

Colonial Probates Act, 1892

Section 2 - SEALING IN UNITED KINGDOM OF COLONIAL PROBATES OF ADMINISTRATIO

1) Where a Court of Probate in a British possession to which this Act applies 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 a Court of probate in the United Kingdom, be sealed with the seal of that court, and thereupon, shall be of the like force and effect, and have the same operation in the United Kingdom, as if granted by that Court. (2) Provided that the Court shall, before sealing a probate or letters of administration under this section, 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 the United Kingdom; and (b) in the case of letters of administration that security has been given in a sum sufficient in amount to cover the properly (if any) in the United Kingdom 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. (3) 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 the United Kingdom (4) For the purposes of this section, 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 the authority of the Court granting the same shall have the same effect as the original (5) Rules of Court may be made, for regulating the procedure and practice, including fees and costs, in Courts of the United Kingdom, on and incidental to an application for sealing a probate or letters of administration granted in a British possession to which this Act applies. Such rules shall so far as they relate to probate duty, be made with the consent of the Treasury and subject to any exceptions and modifications made by such rules, the enactments for the time being in force in relation to probate duty (including the penal provisions thereof) shall apply as if the person who applies for sealing under this section were a person applying for probate or letters of administration.