

REGISTRAR'S CIRCULAR NO. 1 OF 1956.

Small Estates (Distribution) Ordinance, 1955.

The Rules under the above Ordinance have now been published and the Ordinance is expected to be brought into force in the various States in the near future.

2. It should be noticed that, following the provisions of previous laws in some States, it removes from the jurisdiction of High Court Registries, the administration of "small estates", as therein defined, in the Malay States, and vests such jurisdiction in the "Collector".

3. A small estate is defined, in Section 3(2) as an estate which:-

- (a) Consists wholly or partly of immovable property in the Malay States.
- (b) Does not exceed \$5,000/- in total value.

4. It will be realized therefore that an estate, which is under \$5,000/- in value and where there is some immovable property in a Malay State, even if there is also other property, whether movable or immovable in one of the Settlements is a small estate under the Ordinance. Such cases occur comparatively frequently in Province Wellesley and parts of Malacca.

5. Assistant Registrars and Magistrates when acting as such, after the Ordinance comes into force, should therefore realize that in such cases they will have no jurisdiction despite the fact that Part II of the Ordinance only has effect in the Malay States. What they should do in such cases is laid down in Section 7(1) and a form of transfer is prescribed as Form V in the Schedule to the Rules.

6. It should also be realized that estates under \$5,000/-, where there is no land in a Malay State involved, still come within the jurisdiction of Assistant Registrars.

(D.H. SHACKLES)
REGISTRAR.

The Federal Registry,
Supreme Court, F. of M.,
Kuala Lumpur. 30th January, 1956.
Ref.RSC.39/54/19 & RSC.115/51/105.
(DHS/CHK)

Distribution:

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All Assistant Registrars, Supreme Court.
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*c.c. Director of Audit, (14 copies)
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*Despatch on 2/2/56
-MR*