

PROBATES (RE-SEALING) ACT

ARRANGEMENT OF SECTIONS

SECTION

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An Act to make provisions for the re-sealing of probates and letters of administration issued and sealed in the High Court of a State by the High Court of another State and to make similar provisions relating to Commonwealth countries.

[1966 0.13.)

[7th March, 1966]

[Commencement.]

1. Re-sealing of probates and letters of administration granted in Commonwealth countries

Where a court having jurisdiction in matters of probate in a Commonwealth country has, either before or after the commencement 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, subject to the provisions of this Act, on being produced to, and a copy thereof deposited with, the High Court of a State, be re-sealed with the seal of that Court.

2. Re-sealing of probates and letters of administration granted in a State

Where the High Court of a State has, either before or after the commencement 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, subject to the provisions of this Act, on being produced to, and a copy thereof deposited with, the High Court of any other State, be re-sealed with the seal of that Court.

3. Conditions to be fulfilled before re-sealing

The High Court of a State shall, before re 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 that State; 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 that State 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.

4. **Duplicate or copy of probate, etc., admissible**

For the purposes of this Act, a duplicate of any probate or letters of administration sealed with the seal of the court by which the grant was made, or a copy thereof certified as correct by or under the authority of that court, shall be admissible in the proceedings before the High Court of any State.

5. **Security for payment of debts**

The High Court of a State may, if it thinks fit, on the application of any creditor, require, before re-sealing, that adequate security be given for the payment of debts due from the estate to creditors residing in that State.

6. **Effect of re-sealing**

A probate or letters of administration re-sealed by the High Court of any State under this Act, shall have the like force and effect and have the same operation in the State in which it is re-sealed as if granted by the High Court of that State.

7. Rules of court

(1) The Chief Judge of the High Court of any State may make rules of court for regulating the procedure and practice, including fees and costs, in that Court, of and incidental to an application for the re-sealing of a probate or letters of administration under this Act.

(2) Subject to any modifications and exceptions made by such rules, the enactments for the time being in force in relation to the payment of fees and probate duty shall apply as if the person who applies for re-sealing under this Act were a person applying for probate or letters of administration in Nigeria.

8. **Interpretation**

In this Act-

"Commonwealth country" means a country which is a member of the Commonwealth of Nations;

"State" includes the Federal Capital Territory, Abuja.

9. **Short title**

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

SUBSIDIARY LEGISLATION

No Subsidiary Legislation