

SUCCESSION, PROBATE AND ADMINISTRATION

SECTION 52(1)-SUCCESSION, PROBATE AND ADMINISTRATION RULES

TABLE OF PROVISIONS

RULE

1. Short title
2. Amendment of First Schedule to the Non-Contentious Probate Rules, 1954
Rules 21st December 1971,*
Order† 24th January 1972
(Made by the Chief Justice)

Short title

1. These Rules may be cited as the Succession, Probate and Administration Rules.

Amendment of First Schedule to the Non-Contentious Probate Rules, 1954

2. The First Schedule to the Rules in force in the Principal Probate Registry in England on the 1st day of January, 1967, and applied by virtue of the provisions of subsection (2) of section 52 of the Act, is amended, by substituting the following form for Form 1:-

ADMINISTRATION BOND FORM 1

In the Supreme Court of Fiji.

Know all Men by these Presents that We (I) are jointly and severally bound unto the Chief Registrar of the Supreme Court of Fiji in the sum of \$2, for the payment of which to the said Chief Registrar we bind ourselves and each of us and our (3).

Sealed with our Seal(s)

Dated the day of 19

*See Legal Notice No. 154 of 1971.

† See Legal Notice No. 12 of 1972.

The condition of this obligation is such that if the abovenamed (4) the (5) of (6) deceased, who died on the day of , and the intended administrator [with the will (7) annexed] (8) of all the estate which by law devolves to and vests in the personal representative of the said deceased (9) do, when lawfully called on in that behalf, make or cause to be made a true and perfect inventory of the said estate which has or shall come to the hands, possession or knowledge of the said intended administrator and do exhibit the said inventory or cause it to be exhibited in the Supreme Court of Fiji whenever required by law so to do; and do well and truly administer the said estate according to law (10); and do make or cause to be made a true and just account of the administration of the said estate whenever required by law so to do; and distribute all the real

and personal estate of the deceased according to law and further do, if so required, render and deliver up the letters of administration in the Supreme Court of Fiji if it shall hereafter appear that any will was made by the said deceased which is exhibited in the said Court with a request that it be allowed and approved accordingly (11); then this obligation shall be void and of no effect, but shall otherwise remain in full force and effect

Signed, sealed and delivered by the above-named _____ in my presence after the contents hereof had been read over and carefully explained by me to them in the (12) language and they appeared fully to understand the meaning and effect of the same.

A Commissioner for Oaths [or other person authorised by law to administer an oath] (13).

[The Common Seal of _____ was hereunto affixed in the presence of _____].

NOTES:

- (1) Insert full names, addresses and descriptions of principals and sureties.
- (2) Unless otherwise directed, the sum to be inserted should be equal to the gross value of the estate.
- (3) Individuals bind themselves, their executors and administrators. Trust and other Corporations bind themselves and their successors.
- (4) Insert full name of principal.
- (5) Set out the capacity in which application for the grant is made (which must agree with that stated in the oath).
- (6) Name and address of the deceased.
- (7) "and codicils" if any.
- (8) Delete if deceased died intestate.
- (9) Insert any limitation on the estate to be administered.

On an application for a second or subsequent grant insert "left unadministered by" [previous grantee]. If the grant is to be a limited one, give particulars.

- (10) On a creditor's application insert here:-

"paying all and singular the debts owed by the said deceased at his (or her) death in due course of administration, rateably and proportionately and according to the priority required by law, not, however, preferring his own debt by reason of his being administrator nor the debt of any other person".

- (11) If the deceased died testate this paragraph should be deleted.
(Amended by Order* 24th January 1972.)

- (12) Insert the language in which contents were explained.

(13) In the case of the intended administrator, the bond must, unless attested by an authorised officer, be attested by the person before whom the oath was sworn.

* *See Legal Notice No. 12 of 1972.*

Controlled by Ministry of Justice