

THE PROBATES (RE-SEALING) ACT

Cap. 309,  
Act  
11 of 2015  
Sch.

[11th June, 1936.]

1. This Act may be cited as the Probate (Re-sealing) Act.

Short title.

2.—(1) In this Part—

Interpreta-  
tion.  
11/2015  
Sch.

“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 part of the Commonwealth the same effect which under English law is given to probate and letters of administration respectively;

“probate duty” includes any duty payable on the value of the estate and effects for which probate or letters of administration is or are granted.

3. Where a Court of Probate, 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 Supreme Court (in this Act referred to as “the 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 this Island as if granted by that Court.

Sealing of  
probates and  
letters of  
administra-  
tion granted  
outside the  
Island.  
11/2015  
Sch.

*PROBATES (RE-SEALING)*

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 probate duty has been paid in respect of so much, if any, of the estate as is liable to probate duty in this Island; 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 this Island 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 this Island.

Duplicate of  
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. Rules of court may be made for regulating the procedure and practice, including fees and costs, in the Court, on and incidental to an application for sealing a probate or letters of administration under this Act. Subject to any exceptions and modifications made by such rules, the enactments for the time being in force in relation to probate duty (including the penal provisions thereof) shall apply as if the person who applies for sealing under this Act were a person applying for probate or letters of administration.