



**Tuvalu**

**ADMINISTRATION OF NATIVE ESTATES  
REGULATIONS**

**2008 Revised Edition**

**CAP. 46.20.4**





Tuvalu

# ADMINISTRATION OF NATIVE ESTATES REGULATIONS<sup>1</sup>

## 1 Citation

These Regulations may be cited as the Administration of Native Estates Regulations.

## 2 Tuvalu Lands Officer administers native estates

- (1) Where on the death of any native ordinarily resident in Tuvalu it is found that he died intestate or his will is held by the lands court or other competent court to be invalid, the Lands Officer, on notice being given to him by the lands court or other competent court or by or on behalf of the next-of-kin of the deceased person, shall assume in respect of the estate of the deceased person the powers conferred and the duties imposed on the administrator by these Regulations.
- (2) Any native ordinarily resident in Tuvalu may by will or otherwise appoint the Lands Officer to be the administrator of his estate either solely or jointly with some other person and on his death the Lands Officer shall assume in respect of the estate of the deceased person the powers conferred and the duties imposed on the administrator by these Regulations either solely or jointly with the other person appointed an administrator, as the case may be.

## 3 Powers and duties of administrators

- (1) The administrator shall —
  - (a) receive all the property of the deceased person both moveable and immovable and hold the same as trustee until a final distribution is made;

- (b) apply to the lands court for directions as to the distribution of the deceased person's estate and shall comply with all such directions and with all directions as to distribution of the deceased person's estate given by any tribunal on appeal from a judgment, decision or order of the lands court;
  - (c) keep proper records and books of account in respect of each estate of which he is administrator and when required to do so by the Principal Auditor shall forthwith make all such records and books of account available for inspection by the Principal Auditor;
  - (d) deposit all such funds as may come into his possession as administrator of a deceased person's estate with the Minister responsible for finance in the name of the deceased person.
- (2) The administrator may —
- (a) from such funds as he may hold as administrator for the benefit of the estate of a deceased person —
    - (i) make such advances to the widow or other person who was dependent on the deceased person as he may consider reasonable and necessary for the relief of hardship;
    - (ii) discharge any debts due from the estate;
  - (b) collect any debts due to an estate of which he is administrator;
  - (c) on behalf of any estate of which he is administrator, bring and maintain any suit in any court of competent jurisdiction and likewise defend any suit; but the administrator shall in no case be personally liable as a defendant in any such suit.

#### **4 Fees**

The fees payable in respect of the matters specified in the Schedule shall be as therein specified.

**SCHEDULE***(Regulation 4)***SCALE OF FEES**

1. On the administration of an estate, where the amount of the monetary estate -
  - (a) does not exceed \$1,000..... 1½ %
  - (b) exceeds \$1,000..... 1½ % on the first \$1,000  
and 1% on the excess.
  
2. For application to the Lands Court under regulation 3(1)(b) ..... \$1
  
3. For distribution to each beneficiary ..... 50c

## ENDNOTES

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<sup>1</sup> LN 39/1975