



ST. CHRISTOPHER AND NEVIS

CHAPTER 5.02

ADMINISTRATION OF SMALL ESTATES ACT

Revised Edition

showing the law as at 31 December 2017

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ADMINISTRATION OF SMALL ESTATES ACT

Act 13 of 1944 ... in force 29th July 1944

Amended by: Act 11 of 1966
Act 7 of 1976
Act 14 of 1985
Act 9 of 1986
Act 6 of 2015
Act 10 of 2016

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CHAPTER 5.02
ADMINISTRATION OF SMALL ESTATES ACT

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CHAPTER 5.02

ADMINISTRATION OF SMALL ESTATES ACT

AN ACT TO PROVIDE FOR THE ADMINISTRATION OF SMALL ESTATES; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Administration of Small Estates Act.

Interpretation.

2. In this Act—

“letters of administration” comprehends all letters of administration of the estate of deceased persons whether with or without the will annexed and whether granted for general, special or limited purposes;

“Minister” means the Minister responsible for Justice;
(Inserted by Act 6 of 2015)

“small estate” means all the property, real and personal, of a deceased person which does not exceed \$25,000.

(Amended by Acts 11 of 1966, 14 of 1985 and 6 of 2015)

Application for grant of letters of administration.

3. (1) In any case where a person dies intestate leaving a small estate, an application may be made to the Registrar at any time not earlier than one month after the death of such person for a grant of letters of administration in respect of such estate.

(2) An application under subsection (1) may be made by any person being the husband, wife, issue, father, mother, or issue of the father or mother, of the deceased person.

Grant of probate.

4. Probate of the will of any deceased person leaving a small estate may, upon application and upon production of the will and of an affidavit verifying the due execution thereof, be issued to the executor named in the will or, in any case where it shall appear to the Registrar to be necessary or proper so to do, the Registrar may appoint an administrator or administratrix of the estate and direct letters of administration with the will annexed to be issued to him or her.

(Substituted by Act 10 of 2016)

Duties and powers of Registrar.

5. It shall be the duty of the Registrar to whom application is made to fill up such papers as may be necessary to lead to a grant of letters of administration or of probate, as the case may be, and, for that purpose, he or she may require the applicant to furnish him or her with a statement and give such other proof, as he or she may consider necessary, of the value of the estate, of the identity of the applicant and, where necessary, of his or her relationship to the deceased:

Provided that there shall not be required—

- (a) any bond;

- (b) any declaration on oath as to the value of the estate; or
- (c) any administrator's or administratrix's or executor's or executrix's oath.

Investigation, report and decision of Registrar.

6. (1) After investigation of the application the Registrar shall prepare a report of his or her findings and file a copy on the record of the Court.

(2) Where the Registrar is satisfied with the merits of the application he or she shall grant the application for letters of administration or of probate, as the case may be.

(Substituted by Act 10 of 2016)

Special fee for grant.

7. Anything in any Act to the contrary notwithstanding, the fee to be paid in respect of a grant of letters of administration or of probate (including any application therefor) under the provisions of this Act shall be the sum of \$10 and there shall not be payable any other duties, fees or charges of any description whatsoever.

(Amended by Act 14 of 1985)

Offence.

8. Any person who, for the purpose of deriving the benefit conferred by this Act, knowingly makes to the Registrar any statement which is false in any material particular commits an offence and shall, on summary conviction, be liable to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding six months.

(Amended by Acts 7 of 1976 and 9 of 1986)

Regulations.

9. (1) The Minister may make Regulations to generally give effect to the provisions of this Act.

(2) Notwithstanding the generality of subsection (1), the Minister may make Regulations prescribing any forms that may be required to carry out the purposes of this Act.

(New Section 9 inserted by Act 6 of 2015)
