

CHAPTER 47.

PROBATES (BRITISH AND COLONIAL)
RECOGNITION.

ARRANGEMENT OF SECTIONS.

SECTION.

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CHAPTER 47.

PROBATES (BRITISH AND COLONIAL)
RECOGNITION.

7 of 1915.
41 of 1924.
39 of 1932.
2 of 1936.

An Ordinance to Provide for the Recognition in the Colony and Protectorate of Probate and Letters of Administration Granted in the United Kingdom, or in a British Possession, or Protectorate, or in a British Court in a Foreign Country.

[17TH APRIL, 1915.]

Short title.

1. This Ordinance may be cited as the Probates (British and Colonial) Recognition Ordinance, and shall apply to the Colony and Protectorate.

Interpreta-
tion.

2. In this Ordinance—

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

“probate” and “letters of administration” include confirmation in Scotland, and any instrument having, in any of the Queen’s Dominions, the same effect which under English Law is given to probate and letters of administration respectively;

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

“British Court in a foreign country” means any British Court having jurisdiction out of the Queen’s Dominions in pursuance of an Order in Council, whether made under any Act or otherwise;

“Queen’s Dominions” include any British Protectorate or protected state and any territory in respect of which a mandate on behalf of the United Nations has been accepted by Her Majesty.

3. Where a Court of Probate in the United Kingdom, or in any of the Queen’s Dominions, has 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, the Supreme Court, be sealed with the seal of the Court, and thereupon shall be of the like force and effect, and have the same operation in the Colony and Protectorate as if granted by the Supreme Court.

Sealing of probates granted in the United Kingdom or Dependencies.

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

Conditions to be fulfilled before sealing.

(1) 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 Protectorate;

(2) 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 and Protectorate 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:

Provided always that it shall be lawful for the Court in its discretion to dispense with security on any application to seal letters of administration granted to the Public Trustee appointed under the Public Trustee Act, 1906.

6 Edw. VII, c. 55.

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 and Protectorate,

Demand of security for payment of debts.

6. For the purposes of this Ordinance 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.

Sealing of duplicate or copy in lieu of original.

Power to
make rules.
Cap. 7.

7. The provisions of section 24 of the Courts Ordinance, shall be deemed to extend to the making of rules under this Ordinance for regulating the procedure and practice, including fees and costs in the Supreme Court, on, and incidental to, an application for sealing a probate or letters of administration under this Ordinance.

Subject to any exceptions or modifications made by such rules, and until such rules are made and published, the fees and probate duty prescribed by any enactment for the time being in force shall apply, and be payable, as if the person who applies for sealing under this Ordinance were a person applying for probate or letters of administration.

Sealing of
probates
granted by
British Court
in foreign
countries.

8. This Ordinance shall extend to authorise the sealing as hereinbefore mentioned of any probate or letters of administration granted by a British Court in a foreign country, other than in a Protectorate, in like manner as it authorises the sealing of a probate or letters of administration granted in any of the Queen's Dominions, and the provisions of this Ordinance shall apply accordingly with the necessary modifications.
