



ST. CHRISTOPHER AND NEVIS

CHAPTER 5.11

PROBATES (RESEALING) ACT

Revised Edition

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This edition contains a consolidation of the following laws—

PROBATES (RESEALING) ACT

Act 10 of 1937 ... in force 8th December 1937

Amended by: Act 7 of 1976

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CHAPTER 5.11

PROBATES (RESEALING) ACT

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CHAPTER 5.11
PROBATES (RESEALING) ACT

AN ACT TO PROVIDE FOR THE SEALING OF PROBATES AND LETTERS OF ADMINISTRATION GRANTED OUTSIDE THE STATE; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Probates (Resealing) Act.

Interpretation.

2. In this Act—

“British Court in a foreign country” means any British Court having jurisdiction out of the Commonwealth 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;

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

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

(Amended by Act 7 of 1976)

Sealing of probates and letters of administration granted outside the State.

3. Where a Court of Probate in any part of the Commonwealth; or a British Court in a foreign country, has, either before or after the passing of this Act, granted probate or letters of administration in respect of the estate of a deceased person, the probate or letters so granted may, on being produced to, and a copy thereof deposited with the High 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 State as if granted by that Court.

(Amended by Act 7 of 1976)

Conditions to be fulfilled before sealing.

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

- (a) that stamp duty has been paid in respect of so much, if any, of the estate as is liable to stamp duty in the State; 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 State 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.

Security for payment of debts.

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 State.

Duplicate or copy admissible.

6. For the purposes of this Act, 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.

Rules of Court.

7. The Chief Justice may make rules for regulating the procedure and practice, including fees and costs in the High Court, on and incidental to an application for sealing a probate or letters of administration granted under this Act.

(Amended by Act 7 of 1976)
