

THE ADMINISTRATOR-GENERAL'S ACT

ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.
- 2A. Construction of "letters of administration" to include Instrument of Administration.

Appointment of Officers

3. Administrator-General.
4. Restrictions on Administrator-General.
5. Deputy Administrator-General.
6. Functions, powers and duties of Deputy Administrator-General.
7. As to office.
8. Administrator-General an officer of the Supreme Court.
9. Duties as to keeping accounts.
10. Special statements.
11. Keeping of funds.

Administration

12. When Administrator-General entitled to administration.
13. Time for application.
- 13A. Administration where no minor beneficiaries
14. Costs on revocation of administration.
15. Administration proceedings by him, same as in other cases.
16. Vesting of property.
17. Appointing Administrator-General executor of will.
18. No administration bond or oath of office required from him.
19. Duty to return inventories and administer estate vested in him.
20. Letters of administration, *etc.*, granted to him by Supreme Court.
21. Rights, duties, powers and liabilities of Administrator-General.
22. Duty of Collectors to report deaths.

ADMINISTRATOR-GENERAL

- 23. Jurisdiction of Court before or pending proceedings for administration.
- 23A. Exercise of certain powers prior to administration.
- 23B. Vesting of property by order of Court.

Trusts

- 24. Power to appoint him a trustee or guardian.
- 25. Power to appoint Administrator-General as committee of a person with a mental disorder.
- 26. Prohibition against acting with others.
- 27. When not bound to act as guardian or committee.
- 28. Not to be appointed guardian or committee *ad litem*, etc.
- 29. To be appointed receiver.
- 30. Rights, duties, powers and liabilities as trustee, guardian, committee or receiver.
- 31. Consent of Administrator-General in optional cases.
- 32. Duties in all other cases.

Legal Proceedings

- 33. How he is to sue and be sued.
- 34. How process served on him.
- 35. Judgments, etc., in proceedings by or against him.
- 36. Execution against him.
- 36A. Payment out of Consolidated Fund.
- 37. Power to submit to the Supreme Court questions of doubt.
- 38. Suing or defending in *forma pauperis*.
- 39. Power to apply for the opinion and direction of the Court.
- 40. Relief from personal responsibility.
- 41. Power to apply to Court against him.
- 42. Winding up estates vested in him.
- 43. Power of Court in making orders.
- 44. Power of Court to make general orders under this Act.
- 45. Change of Administrator-General and vesting of estates, and continuing of proceedings thereon.
- 46. Administering by the Court of estates, etc., vested in him.

- 47. Powers of Judge in Chambers.
- 48. Charges for administration of estates.

Miscellaneous Provisions

- 49. All remuneration other than salary to be paid into the Consolidated Fund.
- 50. Remuneration as receiver or co-trustee, co-guardian, or co-committee.
- 51. Government to provide office, clerks and expenses of performing duties of office.
- 52. Reimbursement of expenses.
- 53. Administration of assets of deceased in the hands of the Government.
- 53A. Administration of small estates.
- 53B. Administration of an intestate estate with minor beneficiaries.
- 53C. Distribution of assets in multi-generational estates.
- 53D. Instrument of Administration; Instrument of Distribution.
- 53E. Filing with Supreme Court for public record.
- 53F. Notice to the Supreme Court of intention to issue Instrument and effect thereof.
- 53G. Where Administrator-General entitled to proceed to issue Instrument of Administration.
- 53H. Notice to public intention to distribute assets of primary estate.
- 53I. Restriction on distribution of assets.
- 53J. Distribution with respect to claims of which there is notice.
- 53K. Administrator-General to keep registers of Instruments of Administration and Instruments of Distribution.
- 54. Power to employ Clerk of Resident Magistrate's Court and other agents.
- 55. Conveyances, etc., to which Administrator-General a party.
- 56. Books *prima facie* evidence.
- 57. Authenticated copies of entries therein evidence.
- 58. Proof of signature of Administrator-General.
- 59. When books producible in evidence.
- 60. Regulations.
- 61. Amendment of First Schedule.

SCHEDULES

THE ADMINISTRATOR-GENERAL'S ACT

[26th August, 1873.]

Cap. I.
Law
15 of 1958.
Acts
42 of 1969
3rd Sch.,
30 of 1991,
7 of 1992,
28 of 1999,
11 of 2015.

1. This Act may be cited as the Administrator-General's Act. Short title.

2.—(1) In this Act—

“estate” includes the estate of every deceased person which has vested in the Administrator-General, or which he is entitled to have vested in him as administrator or executor under this Act; Inter-
pretation.
11/2015
S. 2(a).

“grant of representation” in relation to a deceased person, means a grant of probate, letters of administration, or letters of administration with will annexed, or any other representation granted by a court; 11/2015
S. 2(b).

“Instrument of Administration” means the Instrument of Administration issued under section 53D(1); 11/2015
S. 2(b).

“Instrument of Distribution” means the Instrument of Distribution issued under section 53D(3) in respect of a multi-generational estate; 11/2015
S. 2(b).

“mental disorder” means— 11/2015
S. 2(b).

(a) a substantial disorder of thought, perception, memory, or orientation; or

(b) mental retardation, which substantially impairs a person's behaviour, judgment, capacity to reason, or recognize reality or the person's ability to meet the demands of life;

“minor” means a person under the age of eighteen years; 11/2015
S. 2(b).

“multi-generational estate” shall be construed in accordance with subsection (2); 11/2015
S. 2(b).

“prescribed” means prescribed by rules of court;

11/2015
S. 2(b).

“primary beneficiary” and “primary estate” shall respectively be construed in accordance with subsection (2);

11/2015
S. 2(b).

“succeeding estate”, in relation to a primary estate, means any of the following—

(a) the estate of a primary beneficiary; and

(b) any other estate referred to in subsection (2)(c);

“trust” includes every guardianship, committee-ship, or receivership, vested in the Administrator-General under this Act, and all property vested in the Administrator-General as trustee under this Act, and all property administered by him under this Act.

11/2015
S. 2(c).

(2) A reference in this Act to a multi-generational estate is a reference to a series of estates comprising—

(a) the estate (referred to as a “primary estate”) in which a grant of representation has been made, of a person who has been dead for a period of not less than twenty-five years or such other period as the Minister may, by order, prescribe;

(b) the respective estates of the beneficiaries of that primary estate (referred to as “primary beneficiaries”) who have died before the surplus of that primary estate has been distributed, whether or not a grant of representation has been made in respect of any or all of the estates of these primary beneficiaries; and

(c) the respective estates of all beneficiaries whose claims arise, directly or indirectly, under or through any primary beneficiary, and who died before the surplus of that primary beneficiary’s estate has been distributed, whether or not a grant of representation has been made in respect of any or all of the estates of those beneficiaries,

and there is at least one surviving beneficiary (whether or not including any minors) entitled to take as a beneficiary of the primary estate or any succeeding estate, as the case may be.

2A. Unless the context otherwise requires, a reference in this Act to letters of administration shall be construed as including an Instrument of Administration.

Construction of "letters of administration" to include Instrument of Administration. 11/2015 S. 3.

Appointment of Officers

3. The Governor-General may appoint a fit and proper person to be Administrator-General for Jamaica.

Administrator-General. 42/1969 3rd Sch.

4. The Administrator-General shall not directly or indirectly practise in any profession, or carry on any trade or business or hold any office or place of profit in any corporation or joint stock company; but this shall not apply to a person appointed to act temporarily as Administrator-General. This section shall not prevent the appointment of the Administrator-General to any other office in the public service, nor the appointment as Administrator-General of a person holding another such office, which the Minister may think that the Administrator-General can properly hold together with the office of Administrator-General.

Restrictions on Administrator-General.

5. The Governor-General may appoint a fit and proper person to be Deputy Administrator-General.

Deputy Administrator-General. 42/1969 3rd Sch.

6. The Deputy Administrator-General shall have and exercise such functions, powers and duties pertaining to the office of Administrator-General as the Minister may from time to time direct, and as the Administrator-General may on any particular occasion or for any particular purpose direct.

Functions, powers and duties of Deputy Administrator-General.

7. The office of the Administrator-General shall be in such place in Kingston as the Minister may approve, and the

As to office.

Administrator-General shall attend at such office, and such office shall be open during such times as shall be prescribed.

Administrator-General an officer of the Supreme Court.

8. The Administrator-General shall be deemed to be an officer of, and an accounting party to the Supreme Court.

Duties as to keeping accounts.

9. The Administrator-General shall keep a full, complete, and accurate account of all transactions with respect to all estates and trusts vested in or administered by him; and shall keep all such books as may be necessary for that purpose. Such books shall be kept at the office of the Administrator-General, and shall be open for the inspection of all persons, on payment of the fees imposed, if any, by regulations made under this Act. All persons who shall apply for copies or extracts from any of the books shall be entitled to have the same on payment of the fees imposed, if any, by regulations made under this Act. Rules of court may from time to time be made prescribing in what manner the accounts, books, and documents of the Administrator-General shall be kept, and generally how the office shall be regulated, and at what times, and in what manner, and subject to what, if any, conditions searches in the books of the Administrator-General may be made, and copies or extracts from the same obtained.

11/2015
S. 4.

Special statements.

10. The Administrator-General shall, whenever called upon by the Supreme Court so to do, furnish complete and accurate statements and accounts, either with respect to any particular estate or trusts vested in or administered by him under this Act, or with respect to the whole business of the Administrator-General under this Act; and it shall be lawful for the Supreme Court at any time, to have the books of the Administrator-General examined, without the payment of any fee, by any person named by the Minister for that purpose.

Keeping of funds.
7 of 1992
S. 2(a).

11.—(1) All sums of money from time to time received by the Administrator-General in that capacity shall forthwith or within such time as may be prescribed—

- (a) be paid by him into a commercial bank or a specified financial institution to the credit of an account to be entitled "Administrator-General's Account"; or
- (b) be invested by him in securities issued by the Government of Jamaica.

(2) Interest shall be allowed on such money in the same way as interest is allowed on deposits by executors, administrators and trustees under the Trustees, Attorneys and Executors (Accounts and General) Act, except that there shall be no limit of amount. 15/1958
S. 2.

(3) The Administrator-General may, for the purposes of the due administration of any estate or trust— 7/1992
S. 2(b).

- (a) withdraw from the commercial bank or a specified financial institution referred to in subsection (1) any money standing to the credit of the Administrator-General's Account; or
- (b) sell any securities purchased pursuant to subsection (1)(b),

and until any money so withdrawn or derived from the sale of any securities, as the case may be, is applied to such purposes as aforesaid the Administrator-General shall, subject to any order of a court of competent jurisdiction, deal with such money in accordance with such general or special directions as may be given by the Minister:

Provided always that the Administrator-General shall never expend the money of one trust or estate for the purposes of another trust or estate.

Administration

12. The Administrator-General shall be entitled to and may apply for, letters of administration to the estates of all persons who shall die intestate without leaving a widower, widow, brother, sister, or any lineal ancestor or descendant, or leaving any such relative if no such relative shall take out

When
Administra-
tor-General
entitled to
administra-
tion.
11/2015
S. 5.

letters of administration within three months, or within such longer or shorter time as the Court to which application for administration is made, or the Judge thereof may direct; and also to the estates of all persons who shall die leaving a will but leaving no executor, or no executor who will act, if no such relative as aforesaid of such deceased shall, within the time aforesaid, take out letters of administration to his estate. The Administrator-General shall be entitled to such letters of administration in all cases in which, if this Act had not been passed, letters of administration to the estates of such persons might have been granted to any administrator:

Provided that this section shall not apply to the estates of deceased persons for the administration of whose estates provision is made by law, nor to estates where the total value of the personal property does not exceed five thousand dollars, but it shall be lawful to appoint the Administrator-General, with his consent, administrator of any estate, notwithstanding that the total value of the personal property does not exceed five thousand dollars.

30/1991
S. 2.

30/1991
S. 2.

Time for
application.

13. In cases falling within the preceding section, it shall be lawful for the Administrator-General to apply for letters of administration to any deceased person's estate within three months after the death of such person, if it appears likely that no other person will take out letters of administration to such estate, and that injury to the estate is likely to result from delay in obtaining administration to the estate. On any such application the Court may give such decision as it thinks fit.

Administra-
tion where
no minor
benefi-
ciaries.
28/1999
S. 2.

13A.—(1) Where it appears to the Administrator-General that—

- (a) there is no minor among the persons having an interest in the estate of a deceased; and
- (b) although there are adult beneficiaries equally entitled to obtain letters of administration, there is disagreement as to which of them should apply for such grant,

the Administrator-General may, by notice in writing to such beneficiaries, inform them of their right to apply to the Court for an order naming any of them or a third party, as the case may require, as the person who should apply for letters of administration.

(2) The Court may, on application by any of the beneficiaries, grant an order referred to in subsection (1).

14.—(1) If any letters of administration, granted to the Administrator-General or any Instrument of Administration are revoked, he shall not be adjudged to pay any of the costs of such revocation, unless the Court shall be satisfied that he acted improperly in obtaining such administration, or in opposing the revocation thereof.

Costs on
revocation
of
administra-
tion.
11/2015
S. 6(a), (b).

(2) Subject to this Act—

11/2015
S. 6(c).

(a) an Instrument of Administration shall be issued by the Administrator-General on the payment—

(i) for administering an estate of the appropriate category specified in column I of the First Schedule, of a stamping fee for the respective documents specified in column II of that Schedule in the respective amounts specified in relation thereto in column III thereof;

First
Schedule.

(ii) of duties in the amount prescribed and the manner required, in relation to letters of administration with any necessary modification;

(b) an Instrument of Distribution shall be issued by the Administrator-General on the payment for distributing the assets of the relevant primary estate of a stamping fee for the Instrument specified in column II of the First Schedule in the amount specified in relation thereto in column III thereof; and

- (c) any fees in respect of proceedings to oppose the issuance or revocation of an Instrument of Administration, an Instrument of Distribution or otherwise in anyway relating thereto, shall be the same as applies to letters of administration.

Administration proceedings by him, same as in other cases.

15. Letters of administration to the Administrator-General shall, subject to this Act, be granted on the like occasions, to the same extent, on the payment of the same fees and duties, and in the same way, as letters of administration would have been granted if this Act had not been passed, and all proceedings to obtain or to oppose such administration, or otherwise in any way relating to such administration, shall, subject only to the provisions of this Act, be the same as if this Act had not been passed.

Vesting of property.

16. On the grant of letters of administration to the Administrator-General, the property of the deceased shall vest in the Administrator-General, and be assets in his hands for the payment of the debts and liabilities of the deceased, in the same way, and to the same extent in all respects, as such property would have vested in and been assets in the hands of any other administrator, if this Act had not been passed, and the Administrator-General shall discharge the debts and liabilities of the deceased, and shall distribute the surplus, in the same way, and in the same order of priority, and to the same extent, that any other administrator would have been bound to discharge such debts and liabilities, and to distribute such surplus, if this Act had not been passed.

Appointing Administrator-General executor of will.

17. It shall be lawful for any testator to appoint the Administrator-General the sole executor of his will. The Administrator-General shall not act as co-executor with any other person, and if any testator shall appoint any person as co-executor with the Administrator-General, the appointment of such person shall be void, and the Administrator-General shall be the sole executor:

Provided, that it shall be lawful for any testator to appoint

the Administrator-General the sole executor in substitution for any other executor in the event of such executor dying, or neglecting, refusing, or becoming incapable to act as such executor.

18. It shall not be necessary for the Administrator-General, on taking out letters of administration, or on the administration of any estate under section 53B or distribution of any estate under section 53C or on proving any will, to file any declaration of the value of the property, or to give any administration bond, or will bond, or to take any oath to bring into the Registry of the Supreme Court an inventory of the estate of the deceased, or to take any oath duly to administer such estate.

No administration bond or oath of office required from him. 11/2015 S. 7.

19. It shall be the duty of the Administrator-General to make, as soon as possible after obtaining letters of administration or letters testamentary to any estate, a true and perfect inventory of all the personal property of the deceased person, with an appraisal thereof, and to return the same so made into the Registry of the Supreme Court; and it shall also be the duty of the Administrator-General well and truly to administer the estates of deceased persons vested in him.

Duty to return inventories and administer estate vested in him.

20. Letters of administration and letters testamentary shall be granted by the Supreme Court to the Administrator-General, according to the practice of the Supreme Court, and shall be granted by the Resident Magistrate's Courts in the same way, as nearly as may be, as such letters of administration and letters testamentary would be granted to any other executor or administrator. Such letters of administration and letters testamentary shall bear the stamp to which they would have been liable if granted to a private person.

Letters of administration, etc., granted to him by Supreme Court.

21. Subject to this Act, the rights, duties, powers, and liabilities of the Administrator-General, in applying for and obtaining letters of administration or letters testamentary, and in acting as administrator or executor, shall be the same in all

Rights, duties, powers and liabilities of Administrator-General.

respects as under similar circumstances the rights, duties, powers, and liabilities of private persons applying for and obtaining letters of administration or letters testamentary, or acting as administrators or executors would have been if this Act had not been passed.

Duty of
Collectors to
report
deaths.

22. It shall be the duty of the Collector of Taxes in each parish to ascertain to the best of his ability, and to report to the Administrator-General, the names of all persons who shall die in the parish under such circumstances as to entitle the Administrator-General to the administration of their estates.

Jurisdiction
of Court
before or
pending
proceedings
for admin-
istration.

23. Whenever it appears to the Supreme Court that there is good ground to believe that the Administrator-General is, or is likely to become, entitled to the administration of any estate, and that the property of such estate is likely to be damaged or diminished for want of a proper person to take charge thereof, before letters of administration or letters testamentary can be taken out, or while it is doubtful who will apply for and obtain letters of administration or letters testamentary, it shall be lawful for the Supreme Court to authorize the Administrator-General to take possession of such property for such time, in such manner, and subject to such conditions, if any, as the Court may direct. The Administrator-General shall hold and deal with such property as may be directed by the Court from time to time until letters of administration or letters testamentary have been granted. The Administrator-General shall not be entitled to any commission in respect of such property unless he ultimately obtains the administration thereof, but he shall be entitled to be repaid out of such property all costs and expenses to which he may be put in respect thereof, and for applying to the Court if the Court thinks fit.

Exercise
of certain
powers
prior to
administration.
11/2015
S. 8(a).

23A.—(1)This section applies to money or securities for money, including money in bank accounts, insurance policies, moneys owing to an estate or rental income (hereinafter called “the relevant assets”) in the estate of any deceased

person.

(2) Where, in relation to any estate, the Administrator-General— 11/2015
S. 8(b).

(a) has the duty to apply for letters of administration;
or

(b) is entitled to issue an Instrument of Administration,

the Administrator-General may exercise any of the powers specified in subsection (3) prior to the grant of letters of administration or the issue of the Instrument of Administration, as the case may be, in relation to the estate.

(3) The powers exercisable by the Administrator-General under this section shall be—

(a) to collect the relevant assets, obtain advances therefrom and otherwise deal with the relevant assets;
and

(b) to make payments out of the relevant assets—

(i) to meet the costs and expenses connected with obtaining the grant of letters of administration;

(ii) for the advancement or benefit of any beneficiary.

23B. Where—

(a) the Administrator-General has obtained letters of administration or has issued an Instrument of Administration in relation to an estate.

Vesting of
property by
order of
Court.
28/1999
S. 3.
11/2015
S. 9.

- (b) property is to be distributed among the beneficiaries of that estate; and
- (c) the Administrator-General is unable to obtain the signatures of those beneficiaries or any of them in order to effect such distribution,

the Administration-General may apply to the Court for an order directing that the property be vested in the beneficiaries.

Trusts

Power to
appoint him
a trustee or
guardian.
11/2015
S. 10.

24. It shall be lawful for the Supreme Court, and for any person or corporation, to appoint the Administrator-General trustee of any real or personal property, or, subject to sections 27 and 28, to appoint him guardian of any minor, on the like occasions, in the same way, and to the same extent, that any other person might be appointed such trustee or guardian.

Power to
appoint
Administrator-
General as
committee of
a person
with a mental
disorder.
11/2015
S. 11(a),(b).

25. The Administrator-General may be appointed, but it shall not be compulsory to appoint him committee of the estate of a person with a mental disorder, or committee of the estate and person of a person with a mental disorder, but he shall not be appointed committee of the person only of a person with a mental disorder, except with his own consent.

Prohibition
against
acting with
others.

26. The Administrator-General shall not act as co-trustee, co-guardian, or co-committee, with any one, except on the appointment of the Supreme Court. If anyone (except as aforesaid) shall appoint any person to act with the Administrator-General as co-trustee, co-guardian, or co-committee, the appointment of such person shall be void, and

Administrator-General shall be the sole trustee, guardian, or committee:

Provided, that it shall be lawful for any person to appoint the Administrator-General the sole trustee, guardian, or committee, in substitution for any other trustee, guardian, or committee in the event of such other trustee, guardian, or committee dying, or neglecting, refusing, or becoming incapable to act.

27. The Administrator-General shall not (except with his own consent) act as the guardian of any minor, or as the committee of the estate and person of any person with a mental disorder, unless—

When not bound to act as guardian or committee.
12/2015
S. 12.

- (a) the minor or person with a mental disorder has property to the amount of not less than fifty thousand dollars or such other amount as the Minister may, by order, prescribe; and
- (b) all the property of the minor or person with a mental disorder is vested in the Administrator-General as trustee for that minor or person, or the Administrator-General is invested with the entire administration of the property.

28. The Administrator-General shall not (except with his own consent) be appointed guardian or committee *ad litem*, or for any other similar temporary purpose of a minor or a person with a mental disorder.

Not to be appointed guardian or committee *ad litem*, etc.
11/2015
S. 13.

29. No person, except the Administrator-General shall be appointed receiver in any suit in the Supreme Court, unless it be proved to the satisfaction of the Court that it would be more beneficial to the estate that some other person should be appointed receiver.

To be appointed receiver.

Rights, duties, powers and liabilities as trustee, guardian, committee or receiver.

30. Subject to this Act, the rights, duties, powers, and liabilities of the Administrator-General, acting as trustee, guardian, committee, or receiver, shall be the same in all respects as the rights, duties, powers, and liabilities of any other trustee, guardian, committee, or receiver.

Consent of Administrator-General in optional cases.

31. In any case in which the consent of the Administrator-General is required, before he is bound to accept a trust or to act under this Act, the giving or withholding of such consent shall be absolutely in the discretion of the Administrator-General. In all such cases it shall be lawful for the Administrator-General, with the sanction of the Supreme Court, to agree with any person as to the remuneration (if any) which the Administrator-General is to receive for accepting and acting in the matter for which his consent is required. Any such agreement made without such sanction shall be void.

Duties in all other cases.

32. In all cases in which the consent of the Administrator-General is not required, it shall be the duty of the Administrator-General except as hereinafter mentioned, to accept and forthwith to enter upon the duties of the administration of any estate or trust to which he may be appointed or entitled under this Act:

Provided, that it shall be lawful for the Supreme Court to authorize the Administrator-General to refuse to take out letters of administration or letters testamentary, or to accept any trust, if, from the special circumstances of the case, it shall appear to the Court that such authority ought to be given.

Legal Proceedings

How he is to sue and be sued.

33. In all legal proceedings in respect of any estate or trust vested in the Administrator-General, or in respect of any act or omission of the Administrator-General, with regard to such estate or trust, he shall sue and be sued as “The Administrator-General, administrator (*or* executor) of the estate (*or* of the Will) of A.B. deceased”, *or* “trustee of the marriage settlement of X and Y” (*or otherwise as the case may be*).

34. Writs, complaints, summonses, notices, pleadings, process, and all other documents in any legal or other proceeding by or against the Administrator-General, may be served by being left at his office, and such service shall have the same effect as if it had been made personally.

How process served on him.

35. All judgments, decrees, or orders, recovered or made in any legal proceeding by or against the Administrator-General, shall be in the same form and subject to this Act, shall have the same effect as such judgments, decrees, or orders would have had under similar circumstances, if this Act had not been passed, against a private person occupying, in relation to such proceedings, a position similar to that of the Administrator-General.

Judgments, etc., in proceedings by or against him.

36. No execution shall issue without the leave of the Supreme Court on any judgment, decree, or order against the Administrator-General, but it shall be the duty of the Administrator-General, unless an order is made under the immediately following section, to pay forthwith the amount of such judgment, decree, or order, and costs (if any) in the same way, to the same extent, that a private person, under similar circumstances, would be bound to pay the amount of such a judgment, decree, or order and costs:

Execution against him.

Provided, that if a private person, under similar circumstances, would be personally liable on such judgment, decree, or order, and would be entitled to recoup himself out of the estate or trust in respect of which it was recovered, the Administrator-General may in the first instance pay the amount of such judgment, decree, or order, and costs, out of the estate or trust in respect of which it was recovered, to the extent that such private person would be so entitled to be recouped:

And provided further, that it shall be lawful for the Supreme Court, if it thinks that the justice of the case requires it, to order that the amount for which such judgment, decree, or order is obtained, or such part thereof as the Court thinks fit, shall be paid by the Administrator-General personally, and not out of any trust or estate.

Payment
out of Con-
solidated
Fund.
28/1999
S. 5.

36A.—All sums required to discharge any liability which the Administrator-General, if he were a private trustee, would be personally liable to discharge, shall be charged on and paid out of the Consolidated Fund, so, however, that, neither the Consolidated Fund nor the Administrator-General shall be liable for any loss which would not have imposed liability on a private trustee.

Power to
submit to
the
Supreme
Court
questions of
doubt.

37. When a judgment, decree or order has been recovered against the Administrator-General, and there are any circumstances which render it doubtful whether he ought to pay the amount thereof, or out of what funds he ought to pay the amount thereof, he may apply to the Supreme Court for an order authorizing him to pay, or to refuse to pay, or directing out of what funds he should pay the amount of such judgment, decree, or order.

Suing or
defending
in *forma
pauperis*.

38. It shall be lawful for the Supreme Court to authorize the Administrator-General to sue or defend in *forma pauperis*, in any case in which the Court thinks that the Administrator-General ought so to sue or defend. An order under this section shall authorize the Administrator-General to sue or defend in such Court, and in such proceeding, as may be specified in such order, and no Court fees shall be payable by the Administrator-General in any proceedings under such order: and the Supreme Court may give such directions as it thinks fit to secure the repayment, out of any property recovered or secured by such proceeding, of all costs and charges of such proceedings.

39. The Administrator-General may at any time apply to the Supreme Court for the opinion, advice, or direction of the Court or Judge respecting his rights or duties with regard to applying for, or obtaining administration of any estate, or trust, or probate of any will, or assuming the management of any estate, or trust, or with regard to any estate or trust vested in or administered by him under this Act, or with regard to any matters arising out of the management or conduct of any such estate or trust.

Power to apply for the opinion and direction of the Court

40. The Administrator-General, obtaining *bona fide* the opinion or direction of the Supreme Court, or of a Judge thereof, or acting *bona fide* on such opinion or direction, shall be deemed, so far as regards his own responsibility, to have discharged his duty as administrator, executor, trustee, guardian, committee, or receiver, with regard to the estate or trust with respect to which such opinion or direction was given.

Relief from personal responsibility.

41. If the Administrator-General shall at any time improperly neglect, refuse, or delay to apply for or to obtain letters of administration, or to prove any will, or to assume the management of any estate or trust to which he has been appointed, or if he shall improperly act, or omit to act, in the management of any estate or trust vested in or administered by him, or the duties of which he shall have entered upon, or if he shall improperly neglect, refuse, or delay to pay forthwith the amount of any judgment, decree, or order recovered against him, or if he shall pay the amount of any such judgment, decree, or order out of any funds not properly liable to such payment, or if he shall improperly act, or omit to act, in any other matter with respect to any estate or trust vested in or administered by him, or with respect to any duty imposed upon him by this Act, or if there is reasonable ground to think that he is about

Power to apply to Court against him.

improperly to act, or to omit to act, with respect to any of the matters aforesaid, any person interested in such estate, trust, judgment, decree, order, or other matter, may apply to the Supreme Court for an order, requiring the Administrator-General to do, or refrain from doing, the act in respect of which such person complains, and the Court may thereupon make such order as the Court thinks fit.

Winding up
estates
vested in
him.

42. When the management of any estate or trust, vested in or administered by the Administrator-General, is or ought to be determined, the Administrator-General, or any person interested in such estate or trust, may apply to the Supreme Court for an order, declaring that the duties of the Administrator-General with respect to such estate or trust are at an end, and making such provision for the winding-up of such estate or trust, and the transfer of the property thereof, as may be necessary.

Power of
Court in
making
orders.

43. In all applications under this Act to the Supreme Court, the Court may make any order authorized by this Act, either absolutely, or subject to any terms or conditions, and the costs of all such applications shall be in the discretion of the Court.

Power of
Court to
make
general
orders
under
this Act.
11/2015
S. 14.

44. It shall be lawful for the Supreme Court to make any general orders respecting any application to the Supreme Court, or to the Judge thereof, under this Act. Until such orders are made, all applications to the Court shall be by fixed date claim form, and the present procedure shall apply to all proceedings upon such fixed date claim forms, and also to all proceedings at Chambers under this Act, except so far as such procedure may be varied by any direction of the Court or Judge.

45. No change of the person holding the office Administrator-General shall affect any estate or trust vested in or administered by the Administrator-General, but such estates and trusts shall vest in the succeeding Administrator-General, whether appointed temporarily or permanently, in the same way, and to the same extent, that they vested in the former Administrator-General. Such succeeding Administrator-General shall hold in all respects the same position with regard to such estates and trusts as the former Administrator-General held. No proceedings, legal or other, pending on a change of the person holding the office of the Administrator-General, shall be affected in any way by such change, but such proceedings may be continued by and against the succeeding Administrator-General, whether appointed temporarily or permanently, as they might have been continued by and against the former Administrator-General, without suggestion, revival or other similar proceeding.

Change of Administrator-General, and vesting of estates, and continuing of proceedings thereon.

46. Estates and trusts under the management of or vested in the Administrator-General, or which the Administrator-General is entitled to administer, or to have vested in him, shall not be administered by the Supreme Court, unless it be proved to the satisfaction of the Court that such estate or trust cannot be properly administered by the Administrator-General, and the Supreme Court shall not have any power to substitute any person for the Administrator-General to perform the duties with regard to any estate or trust vested in or administered by the Administrator-General.

Administering by the Court of estates, etc., vested in him.

47. All applications that may be made to, and whatever may be done by, the Supreme Court under this Act may be made to, and may be done by, a Judge of the Court in Chambers, who, in any proceeding under this Act shall have the same powers and jurisdiction as the Court.

Powers of Judge in Chambers.

Charges for
administration
of
estates.
28/1999
S. 7(a).

48.—(1) The Administrator-General shall be entitled to a commission of six *per centum* on all payments made by him in respect of debts, liabilities, cost of management, and other similar charges, and on all payments in respect of dividends, interests, rents, or other produce, or receipts of any estate or trust, and also on all property, real and personal, conveyed, assigned, or distributed by him, including the final transfer of the corpus of any trust fund, or of any part thereof. Such commission shall be the remuneration for the time and responsibility of the Administrator-General in the general administration of the estate or trust.

(2) Any expenses in respect of any other matters, including travelling expenses relating to any estate or trust, may be charged against the estate or trust, in the same way, and to the same extent, that such expenses might be charged under similar circumstances by any administrator, executor, trustee, or guardian, other than the Administrator-General.

28/1999
S. 7(c).

(3) In addition to the charges specified in subsections (1) and (2), the Administrator-General may, in connection with any estate or trust administered or managed by him, charge such fees as may be prescribed.

Miscellaneous Provisions

All re-
muneration
other than
salary to be
paid into the
Consolidated
Fund.
42/1969
3rd Sch.

49. All commissions, fees and remuneration other than salary, payable to, or receivable by, the Administrator-General, under or in pursuance of the provisions of this Act or under or in pursuance of the provisions of any enactment amending or substituted therefor shall, as the same are

received by him, be paid into the Treasury and shall form part of the Consolidated Fund.

50. When the Administrator-General is appointed by the Supreme Court receiver of any estate, he shall receive the same remuneration that any other person would have been entitled to, if appointed receiver under similar circumstances; and when he is a co-trustee, co-guardian, or co-committee, he shall be entitled to deduct the same fees as if he were the sole trustee, guardian, or committee.

Remuneration as receiver or co-trustee, co-guardian, or co-committee.

51. The Government shall provide the Administrator-General with a suitable office, and with such clerks and assistants as may from time to time be necessary; and all expenses of the said office, and all expenses incurred by the Administrator-General in and about the performance of the duties of his office shall be defrayed out of the Consolidated Fund.

Government to provide office, clerks and expenses of performing duties of office.

52. When, in the performance of the duties of his office, the Administrator-General has incurred any expense, or made himself liable to any claim or demand, and there is no fund out of which he may or can lawfully recoup or reimburse himself in respect of the same, then, on any Judge of the Supreme Court certifying that such expense was properly and reasonably incurred, or that such liability was properly and reasonably undertaken as aforesaid, it shall be lawful for the Minister to order that such expense shall be reimbursed out of, or such liability be assumed by, the Consolidated Fund and assets of the Island. The provisions of this section shall apply to the Deputy Administrator-General in the same manner as they apply to the Administrator-General.

Reimbursement of expenses.

[The inclusion of this page is authorized by L.N. 3/2001]

Adminis-
tration of
assets of
deceased in
the hands
of the
Government.

53.—(1) The assets of any person dying in this Island or abroad, which shall be in or pass into the possession of the Government of this Island, and for which provision is not otherwise made, shall be delivered to the Administrator-General, unless within six weeks of the same coming into possession of the Government, or the death of the deceased person, whichever shall last happen, probate of the will of such deceased person, or Letters of Administration on the estate and effects of such deceased person be produced to the Minister.

28/1999
S. 8 (a).

(2) If the said assets do not exceed fifty thousand dollars, the Administrator-General shall divide the same, after deducting his commission and expenses, to and amongst any person or persons who shall appear to him to be entitled to the effects of such deceased person.

28/1999
S. 8 (b).

(3) If such assets exceed fifty thousand dollars, but do not exceed five hundred thousand dollars or such other amount as the Minister may by order prescribe, the Administrator-General shall, after the expiration of six weeks from the receipt by him of such assets, apply for a grant of Letters of Administration on the estate and effects of such deceased person, in the Resident Magistrate's Court for the parish of Kingston, which is hereby authorized to grant such Administration, and shall administer the said assets according to law.

28/1999.
S. 8 (c).

(4) If such assets exceed five hundred thousand dollars or such other amount as the Minister may by order prescribe, the Administrator-General shall after the expiration of six weeks from the receipt by him of such assets, apply for a grant of Letters of Administration on the estate and effects of such deceased person in the Supreme Court, and shall administer the same according to law.

53A.—(1) Where the Administrator-General is satisfied that an estate consists solely of personalty not exceeding one hundred thousand dollars or such higher amount as the Minister may by order prescribe, it shall be lawful for the Administrator-General, without the grant of letters of administration, to administer that estate for the benefit of the persons interested therein as if letters of administration had been granted to him.

Administra-
tion of
small
estates.
28/1999
S. 9.

(2) Notice of any estate administered pursuant to subsection (1) shall be published in such manner as may be prescribed.

53B. Notwithstanding section 12 of the Intestates' Estates and Property Charges Act, where the Administrator-General is satisfied that there is a minor among the persons having an interest in an intestate's estate, the Administrator-General may, in accordance with section 53D, and without a grant of representation, administer that estate for the benefit of the persons interested therein and shall otherwise comply with the procedures for the administration of that estate and distribute the property of that estate to the same extent and in the same manner, with necessary modification, as if a grant of representation had been made to him.

Administra-
tion of an
intestate
estate with
minor
beneficiaries.
11/2015
S. 15.

53C.—(1) Where the Administrator-General is satisfied that—

(a) an estate is part of a multi-generational estate; and

(b) the Administrator-General, by virtue of the grant of letters of administration, is the duly authorized personal representative of the primary estate of that multi-generational estate, the Administrator-General may, in accordance with section 53D, proceed to effect the distribution of the assets of that primary estate for the benefit of the surviving beneficiaries (whether or not including minors) entitled to take as beneficiaries of the primary estate or any succeeding

Distribution of
assets in
multi-
generational
estates.
11/2015
S. 15.

estate, as the case may be, and the assets of the primary estate shall be distributed in such manner or held in such trust as may be required by law.

(2) Where a succeeding estate referred to in subsection (1) is without a grant of representation, the Administrator-General is entitled to proceed under subsection (1) as if a grant of representation had been made in respect of that succeeding estate.

Instrument of
Administration:
Instrument of
Distribution.
11/2015
S. 15.

53D.—(1) Where an estate is to be administered under section 53B—

(a) the Administrator-General shall issue an instrument in writing, to be known as an Instrument of Administration which shall be in the form set out in Part I of the Second Schedule and shall cause notice thereof to be published in the *Gazette*; and

Part I
Second
Schedule.

(b) the Instrument of Administration shall be accompanied by the Oath of the Administrator-General which shall be in the form set out in Part II of the Second Schedule.

Part II

(2) An Instrument of Administration shall have full legal effect in all respects and for all purposes as a grant of representation made to the Administrator-General by the Court.

(3) Where the assets of the primary estate of a multi-generational estate are to be distributed under section 53C, the Administrator-General shall issue an instrument in writing, to be known as an Instrument of Distribution, which shall be in the form set out in Part III of the Second Schedule.

Part III

(4) The Instrument of Distribution shall authorize the distribution of the assets of a primary estate of a multi-generational estate to surviving beneficiaries, including those

entitled to take as beneficiaries of a succeeding estate, whether or not a grant of representation had been made by the Court in respect of any of such succeeding estate.

(5) In connection with the distribution of the assets of a primary estate to the surviving beneficiaries, in accordance with this section, an Instrument of Distribution shall have full legal effect in all respects and for all purposes as if a grant of representation had been made in each succeeding estate.

53E.—(1) Where an Instrument of Administration has been issued, the Administrator-General shall submit to the Registrar of the Supreme Court a duplicate of the Instrument of Administration and the Oath of the Administrator-General within fourteen days of the date of issue of the Instrument of Administration.

Filing with Supreme Court for public record. 11/2015 S. 15.

(2) Where an Instrument of Distribution has been issued, the Administrator-General shall submit to the Registrar of the Supreme Court a duplicate of the Instrument of Distribution within fourteen days of the date of issue of the Instrument of Distribution.

53F.—(1) Where the Administrator-General intends to issue an—

- (a) Instrument of Administration; or
- (b) Instrument of Distribution,

Notice to the Supreme Court of intention to issue Instrument and effect thereof. 11/2015 S. 15.

he shall give notice of his intention to do so, in writing, to the Registrar of the Supreme Court.

(2) A notice given under subsection (1) shall include, in the case of an estate administered under—

- (a) section 53B, the matters specified in Part I of the Third Schedule; or

Part I, Third Schedule.

Part II.

(b) section 53C, the matters specified in Part II of the Third Schedule.

(3) Subject to section 53G, the Administrator-General shall not proceed to issue an Instrument of Administration in respect of an estate if the Registrar of the Supreme Court advises the Administrator-General, within thirty days from the date of the notice of intention given under subsection (1)(a) or such other period as the Minister may, by order, prescribe, that a grant of representation by the Court or an application for a grant of representation has been made in respect of that estate.

(4) The Administrator-General may proceed to issue an Instrument of Administration in respect of an estate, where the Registrar of the Supreme Court does not advise the Administrator-General within the time specified in subsection (3) that an application for a grant of representation or a grant of representation by the court has been made in respect of the estate.

(5) The Administrator-General may proceed to issue an Instrument of Distribution thirty days from the date of the notice of intention given under subsection (1), or such other period as the Minister may, by order, prescribe.

Where
Administrator-
General
entitled to
proceed to
issue Instru-
ment of
Administration.
11/2015
S. 15.

53G. Notwithstanding section 53F(3), the Administrator-General may proceed to issue an Instrument of Administration in respect of an estate where—

(a) a grant of representation made by the Court is revoked;
or

(b) an application made to the Court for a grant of representation is discontinued.

Notice to
public of
intention to
distribute
assets of
primary estate.
11/2015
S. 15.

53H.—(1) Where the Administrator-General issues an Instrument of Distribution in relation to a multi-generational estate, the Administrator-General shall cause to be published a notice—

- (a) advising of his intention to distribute the assets of the primary estate thereof after the expiration of the period (which shall not be less than sixty days) specified in the notice; and
- (b) inviting persons who believe themselves to be beneficiaries of the multi-generational estate, and who have not done so previously, to make themselves known to the Administrator-General,

and the notice shall also include the matters specified in Part III of the Third Schedule.

Part III.
Third
Schedule.

(2) The notice referred to in subsection (1) shall be published—

- (a) in a daily newspaper circulated in Jamaica;
- (b) in the *Gazette*; and
- (c) in any other manner or medium as the Administrator-General may determine.

53I.—(1) The Administrator-General shall not commence the distribution of the assets of a primary estate of a multi-generational estate in respect of which he has issued an Instrument of Distribution until after the expiration of the period specified in the notice issued under section 53H.

Restriction on
distribution of
assets.
11/2015
S. 15.

(2) Upon being notified of a claim or identifying a claimant in a multi-generational estate, the Administrator-General shall acknowledge to the claimant, in writing, the claim made.

(3) Subsection (1) does not preclude a person making known his claim and submitting documents in support of his claim prior to the publication of the notice.

(4) The Administrator-General shall not be obliged to consider any claim received by him after expiration of the period specified in the notice issued under section 53H.

Distribution
with respect
to claims of
which there
is notice.
11/2015
S. 15.

53J.—(1) Subject to section 53I, the Administrator-General may distribute the assets of the primary estate or any part thereof of a multi-generational estate to which an Instrument of Distribution under section 53D relates, for the benefit of the persons interested therein, having regard only to the claims, whether formal or not, of which the Administrator-General has notice.

(2) The Administrator-General shall not, as respects a primary estate so distributed, be liable to any person of whose claim the Administrator-General did not have any notice at the time of distribution, whether the distribution is effected by way of conveyance or any other lawful means, or whose claim was received by the Administrator-General after expiry of the period specified in a notice issued under section 53H.

(3) Notwithstanding subsection (2), nothing in this section prejudices the right of any person to follow any real property or personal property that is or was a part of an estate, into the hands of any person who may have received it, other than a *bona fide* purchaser for value without notice.

Administrator-
General to
keep registers
of Instruments
of Adminis-
tration and
Instruments of
Distribution.
11/2015
S. 15.

53K.—(1) The Administrator-General shall keep and maintain, whether in electronic form or other form, a register of Instruments of Administration and Instruments of Distribution issued under this Act.

(2) The information contained in the registered referred to in subsection (1) shall be *prima facie* evidence thereof in any proceedings.

Power to
employ Clerk
of Resident
Magistrate's
Court and
other agents.

54. The Administrator-General may, with the approval of the Government, and on such terms as to remuneration as the Government may approve, require any clerk of a Resident Magistrate's Court to act as his agent in respect of any estate or trust vested in or administered by the Administrator-General; and the Administrator-General may appoint any other persons to act as his agents, if he pleases to do so.

55. All conveyances, transfers, mortgages, charges, grants, deeds, contracts or instruments to which the Administrator-General as such may be party shall be expressed to be granted to or by or made with him in his style of office as “The Administrator-General for Jamaica, administrator (or executor) of the estate (or of the Will) of A.

Conveyances, etc., to which Administrator General a party.

B. deceased”, or, “trustee of the marriage settlement of X and Y” (or otherwise as the case may be).

And all estates trusts and property shall be vested in and dealt with by him in the manner and according to the style hereinbefore provided; and he shall be so entered in the register of titles as the proprietor under the Registration of Titles Act for the time being in force of any land, mortgage charge or lease or interest in the same.

56. All entries made in the ordinary course of business, in the books kept under this Act at the Administrator-General’s office, with respect to any estate or trust vested in or administered by him under this Act shall be in all legal proceedings *prima facie* evidence of the facts therein stated.

Books *prima facie* evidence.

57. Copies, authenticated by the signature of the Administrator-General, of any entries in the books kept under this Act at the Administrator-General’s office, with respect to any estate or trust vested in or administered by him under this Act, shall be admissible in evidence, and shall have the same effect in evidence, in all respects, as the originals from which such copies were made.

Authenticated copies of entries therein evidence.

58. In all legal proceedings judicial notice shall be taken of the signature of the Administrator-General; but any Court or Judge may require the signature of the Administrator-General to be proved in the ordinary way, if such Court or Judge thinks it is doubtful whether the alleged signature is genuine.

Proof of signature of Administrator-General.

When books
 producible in
 evidence.

59. The books kept under this Act at the Administrator-General's office shall not be produced in evidence in any legal proceeding, except by order of the Supreme Court, or of one of the Judges of such Court.

Regulations.
 28/1999
 S. 10.

60. The Minister may make regulations subject to negative resolution prescribing anything required by this Act to be prescribed.

Amendment
 of First
 Schedule.
 11/2015
 S. 16.
 First
 Schedule.

61.—(1) Subject to subsection (2), the Minister with responsibility for finance may, after consultation with the Administrator-General, by order, amend the fees specified in the First Schedule.

(2) The fees specified in the First Schedule shall not exceed the amount of any fees payable in respect of the Oath of an Administrator or a grant of letters of administration prescribed by the Rules Committee of the Supreme Court established under section 3 of the Judicature (Rules of Court) Act.

FIRST SCHEDULE

(Sections 14 and 61) 11/2015
S. 17.

*Stamping Fees Payable to the Consolidated Fund
in respect of Administration of Estate
under Instrument of Administration*

<u>Column I</u>	<u>Column II</u>	<u>Column III</u>
<i>Manner of Administration</i>	<i>Document to be stamped</i>	<i>Fees (\$)</i>
1. Administration of an Estate on Instrument of Administration where—	The Oath of the Administrator-General	
(a) the net value of the estate does not exceed \$3,000,000.00;		10.50
(b) the net value of then estate exceeds \$3,000,000.00;		2,000.00
2. Administration of an Estate on Instrument of Administration where—	The Instrument of Administration	
(a) the net value of the estate does not exceed \$3,000,000.00;		100.00
(b) the net value of the estate does not exceed \$10,000,000.00;		5,000.00

ADMINISTRATOR-GENERAL

FIRST SCHEDULE, *contd.*

<u>Column I</u>	<u>Column II</u>	<u>Column III</u>
<i>Manner of Administration</i>	<i>Document to be stamped</i>	<i>Fees (\$)</i>
(c) the net value of the estate exceeds \$10,000,000.00 but does not exceed \$20,000,000.00;		10,000.00
(d) the net value of the estate exceeds \$20,000,000.00 but does not exceed \$30,000,000.00;		15,000.00
(e) the net value of the estate exceeds \$30,000,000.00 but does not exceed \$40,000,000.00;		20,000.00
(f) the net value of the estate exceeds \$40,000,000.00;		25,000.00
(g) notwithstanding paragraphs (b) to (f), the instrument is limited to settled land.		5,000.00
3. Distribution of Assets on Instrument of Distribution	The Instrument of Distribution	100.00

SECOND SCHEDULE

(Section 53D)

PART I

THE ADMINISTRATOR-GENERAL'S ACT
(Section 53D)

Instrument of Administration
(in an Intestate Estate with Minor Beneficiary)

UNDER THE HAND OF THE
ADMINISTRATOR-GENERAL OF JAMAICA

In the Estate of *(state full name of deceased)*, late of *(state full address of deceased)*, deceased intestate.

BE IT KNOWN that _____, deceased
(name of deceased)

_____, late of _____,
(occupation of deceased) *(last address of deceased)*

died intestate on the _____.
(insert date)

BE IT FURTHER KNOWN that the Administrator-General is satisfied that there is a minor among the persons having an interest in the estate of the deceased.

AND BE IT FURTHER KNOWN that, pursuant to the Administrator-General's Act and by virtue of this Instrument of Administration, as of the _____, administration of all the real and
(insert date)

personal property of the estate of the said deceased which by law devolves on and vests in the personal representatives of the said deceased NOW DEVOLVES ON AND VESTS in the Administrator-General for Jamaica, the duly authorized personal representative of the abovenamed deceased.

AND-BE IT FURTHER KNOWN that the Administrator-General for Jamaica, in recognition of his responsibilities under the law, hereby undertakes well and faithfully to administer the estate according to law and to render a just and true account of all the real and personal estate of the deceased whenever required by law to so do.

Signed by:

Administrator-General for Jamaica

ADMINISTRATOR-GENERAL

SECOND SCHEDULE, *cont'd.*

PART II

THE ADMINISTRATOR-GENERAL'S ACT
(Section 53D)*Oath of Administrator-General
on Issue of Instrument of Administration
(in an Intestate Estate with Minor Beneficiary)*

In the Estate of *(state full name)*, late of *(state full address)*, deceased intestate.

I, *(Name of Administrator-General)*, the Administrator-General for Jamaica of *(state full address)* [make oath and say] [do solemnly and sincerely affirm], that—

1. *(Full names of deceased)* late of *(state address)* deceased, died intestate on *(state date)* at *(state place of death)* domiciled in Jamaica, a *(state status of deceased, e.g. spinster, widower and, where necessary, account for any class entitled to priority to the applicant, e.g., "without issue" or "without parent")*.

2. The annexed document marked "A" is a certified copy of the death certificate of the deceased.

3. To the best of my knowledge, information and belief there was [no] land vested in the deceased which was settled previously to [his][her] death and not by [his] [her] will and which remained settled land notwithstanding [his][her] death.

4. There is [no] minority and [no] life interest in the estate of the deceased.

5. I, by virtue of the functions conferred upon me by the Administrator-General's Act, on issue of an Instrument of Administration, am entitled to act on behalf of the deceased and to the best of my knowledge, information and belief there is no other person entitled in priority to his share in [his][her] estate by virtue of any enactment.

6. The annexed document marked "B" is the will of the deceased. *(Will of the deceased annexed, if applicable)*.

7. I will faithfully administer according to law the real and personal estate effects of the deceased.

8. I will render a just and true account of my administration whenever required by law to so do.

SECOND SCHEDULE, *cont'd.*

9. - To the best of my knowledge, information and belief—

- (a) the gross personal estate of the deceased passing under the Instrument of Administration amounts to \$ _____ and the net personal estate amounts to \$ _____ ; and
- (b) the deceased did not die possessed of any real estate.

OR

- (c) the gross real estate of the deceased passing under the Instrument of Administration amounts to \$ _____ and the net real estate amounts to \$ _____ and
- (d) the gross annual value of the real estate amounts to \$ _____

Sworn/Affirmed
at _____
on the _____ day of _____, 20____
before me—

Justice of the Peace
for the parish of:

Administrator-General for Jamaica

ADMINISTRATOR-GENERAL

SECOND SCHEDULE, cont'd.

PART III

THE ADMINISTRATOR-GENERAL'S ACT
(Section 53D)

Instrument of Distribution (in a Multi-generational Estate)

UNDER THE HAND OF THE
ADMINISTRATOR-GENERAL OF JAMAICA

In the Estate(s) of:

- 1. *(state full name of deceased)*, late of *(state full address of deceased)*, deceased intestate (hereinafter referred to as the primary estate);
- 2. *(state full name of deceased)*, late of *(state full address of deceased)*, *(state whether testate or intestate)*, being a beneficiary of the primary estate identified at item 1 (hereinafter referred to as the primary beneficiary);
- 3. *(state full name of deceased)*, late of *(state full address of deceased)*, deceased, *(state whether testate or intestate)*, being a beneficiary of the estate of the primary beneficiary;

(continue as necessary, identifying all estates comprising the multi-generational estate).

BE IT KNOWN that the Administrator-General is satisfied that the estate of each of the aforementioned deceased persons is part of a multi-generational estate.

BE IT FURTHER KNOWN that _____, deceased
(name of deceased)

_____, late of _____,
(occupation of deceased) *(last address of deceased)*

died intestate on _____ and that the
(insert date)

Administrator-General, by virtue of a grant of Letters of Administration in Suit No. _____ is the duly authorized personal representative of the deceased and that all the real and personal property of the said deceased has by law devolved on and vested in the Administrator-General for Jamaica.

AND BE IT FURTHER KNOWN that, pursuant to the Administrator-General's

SECOND SCHEDULE, *cont'd.*

Act and by virtue of this Instrument of Distribution, as of _____, distribution of all assets of the
(insert date)

said deceased being the assets specified in the Schedule to this Instrument by the Administrator-General to the persons (whether or not including any minors) entitled to take as surviving beneficiaries under the abovementioned multi-generational estate, is hereby authorized; however, in the case of minors, the assets shall be distributed in such manner or held in such trust as may be required by law.

Signed by:

Administrator-General for Jamaica

SCHEDULE

*Assets of Primary Estate for Distribution to
Surviving Beneficiaries*

[List and describe assets for distribution here]

ADMINISTRATOR-GENERAL

THIRD SCHEDULE (Sections 53F and 53H)

Contents of Notices

PART I

*Contents of Notice to Supreme Court of Intention
to Issue Instrument of Administration
(in an Intestate Estate with Minor Beneficiary)*

A notice to the Registrar of the Supreme Court under section 53F in respect of an estate involving a minor beneficiary shall—

- (a) state the fact of the death of the deceased;
- (b) request that the Registrar of the Supreme Court advise, in writing, within thirty days from the date of the notice of intention or such other period as the Minister may by order prescribe, whether—
 - (i) a grant of representation by the court; or
 - (ii) an application for a grant of representation (but not yet determined by the court),has been made in respect of that estate; and
- (c) include any other matter that the Administrator-General thinks necessary.

THIRD SCHEDULE, *cont'd.*

PART II

*Contents of Notice to Supreme Court of Intention
to Issue Instrument of Distribution*

A notice to the Registrar of the Supreme Court under section 53F in respect of a multi-generational estate shall—

- (a) state the fact of the original grant in the primary estate;
- (b) state that the Administrator-General intends to proceed to administer the primary estate in accordance with the provisions of the Act relating to multi-generational estates and distribute the assets thereof accordingly;
- (c) name the primary estate and any succeeding estate;
- (d) request that the Registrar of the Supreme Court advise, in writing, within thirty days from the date of the notice of intention or such other period as the Minister may by order prescribe, whether—
 - (i) a grant of representation by the court; or
 - (ii) an application for a grant of representation (but not yet determined by the court),has been made in respect of the succeeding estates of that multi-generational estate; and
- (e) include any other matter that the Administrator-General thinks necessary.

*ADMINISTRATOR-GENERAL*THIRD SCHEDULE, *cont'd.*

PART III

*Contents of Notice of Intention to Distribute Assets of the
Primary Estate of a Multi-generational Estate*

A notice under section 53H shall—

- (a) identify the multi-generational estate and the relevant deceased persons of the primary estate and the succeeding estates;
- (b) state that an Instrument of Distribution has been issued in respect of that multi-generational estate and that the Administrator-General intends to distribute the assets of the primary estate thereof;
- (c) invite persons who believe themselves to be beneficiaries of the primary estate or any succeeding estate to make themselves known to the Administrator-General;
- (d) require such persons to provide the particulars of their claim in respect of any such estate and to provide documentation in support of their claim;
- (e) state the contact details and address of the office of the Administrator-General;
- (f) specify the time period, which shall not be less than sixty days, within which persons are to make their claims known;
- (g) advise that the Administrator-General is not obliged to consider any claim made after expiry of the period specified under paragraph (f); and
- (h) include any other matter that the Administrator-General thinks necessary.