

**NATIVE COURTS (DECLARATION OF NATIVE)
RULES, 1958
(G.N.S. 154 of 1958)**

LIST OF AMENDMENTS

| <i>G.N.S. No.</i> | <i>Rules amended</i> | <i>Effective date of amendment</i> |
|-------------------|------------------------------------|--|
| 87/1965 | Form I para. 2 (d), Form II (d) | 16-9-1963 |

In exercise of the powers conferred upon him by section 18 of the Native Courts Ordinance [Cap. 86.], and all other powers thereunto him enabling, the Governor has made the following rules:-

1. These rules may be cited as the Native Courts (Declaration of Native) Rules, 1958.
2. (1) Any application to a Native Court under the provisions of subsection (1) of section 3 of the Interpretation (Definition of Native) Ordinance [Cap. 64.] shall be substantially in Form I in the Schedule.

(2) Any declaration made by a Native Court in exercise of the jurisdiction conferred upon it by subsection (2) of section 3 of the Interpretation (Definition of Native) Ordinance shall be substantially in Form II in the Schedule and shall be scrutinised and countersigned by the District Officer.

FORM I
APPLICATION TO A NATIVE COURT BY PERSON
CLAIMING TO BE A NATIVE

I, (1)
at present living at (2)
in the District of (3)
hereby apply to the Native Court at (4)
.....for a declaration under section 3 (1) (a) (b) (c) (d)*
of the Interpretation (Definition of Native) Ordinance.

2. I hereby claim

*(a) that (5)
is recognised by native law and customs as
my parent

----- (6)
the child of *

*(b) that I am, and am living as a member of the native community of (7)
..... (and I have so lived during the period(s) (8)
..... and that while so living I have been of good character)*;

(c) that I am a member of the Suluk/Kagayan/Simonol/Sibutu/Ubian people/a people
indigenous to to
wit *

*(d) that (9) is/
was* a member of the Suluk/Kagayan/Simonol/Sibutu/Ubian people/a people indigenous to
the State of Sarawak/State of Brunei*, and lives/lived* at (10) (and is
known or reputed to be buried at (11))* in
Sabah;

(e) that I am the holder of (12)
No. dated issued at
.....

.....
Signature of Applicant.

**Cross out word(s) not applicable.*

NOTES

- (1) Name in full and father's name
- (2) Name of village and locality
- (3) Name of District
- (4) Place at which Native Court is situated
- (5) Name of parent of applicant
- (6) Name of ancestor of applicant
- (7) Description and locality of native community concerned
- (8) Period or periods involved
- (9) Name and whether father or mother of applicant
- (10) Name of village, locality and District
- (11) Name of village, locality and District where grave is situated
- (12) Document issued to applicant under Immigration Ordinance.

FORM II

DECLARATION BY A NATIVE COURT

In the matter of section 3 of the Interpretation (Definition of Native) Ordinance, Cap. 64,
and in the matter of the claim of
to be a native.

In the Native Court at

WHEREAS the Court having enquired into the application of (1)
..... for a declaration under subsection (2) of
section 3 of Interpretation (Definition of Native) Ordinance is satisfied as to the truth of the
understood statements:

THE COURT HEREBY DECLARES –

(a) that (2)
is recognised by native law and customs as the child of
.....;

(b) that (3)
is, and is living as, a member of the native community of (4)
..... (and has so lived during the period(s) (5)
..... and while so living has borne a good character)*;

(c) that (3) is recognised as a member
of the Suluk/Kagayan/Simonol/Sibutu/Ubian people* a people indigenous to
..... to wit

(d) that (6) is/was*
recognised as a member of the Suluk/Kagayan/Simonol/Sibutu/Ubian people*/a people
indigenous to the State of Sarawak/State of Brunei*, and lives/lived* at (7)
(and is known or reputed to have been buried at (8))* in
the State.

Given in the Native Court at
on the 19

Signature of members of
the Native Court



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

Scrutinised and found correct,

..... District Officer

..... (Date)

NOTES

- (1) Applicant's name in full and father's name.
- (2) Name of parent or applicant (as the case may be).
- (3) Name of applicant.
- (4) Description and locality of native community concerned.
- (5) Period of periods involved.
- (6) Name and whether father or mother of applicant.
- (7) Description of locality and District.
- (8) Locality and district where grave is situated.