



[L.S.]

I Assent,

James B. Carlisle,
Governor-General.

4th November, 2004.

ANTIGUA AND BARBUDA

No. 12 of 2004

AN ACT to make provision for the Administration of Small Estates.

*[Published in the Official Gazette Vol. XXIV
No. 83 dated 11th November, 2004.1*

ENACTED by the Parliament of Antigua and Barbuda as follows —

1. This Act may be cited as the Administration of Small Estates Act, 2004. short title.

2. In this Act —

Interpretation.

"letters of **administration**" means 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;

"Registrar" means the Registrar of the High Court and in his absence the Deputy Registrar;

"small estate" means all the property, real and personal, of a deceased person which does not exceed twenty-five thousand dollars in value.

**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 the preceding subsection 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 to the Registrar 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 Judge to be necessary or proper so to do, the Judge may appoint an administrator of the estate and direct letters of administration with the will annexed to be issued to him.

**Duties and powers
of Registrar.**

5. It shall be the duty of the Registrar to whom application is made if requested so to do by the applicant, to assist the applicant in filling 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 may require the applicant to furnish him with documentary evidence of the value of the estate, the identity of the applicant, and his relationship to the deceased, the identity of every beneficiary to the estate of the deceased and any other information as he may consider necessary.

**Investigation and
Report by Regis-
trar.**

6. (1) On receipt of an application under section **3(2)** or 4, the Registrar shall notify the public of the application, the name of the applicant, the estate in respect of which the application is made and to invite any objections and inquiries.

(2) The Notice shall be posted up and remain posted up for a period of fourteen **(14)** days at the following places —

- (a)** the Court House;
- (b)** the General Post Office; and
- (c)** the Magistrate Court for the District where the deceased resided.

(3) Subject to subsections **(1)** and **(2)**, the Registrar shall investigate the application and prepare a report and shall lay the

report before a Judge and the Judge shall, if satisfied that the application ought to be granted, give a direction accordingly.

7. (1) Notwithstanding any law to the contrary, the fees **specified** in the Schedule shall be paid to the Registrar and no other fees, duties or charges of any description whatsoever shall be payable in respect of the grant of letters of administration or probate, including any application therefor. **Fee for grant of Letters of Administration or Probate.**

(2) All fees received by the Registrar pursuant to subsection (1) shall be paid to the Accountant General for the benefit of the Treasury.

(3) The Minister may by regulation amend the Schedule.

(4) Any regulation made under this section shall be subject to affirmative resolution of the House of Representatives.

8. (1) 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. **Offence and penalty.**

(2) Where the Registrar suspects that an offence has been committed under this section, he shall report the matter to the Director of Public Prosecutions for investigation and prosecution.

(3) Any person who commits an offence under this section is liable on summary conviction to a fine not exceeding five thousand dollars or to a **term** of imprisonment not exceeding six (6) months.

(4) Notwithstanding subsection (3) if, on examination of any person charged with any offence under this section, it appears to the Magistrate that it is not expedient, considering the magnitude of the offence and in the interest of justice, that the person charged should be tried summarily, he may proceed to commit the person charged to stand trial on indictment by a jury.

(5) Any person convicted on indictment under this section is liable to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding two (2) years.

9. The Administration of Small Estates Act Cap. 8 is repealed. **Repeal.**

ANTIGUA 4
AND
BARBUDA

*Administration of Small Estates
Act, 2004.*

No. 12 of 2004

SCHEDULE

Section 7

Value of Estate

Fees payable

1. \$3,000.00 or less	Free
2. \$3,000.00 — 5,000.00	\$200.00
3. \$ 5,001.00 — 8,000.00	\$300.00
4. \$ 8,001.00 — 12,000.00	\$350.00
5. \$12,001.00 — 15,000.00	\$400.00
6. \$15,001.00 — 20,000.00	\$450.00
7. \$20,001.00 — 25,000.00	\$500.00

Passed the House of Representatives
this 23rd day of September, 2004.

Passed the Senate this 3rd day of
September, 2004.

D. Giselle Isaac-Arrindell,
Speaker.

Edmond A. Mansoor,
President.

Y. Henry,
Acting Clerk to the House of Representatives.

Y. Henry,
Acting Clerk to the Senate.

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