charge upon any share or shares of those other beneficiaries”; and
  - (iii) in proviso to paragraph *(bb)*, by substituting for the words “has deposited with the Land Administrator” the words “has deposited with the Corporation”; and
- (c) by inserting after subsection (4) the following subsections:

“(4A) Where any beneficiary fails to agree to the sale of the land or any part of it, the Estate Distribution Officer may order the land or any part of it to be sold in such manner as may be prescribed based on the consent of the beneficiaries holding two-third majority shares on the land or any part of it.

(4B) In the exercise of the power under subsection (4A), the Estate Distribution Officer shall take into account the interest of the beneficiaries to be secured and protected.”.

### **Amendment of section 16**

**18.** Section 16 of the principal Act is amended—

- (a) in subsection (1), by substituting the words “The Land Administrator shall then arrange for the order so far as it relates to land to be registered as may be necessary and shall act under subsection (3) where applicable” the words “The petitioner shall then arrange for the order so far as it relates to land to be registered as may be necessary and the Estate Distribution Officer shall act under subsection (3) where applicable”;

(b) by substituting for subsection (2) the following subsection:

“(2) The Estate Distribution Officer in making a distribution order may make an order for entry of caveat and the Land Administrator or Registrar of Title, upon receiving the distribution order, shall give effect to such order accordingly.”;

(c) in subsection (3), by inserting after the word “Corporation” the words “or Majlis”;

(d) in subsection (4), by substituting for the words “Corporation” wherever appearing the words “Corporation or Majlis”; and

(e) by inserting after subsection (4) the following subsection:

“(5) The Minister may, with the approval of the State Authority, by notification in the *Gazette*, appoint a date for the coming into operation of this section in relation to the Majlis.”.

### **New section 16A**

**19.** The principal Act is amended by inserting after section 16 the following section:

#### **“Amendment of order**

**16A.** (1) Where the Estate Distribution Officer is satisfied that any order made under this Act contains clerical error, he may make such amendment on the order and the order shall be served on the petitioner.

(2) No amendment other than an amendment to correct a clerical error shall be made by the Estate Distribution Officer or any person affected by the order unless it is made in accordance with the regulations made by the Minister.”.

**Amendment of section 17**

**20.** Subsection 17(2) of the principal Act is amended by substituting for the words “, the Land Administrator may either” the words “or a person of unsound mind has been certified by a Government Medical Officer that the person is no longer a person of unsound mind, the Estate Distribution Officer may either request the Land Administrator or Registrar of Titles to”.

**Substitution of section 18**

**21.** The principal Act is amended by substituting for section 18 the following section:

**“Duty of Corporation and Majlis**

**18.** (1) Where a proprietor or owner of any property has died and no proceedings, to the knowledge of the Corporation or Majlis, have within six months of the date of death been taken to obtain a grant of probate or letters of administration or for distribution order under this Act of the estate of a deceased, the Corporation or Majlis may report the matter to the Estate Distribution Officer and the Estate Distribution Officer may thereupon request the Corporation or Majlis to lodge a petition for distribution of the estate subject to the Corporation or Majlis to obtain consent from a beneficiary to the estate of a deceased person, a creditor or a purchaser who has interest in the estate of a deceased person, as the case may be.

(2) Any fee payable under this section as may be prescribed and may be paid out of the estate.

(3) The Minister may, with the approval of the State Authority, by notification in the *Gazette*, appoint a date for the coming into operation of this section in relation to the Majlis.”.

**Amendment of section 19**

**22.** Section 19 of the principal Act is amended by deleting the words “in which his district is situated”.



**Amendment of section 29**

**23.** Section 29 of the principal Act is amended—

(a) in subsection (1), by inserting after the words “High Court” the words “within thirty days from the date the order, decision or act is made or done”; and

(b) by substituting for subsection (2) the following subsection:

“(2) For the purposes of subsection (1), the procedure in relation to such appeal shall be subject to the rules of court applicable in the High Court.”.

**Substitution of First Schedule**

**24.** The principal Act is amended by substituting for the First Schedule the following schedule:

“FIRST SCHEDULE

[Subsection 15(5)]

MATTERS TO BE TAKEN INTO CONSIDERATION BY ESTATE DISTRIBUTION OFFICER  
IN DISTRIBUTING ESTATE

In the exercise of any discretion of the Estate Distribution Officer to determine whether to make a distribution order in accordance with any agreement between the beneficiaries or in settling the terms of any distribution order providing for the distribution of property, the Estate Distribution Officer shall have regard to the following considerations:

(a) in relation to immovable property—

- (i) dividing the land into several lots in several names may seriously diminish the value of the estate as a whole;
- (ii) the real value of small shares, especially when represented by complicated fractions, is less than their proportionate values;
- (iii) it is not conducive to good cultivation or to peace in a family for persons who may have conflicting interests to be undivided co-proprietors of land;

- (iv) it is greatly to the advantage of a minor or a person of unsound mind that his co-proprietors should be those most nearly related to him; and
  - (v) valuations are necessarily estimates and are only approximately correct; it is unnecessary that the estimated value of a lot should be precise amount of a beneficiary's mathematical share; it is sufficient if the estimated value of a lot substantially corresponds to a beneficiary's calculated share; and
- (b) in relation to movable property—
- (i) type of movable property whether can be divided or not; and
  - (ii) the rights to which any beneficiary or interested party is entitled to may consist in terms of the physical share of the actual movable property or its value.”.

## **25. Saving**

(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 this Act shall be dealt with in accordance with the principal Act as amended by this Act.

(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 Act before the date of coming into operation of this Act, 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 section 29 of the principal Act before the date of coming into operation of this Act shall, after the date of coming into operation of this Act, be continued as if section 29 of the principal Act has not been amended by this Act.

EXPLANATORY STATEMENT

This Bill seeks to amend the Small Estates (Distribution) Act 1955 (“Act 98”). The proposed amendment seeks to increase the value of a small estate from the present not exceeding two million ringgit to the proposed not exceeding five million ringgit in total value. The proposed amendments also seek to provide for the appointment of a President of Estate Distribution, a Deputy President of Estate Distribution and an Estate Distribution Officer to replace the Land Administrator to deal with distribution of estate of a deceased person and to provide for summary distribution, the sale of land by consent of two-third majority beneficiaries, letters of administration *pendente lite* and other related matters.

2. *Clause 1* contains the short title and the provision on the power of the Minister to appoint the date of commencement of the proposed Act including the power to appoint different dates for the coming into operation of different provisions of the proposed Act.

3. *Clause 2* seeks to provide for the general amendment to Act 98 by substituting for the words “Land Administrator” the words “Estate Distribution Officer” wherever appearing except in the definition of “Land Administrator” in section 2, sections 23, 24, 26B and 26C of Act 98 whereby the position of the land administrator in Negeri Sembilan and Sabah is not affected.

4. *Clause 3* seeks to amend section 2 of Act 98 to introduce new definitions into Act 98 and to amend the existing definitions of certain terms used in Act 98.

5. *Clause 4* seeks to introduce a new Part IA into Act 98 to provide for the appointment of a President of Estate Distribution, a Deputy President of Estate Distribution and Estate Distribution Officers.

6. *Clause 5* seeks to amend the interpretation of “small estate” under subsection 3(2) of Act 98 to increase the total value of the property of a deceased person from not exceeding two million ringgit to not exceeding five million ringgit. With the proposed amendment to the definition of “property” in *clause 3*, for the purpose of a small estate, the estate of a deceased person now may involve immovable property or movable property or both which the total value of the property shall not exceed five million ringgit.

7. *Clause 6* seeks to amend section 4 of Act 98 to empower the Estate Distribution Officer of a State to deal with the distribution and administration of estate of a deceased person which fall within Act 98.

*Clause 6* also empowers the President of Estate Distribution to transfer the petition for distribution to be heard and determined by the Estate Distribution Officer of other State for the general convenience of the parties. Currently the powers to do such act are given to the Director General of Lands and Mines and the Director of Lands and Mines.

8. *Clause 8* seeks to amend subsection 8(1) of Act 98 to allow the Amanah Raya Berhad, Majlis Agama Islam, guardian and next friend to be a petitioner for distribution of a small estate. With the proposed amendment, penghulu and Settlement Officer will no longer be allowed to be a petitioner.

*Clause 8* also empowers the Estate Distribution Officer to decide on the valuation to be applied in determining whether the estate is or is not small estate in a case where there is more than one valuation.

9. *Clause 9* seeks to amend section 8A of Act 98 to allow the petitioner to obtain any document relating to any movable property comprised in the estate of a deceased administered by the Amanah Raya Berhad prior to the lodgement of the petition with the Estate Distribution Officer.

10. *Clause 10* seeks to introduce new sections 8B and 8C into Act 98.

The proposed new section 8B deals with the power of the Estate Distribution Officer to make order for summary distribution in specified cases upon application by the petitioner or applicant.

The proposed new section 8C deals with the power of the Estate Distribution Officer to grant letters of administration *pendente lite* for the purpose of obtaining information from any party pending any distribution order.

11. *Clause 11* seeks to amend section 9 of Act 98 to impose a duty on the petitioner to serve a notice of the petition and of the date and place of hearing to all persons named and addressed in the petition as beneficiaries or claimants upon receiving such notice from the Estate Distribution Officer.

12. *Clause 12* seeks to amend section 10 of Act 98 to provide for the appointment of a next friend to represent a patient in all proceedings before the Estate Distribution Officer.

13. *Clause 13* seeks to introduce new subsection 11(2A) into Act 98 to empower the Estate Distribution Officer to restrict public access to the hearing of any petition to ensure public safety, public security or propriety.

14. *Clause 14* seeks to introduce new subsections 12(11) and (12) into Act 98.

The proposed new subsection 12(11) provides for any beneficiary who is unable to attend the hearing of a petition for distribution of a small estate to submit a letter of consent.

The proposed new subsection 12(12) gives discretion to the Estate Distribution Officer to proceed with the hearing despite the letter of consent referred to in the new subsection 12(11) is not produced.

15. *Clause 15* seeks to amend section 13 of Act 98 to allow the Estate Distribution Officer to grant letters of administration to more than one person as he thinks fit and to dispense with the discretion to require security from the administrator.

16. *Clause 17* seeks to amend paragraphs 15(4)(a) and (b) of Act 98 to dispense with imposition of interest rate in distributing the land.

*Clause 17* also seeks to introduce new subsections 15(4A) and (4B) into Act 98 to empower the Estate Distribution Officer to sell the land or any part of the land subject to two-third majority consent of the beneficiaries and by doing so the Estate Distribution Officer shall take into account the interest of the beneficiaries is secured and protected.

17. *Clause 18* seeks to amend section 16 of Act 98 to deal with procedure after hearing involving Majlis Agama Islam.

18. *Clause 19* seeks to introduce a new section 16A into Act 98 to empower the Estate Distribution Officer to amend any order which contains any clerical error.

19. *Clause 20* seeks to amend subsection 17(2) of Act 98 to empower the Estate Distribution Officer to make an order to withdraw a caveat when a person of unsound mind has been certified by the Government Medical Officer that the person is no longer a person of unsound mind.

20. *Clause 21* seeks to amend section 18 of Act 98 to allow the Amanah Raya Berhad and Majlis Agama Islam to lodge a petition for distribution where in their knowledge there is no petition lodged within six months from the date of death of the deceased provided that they shall obtain consent from a beneficiary to the estate of a deceased person, a creditor or a purchaser who has interest in the estate of a deceased person, as the case may be.

21. *Clause 23* seeks to amend subsection 29(1) of Act 98 to allow any person who is aggrieved by the order, decision or act made or done under Act 98 to appeal to the High Court within thirty days from the date the order, decision or act is made or done. This *clause* also seeks to amend subsection 29(2) of Act 98 to provide for the procedure in relation to such appeal shall be subject to the rules of court applicable in the High Court.

22. *Clause 24* seeks to amend the First Schedule to Act 98 consequential to the amendment made to the definition of “property” in *clause 3*.

23. *Clause 25* deals with saving provisions.

24. Other amendments not specifically dealt with in this Explanatory Statement are minor or consequential in nature.

*FINANCIAL IMPLICATIONS*

This Bill will involve the Government in extra financial expenditure the amount of which cannot at present be ascertained.