

CHAPTER 344**THE PROBATES (RESEALING) ACT**

Arrangement of Sections

Section

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PROBATES (RESEALING)*(8th December, 1937.)*1011937.
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1. This Act may be cited as the Probates (Resealing) Act. **Short title.**

2. In this Act—

Interpretation.

"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 country 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.

Sealing of probates and letters of administration granted outside Antigua and Barbuda.

3. Where a Court of Probate in any Commonwealth Country or such other country as Cabinet may approve, 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 Antigua and Barbuda as if granted by that Court.

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 Antigua and Barbuda; 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 Antigua and Barbuda 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 Antigua and Barbuda.

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. (1) Rules of Court may be made 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.

(2) Subject to any exceptions and modifications made by such rules, the enactments for the time being in force in relation to stamp duty, including the penal provisions thereof, shall apply, as if the person who applies for sealing under this Act were applying for probate or letters of administration.
