

ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER P90

PROBATES (RESEALING) ACT

Showing the Law as at 15 December 2000

Published by Authority

Printed in
The Attorney General's Chambers
ANGUILLA

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PROBATES (RESEALING) ACT

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PROBATES (RESEALING) ACT

Interpretation

1. In this Act—

"British Court in a foreign country" means any British Court having jurisdiction out of Her Majesty's dominions in pursuance of an Order in Council, whether made under any Act or otherwise;

"Court of Probate" means any court or authority, by whatever name designated, having jurisdiction in matters of probate;

"Her Majesty's dominions" includes any British protectorate or protected state and any territory in respect of which a mandate or trusteeship is being exercised by Her Majesty's Government in the United Kingdom or the Government of any part of Her Majesty's dominions and any Commonwealth country;

"probate" or "letters of administration" include confirmation in Scotland, and any instrument having in any other part of Her Majesty's dominions the same effect which under English law is given to probate and letters of administration respectively;

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

Sealing of probates and letters of administration granted outside Anguilla

2. Where a Court of Probate in any part of Her Majesty's dominions, or a British Court in a foreign country, has 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 High 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 Anguilla as if granted by that Court.

Conditions to be fulfilled before sealing

3. The Court shall, before sealing a probate or letters of administration under this Act, be satisfied—

(a) that stamp duty has been paid in respect of so much, if any, of the estate as is liable to stamp duty in Anguilla; 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 Anguilla 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

4. 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 Anguilla.

Duplicate or copy admissible

5. 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

6. (1) Rules of Court may be made for regulating the procedure and practice, including fees and costs in the High Court, on and incidental to an application for sealing a probate or letters of administration granted under this Act.

(2) Subject to any exceptions and modifications made by such rules, the enactments for the time being in force in relation to stamp duty, including the penal provisions thereof, shall apply, as if the person who applies for sealing under this Act were applying for probate or letters of administration.

Citation

7. This Act may be cited as the Probates (Resealing) Act, Revised Statutes of Anguilla, Chapter P90.

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