

No. 3 OF 1936.

A LAW TO PROVIDE FOR THE RECOGNITION IN THE COLONY OF PROBATES AND LETTERS OF ADMINISTRATION GRANTED IN OTHER PARTS OF HIS MAJESTY'S DOMINIONS OR BY A BRITISH COURT IN A FOREIGN COUNTRY.

H. R. PALMER,]

[21st January, 1936.

Governor.

BE it enacted:—

Short title.

1. This Law may be cited as the Probates (Re-sealing) Law, 1936.

Interpre-
tation.

2. In this Law, unless the context otherwise requires,—

“British Court in a foreign country” means any British Court having jurisdiction out of His Majesty's dominions in pursuance of an Order in Council whether made under any Act or otherwise;

“Court of Probate” means any Court or authority by whatever name designated, having jurisdiction in matters of probate;

“His Majesty's dominions” includes any British protectorate or protected state and any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty;

“probate” and “letters of administration” include confirmation in Scotland, and any instrument having in any other part of His Majesty's dominions the same effect which under English law is given to probate and letters of administration respectively;

“probate duty” includes any duty or fee payable on the value of the estate and effects for which probate or letters of administration is or are granted.

Sealing of
probates and
letters of
administra-
tion granted
outside the
Colony.

3. Where a Court of probate in any part of His Majesty's dominions, or a British Court in a foreign country, has, either before or after the enactment of this Law, granted probate or letters of administration in respect of the estate of a deceased person, the probate or letters of administration so granted may, on being produced to, and a copy thereof deposited with, a District Court, be sealed with the seal of that Court, and thereupon shall be of the like force and effect, and have the same operation in the Colony as if granted by that Court.

4. The Court shall, before sealing a probate or letters of administration under this Law, be satisfied—

Conditions
to be fulfilled
before
sealing.

(a) that probate duty has been paid in respect of so much, if any, of the estate as is liable to probate duty in the Colony; and

(b) in the case of letters of administration, that security has been given in a sum sufficient in amount to cover the property, if any, in the Colony to which the letters of administration relate;

and may require such evidence, if any, as it thinks fit as to the domicile of the deceased person.

5. The Court may also, if it thinks fit, on the application of any creditor, require, before sealing, that adequate security be given for the payment of debts due from the estate to creditors residing in the Colony.

Security for
payment of
debts.

6. For the purposes of this Law, a duplicate of any probate or letters of administration sealed with the seal of the Court granting the same, or a copy thereof certified as correct by or under the authority of the Court granting the same, shall have the same effect as the original.

Duplicate
or copy
admissible.

7. The Governor, with the advice and assistance of the Chief Justice, may, by writing under the hand and official seal of the Governor and the hand of the Chief Justice, make Rules of Court for regulating the procedure and practice, including fees and costs, in the District Court, on and incidental to an application for sealing a probate or letters of administration under this Law.

Rules of
Court.

This Law came into operation on 24th January, 1936.