

2023-07-03

OBJECTS AND REASONS

This Bill would repeal and replace the *Commissioners of Probates Act*, Cap. 120 and make provision for the appointment of Commissioners of Probates and matters related thereto.

Arrangement of Sections

1. Short title
2. Interpretation
3. Appointment and functions of Commissioners
4. Fees of Commissioners
5. Amendment of Schedule
6. Appointment of Acting Commissioners
7. Commissioners not entitled to pension
8. Repeal of Cap. 120

FIRST SCHEDULE

Certificate

SECOND SCHEDULE

Fees

BARBADOS

A Bill entitled

An Act to repeal and replace the *Commissioners of Probates Act*, Cap. 120 and to provide for the appointment of Commissioners of Probates and matters related thereto.

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Commissioners of Probates Act, 2023*.

Interpretation

2. In this Act, “Commissioner” means a Commissioner of Probate appointed under section 3.

Appointment and functions of Commissioners

- 3.(1) The President may by instrument appoint any number of Commissioners of Probates, not exceeding 7.
- (2) The Commissioners of Probates shall be responsible for taking the acknowledgement and the probate of deeds in the form set out in the *First Schedule*.

Fees of Commissioners

4. The fees in the *Second Schedule* shall be payable to all Commissioners upon taking the acknowledgement and the probate of deeds.

Amendment of Schedule

5. The Minister may by order amend the *Schedules* to this Act.

Appointment of Acting Commissioners

- 6.(1) The President may grant leave to a Commissioner and may give approval for the duties of a Commissioner to be performed by another person during the period of leave.
- (2) An acting Commissioner shall be invested with, and exercise and perform the same powers and authorities, rights and duties, as a Commissioner, and shall be entitled to the same fees.

Commissioners not entitled to pension

7. The *Pensions Act*, Cap. 25 does not apply to the office of Commissioner.

Repeal of Cap. 120

8. The *Commissioners of Probates Act*, Cap. 120 is hereby repealed.

**FIRST SCHEDULE
CERTIFICATE**

(Section 3(2))

CERTIFICATE

Appear before me this day _____, the subscribed witness to the execution of the foregoing deed and made oath and say that he/she was present and saw the within named _____, the executing party to the foregoing duly sign, seal and deliver the same as for his/her free and voluntary act and deed.

Given under my hand, this ____ day of _____ 20____.

Commissioner of Probates

SECOND SCHEDULE

(Section 4)

FEES

For proving

- (a)* a deed other than a power of attorney
 - (i) if the value of the property is under \$500,000.....\$25.00
 - (ii) if the value of the property is \$500,000 or more.....\$50.00
- (b)* a power of attorney.....\$25.00

For the purposes of this *Schedule*, the proving of a deed or power of attorney includes the writing of the affidavit or certificate of proof.

Read three times and passed the House of Assembly this
day of _____, 2023.

Speaker

Read three times and passed the Senate this _____ day of
_____, 2023.

President