

CHAPTER 3.06**ADMINISTRATION OF SMALL ESTATES ACT**

ARRANGEMENT OF SECTIONS

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CHAPTER 3.06**ADMINISTRATION OF SMALL ESTATES ACT**

(Acts 13 of 1944, 24 of 1956 and 12 of 1972)

Commencement

[29 July 1944]

Short title

1. This Act may be cited as the Administration of Small Estates Act.

Interpretation

2. In this Act—

“**letters of administration**” comprehends all letters of administration of the estate of deceased persons whether with or without the will annexed and whether granted for general, special or limited purposes;

“**small estate**” means all the property, real and personal, of a deceased person which does not exceed \$2,400 in value. *(Amended by 12 of 1972)*

Application for grant of letters of administration

3. (1) In any case where a person dies intestate leaving a small estate, an application may be made to the Registrar of the High Court at any time not earlier than one month after the death of such person for a grant of letters of administration in respect of such estate.

(2) An application under the preceding subsection may be made by any person being the husband, wife, issue, father, mother, or issue of the father or mother, of the deceased person.

Grant of probate

4. Probate of the will of any deceased person leaving a small estate may, upon application and upon production of the will and of an affidavit verifying the due execution thereof, be issued to the executor named in the will or, in any case where it shall appear to the Judge to be necessary or proper so to do, the Judge may appoint an administrator of the estate and direct letters of administration with the will annexed to be issued to him.

Duties and powers of Registrar

5. It shall be the duty of the Registrar to whom application is made to fill up such papers as may be necessary to lead to a grant of letters of administration or of probate, as the case may be, and, for that purpose, he may require the applicant to furnish him with a statement and give such other proof, as he may consider necessary, of the value of the estate, of the identity of the applicant and, where necessary, of his relationship to the deceased:

Provided that there shall not be required—

- (a) any bond;
- (b) any declaration on oath as to the value of the estate; or
- (c) any administrator's or executor's oath.

Investigation and report by Registrar

6. After investigation of the application the Registrar shall prepare a report and shall lay it before a Judge and the Judge shall, if he is satisfied that the application ought to be granted, give a direction accordingly.

Special fee for grant

7. Anything in any Act to the contrary notwithstanding, the fee to be paid in respect of a grant of letters of administration or of probate (including any application therefor) under the provisions of this Act shall be a sum equivalent to one per centum of the value of the estate and there shall not be payable any other duties, fees or charges of any description whatsoever. (*Amended by Act 12 of 1972*)

Offence

8. Any person who, for the purpose of deriving the benefit conferred by this Act, knowingly makes to the Registrar any statement which is false in any material particular shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding \$120 or to imprisonment for a term not exceeding six months.
