

ADMINISTRATION OF ESTATES ACT

CHAPTER 9:01

Act

35 of 1913

Amended by

14 of 1939

32 of 1947

3 of 1955

2 of 1972

22 of 1977

*47 of 1980

*27 of 1981

6 of 1993

*28 of 2000

*See Note on page 2

Current Authorised Pages

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
1-23	.. 1/2006

L.R.O. 1/2006

Index of Subsidiary Legislation

	<i>Page</i>
Administrator General's Fees and Charges Order (RG 25.11.37) 	21

Note on Act No. 47 of 1980

Section 8 of Act No. 47 of 1980 provides as follows:

"Increase of fines. [44 of 1979]. 8. From the date of the coming into operation of the first Revised Edition of the Laws of Trinidad and Tobago under the Law Revision Act, 1979, any fine (within the meaning of paragraph 1 of the Second Schedule to the said Act) prescribed by a written law of Trinidad and Tobago not published in the said Revised Edition shall be increased in accordance with the provisions of paragraph 1(b), (c) and (d) of the Second Schedule to the said Act."

Note on Act No. 27 of 1981

The Succession Act (Act No. 27 of 1981) purported to repeal the Administration of Estates Ordinance Ch. 8. No. 1. However, only section 122 and Part VIII of the Succession Act have been brought into operation. Section 122 came into operation on 30th July, 1981 (the date of assent of the Act) and Part VIII came into operation on 6th November, 2000 (by LN 27/2000).

Note on Act No. 28 of 2000

With respect to persons dying on or after the commencement of the Distribution of Estates Act, 2000 (Act No. 28 of 2000) the Act shall have effect subject to section 3 of that Act.

Note on Delegation of Powers

For the references to Delegation of Powers made under sections 27 and 28 of this Act— *See* the Current Edition of the Index of Acts and Subsidiary Legislation.

CHAPTER 9:01

ADMINISTRATION OF ESTATES ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. *(Repealed by Act No. 28 of 2000).*

PART I

THE ADMINISTRATOR GENERAL

4. Incorporation of and appointment to office of Administrator General and discharge of his functions.
5. No security to be given.
6. Revenue Officer to assist.
7. Remuneration.
8. Commissions.
Appropriation.
9. Conflicting claims and interests.

PART II

DEVOLUTION OF PROPERTY

10. Devolution of legal estate in realty on representative.
- 10A. Judicially separated spouses not entitled to claims in intestacy of each other.
11. Rights of persons beneficially entitled.
12. Transfer to persons beneficially entitled.
13. Deed of assent to be registered.
14. Appropriation of estate in satisfaction of legacy or share.
15. Partition by representative.
16. Land under Real Property Act.

PART III

ADMINISTRATION OF ESTATES, DISTRIBUTION OF ESTATES, AND WAIVER OF RIGHTS OF THE STATE

ADMINISTRATION OF ESTATES

17. Intestates' estates generally.
18. Small estates under \$960 in absence of executor or administrator.

ARRANGEMENT OF SECTIONS—*Continued*

SECTION

19. Intestates' estates under \$960.
20. Dealing with estates of intestates not leaving next of kin.
21. Estate of party interested in administration.
22. Court may order administration and refer accounts, etc., to Judge.

DISTRIBUTION OF ESTATES

23. Distribution on intestacy.
24. Shares of spouse and issue.
25. Rights of cohabitants.
26. Estate going to parents.
- 26A. Distribution of estate to next of kin.
- 26B. Posthumous births.
- 26C. No successors.

WAIVER OF RIGHTS OF STATE

27. Grant of State rights after administration.
28. Grant of State rights without administration.
29. Registration of warrant.
30. Registration in ordinary register.
31. Effect of transfer under section 27.

PART IV

ESTATES OF PERSONS OF UNSOUND MIND

32. Administrator General may be constituted committee of insane person.
33. Insane persons' estates.

PART V

GENERAL

34. Savings Bank deposits
35. Rules as to procedure.
36. Regulations for conduct of office of Administrator General.

CHAPTER 9:01

ADMINISTRATION OF ESTATES ACT

**An Act relating to the powers and duties of the Administrator
General and to the devolution and distribution of property
on the death of the owner thereof.**

Ordinances
Ch. 8, No. 1—
1940,
No. 32—1947.

[1ST FEBRUARY 1914]

Commencement.

1. This Act may be cited as the Administration of Estates Act, and shall be read as one with the Wills and Probate Act.

Short title.
Ch. 9:03.

2. In this Act—

Interpretation.
[28 of 2000].

“cohabitant” means a person of the opposite sex who, while not married to the intestate, continuously cohabited in a *bona fide* domestic relationship with the intestate for a period of not less than five years immediately preceding the death of the intestate;

“Court” means the Supreme Court;

“estate” includes both real and personal property;

“issue” includes all lineal descendants of an ancestor, whether born within or outside of marriage;

“Judge” means any Judge of the Court;

“kin” means, in relation to a deceased person, the issue of the deceased, his father or mother, his grandparents and great-grandparents;

“next of kin” means, in relation to a deceased person—

(a) the brothers and sisters of the deceased;

(b) the issue of the grandparents of the deceased;

(c) the brothers and sisters of a parent of the deceased;

(d) the issue of any brothers or sisters of the deceased,

and the kindred of the half blood shall rank immediately after those of the whole blood of the same degree of kinship to the estate.

3. (Repealed by Act No. 28 of 2000).

L.R.O. 1/2006

PART I

THE ADMINISTRATOR GENERAL

Incorporation of and appointment to office of Administrator General and discharge of his functions. [22 of 1977].

4. (1) There shall be established the office of Administrator General.

(2) The Administrator General shall be a corporation sole under that name, with perpetual succession and an official seal, and may sue, and be sued, under that name.

(3) The President may appoint such person as he may see fit to be Administrator General.

(4) A public officer may be appointed to perform the duties of the office of the Administrator General in conjunction with the duties of any other office.

(5) Any other public officer may be appointed to assist the Administrator General in his office or as his agent or delegate in conjunction with the duties of any other office.

(6) Where the Administrator General is the Head of a Department in the public service, his powers shall be deemed to extend to the clerks and officers in his Department without any special appointment of such clerks or officers to assist him in the discharge of his duties and powers under this Act.

Ch. 6:01.

(7) The person who immediately before the commencement of the Judicial and Legal Service Act is performing the functions of the office of Administrator General shall be deemed to have been lawfully appointed to and shall continue to hold or act in, that office as if he had been appointed under the section.

No security to be given.

5. The Administrator General shall not be called upon to give security in respect of any property vesting in him or committed to his charge under the provisions of this Act.

Revenue Officer to assist.

6. Every Revenue Officer shall, on the special direction of the Administrator General, and may, by virtue of any general Regulations to be made by the Minister in that behalf as hereinafter authorised, make such reports as to the deaths of persons and their estates and effects, and take such steps by way of securing the

possession and protection of the estates of such deceased persons as shall be directed by the Administrator General or required by such Regulations, and shall for such purpose be deemed to have been appointed to assist the Administrator General.

7. There shall be retained by the Administrator General out of all sums received by him in respect of any estate coming into his hands such commission at a rate not exceeding five per centum as may be directed by the Court or Judge on his appointment, and in default of any direction at the rate of five per centum. And in respect of any lands or other property not converted into money which may be taken possession of by the Administrator General, his remuneration shall be such as the Court on originating summons or otherwise may direct. Such commission or remuneration shall in every case be a charge on such moneys and estates in priority to all other charges, and may be raised by sale or mortgage of such estate or any part thereof or otherwise in such manner as the Court or a Judge in the course of any action or on originating summons may direct. Remuneration.

8. (1) All commissions or remunerations authorised to be paid to or retained by the Administrator General shall in like manner be retained or paid out of all property devolving on the Administrator General as representing Trinidad and Tobago. Commissions.

(2) All sums received by the Administrator General under this and the preceding section, whether by way of remuneration or commission, shall be paid by him into the Treasury for the use of Trinidad and Tobago. Appropriation.

9. It shall be the duty of the Administrator General, as to all estates of which he has taken or claims possession on behalf of Trinidad and Tobago and as to which it is doubtful what property real or personal was in the possession of the deceased intestate, or what are the boundaries or other description of so much of such property as consists of land, or whether the intestate died without next of kin, or whether any person is entitled as against Trinidad and Tobago to any legal right in or equitable claim upon the same, or whether any person is entitled as a creditor of the deceased or otherwise to any payment out of or charge upon such property, by originating summons to be served in the prescribed manner upon any person having or claiming any adverse right or interest, or in whom such adverse right is alleged to Conflicting claims and interests.

exist, to obtain the directions of a Judge in Chambers as to such estate in respect of any of the matters aforesaid as such Judge shall deem proper matters to be so determined; and such Judge may, by consent of the parties claiming to be entitled, determine such matters himself summarily without appeal, or may, at the request of the Administrator General or of any person appearing to such summons and claiming to be entitled, direct any such matter to be tried in the same manner as any question or issue arising in the course of interpleader proceedings:

Provided that on the trial of any such question it shall be lawful at any time for any party interested therein to apply to the Judge for such judgment or order as he may be entitled to in consequence of the finding on such trial.

PART II

DEVOLUTION OF PROPERTY

Devolution of
legal estate in
realty on
representative.
[3 of 1995].

10. (1) Where any real estate is vested for any term or estate beyond his life in any person without a right in any other person to take by survivorship, it shall, on his death, notwithstanding any testamentary disposition, devolve to and become vested in his executor or executors or the administrator or administrators of his estate (who and each of whom are included in the term “representative”) as if it were a chattel real vesting in them or him. And if such estate is held upon any trust or by way of mortgage, it shall likewise legally devolve on the representative of any person deceased in whom it has been vested during his life.

(2) This section shall apply to any real estate over which a person executes by will a general power of appointment, as if it were real estate vested in him.

(3) Probate and Letters of Administration shall be granted in respect of, and shall take effect to vest in the executor or administrator, all real estate and personal estate whatever, including chattels real. And there shall be no devolution of estate by inheritance in any case save that the beneficial interest therein shall devolve as provided in Part III of this Act.

(4) On the death of any person all his estate real and personal whatever within Trinidad and Tobago shall vest in law in the Administrator General until the same is divested by the grant

of Probate or Letters of Administration to some other person or persons: Provided that the Administrator General shall not, pending the grant of such Probate or Letters of Administration, take possession of or interfere in the administration of any estate save as in this Act and in the Wills and Probate Act provided.

Ch. 9:03.

(5) The provisions of the last preceding subsection shall be deemed to have applied to the real estate within Trinidad and Tobago of all persons who died prior to the 1st of January, 1903, which was, at the time of such death, liable to be escheated, in all respects as if such persons had died subsequent to that date: Provided always, that nothing herein contained shall affect the operation of the State Suits Limitation Ordinance, or any right conferred thereby.

Cap. 5/2.

10A. (1) If while a decree of judicial separation is in force and the separation is continuing either of the parties whose marriage is the subject of the decree dies after the commencement of the Matrimonial Proceedings and Property Act, intestate as respects all or any of his or her real or personal property, the property of that party as respects which he or she died intestate shall devolve as if the other party to the marriage had then been dead.

Judicially separated spouses not entitled to claims in intestacy of each other. [2 of 1972].
Ch. 45:51.

(2) Notwithstanding anything in section 4(1)(a) of the Separation and Maintenance Act, [repealed by the Family Law (Guardianship of Minors, Domicile and Maintenance) Act] a provision in force in an Order made, or having effect as if made, under that section that a party to a marriage be no longer bound to cohabit with the other party to the marriage shall not have effect as a decree of judicial separation for the purposes of this section.

Ch. 45:52.

Ch. 46:08.

11. (1) Subject to the powers, rights, duties, and liabilities hereinafter mentioned, the representative of a deceased person shall hold the real estate as a trustee for the persons by law beneficially entitled thereto, and those persons shall have the same power of requiring a conveyance of real estate under section 12 as persons beneficially entitled to personal estate have hitherto had of requiring a transfer or delivery of such personal estate.

Rights of persons beneficially entitled.

(2) All enactments and rules of law relating to the effect of Probate or Letters of Administration on chattels real, and as respects the payment of costs of administration and other matters

L.R.O. 1/2006

in relation to the administration of personal estate, and the powers, rights, duties, and liabilities of personal representatives in respect of personal estate, shall apply to real estate so far as the same are applicable, as if that real estate were a chattel real vesting in the representative, save that it shall not be lawful for some or one only of several joint representatives, without the authority of the Court, to sell or transfer real estate:

Provided that where Probate is granted to one or some of several persons named as executors, power being reserved to the other or others to prove, the sale or transfer of real estate may be made by the proving executor or executors without the authority of the Court, and shall be as effectual as if all persons named as executors had concurred therein:

Provided also, that the *proviso* lastly hereinbefore set forth shall apply to Probates granted before as well as after the commencement of this Act, but only as respects sales or transfers made after the commencement of this Act.

(3) In the administration of the assets of a person, his real estate shall be administered in the same manner, subject to the same liabilities for debts, costs, and expenses, and with the same incidents, as if it were personal estate: Provided that nothing herein contained shall alter or affect the order in which real and personal assets respectively are now applicable in or towards the payment of funeral and testamentary expenses, debts, or legacies, or the liability of real estate to be charged with the payment of legacies.

Transfer to
persons
beneficially
entitled.

12. (1) At any time after the death of the owner of any land, his representative may by Deed assent to any devise contained in his Will, and may convey or transfer the land or any estate or interest therein to any person entitled thereto as next of kin, devisee, or otherwise, and may make the assent, conveyance, or transfer either subject to a charge for the payment of any money which the personal representatives are liable to pay, or without any such charge; and on such assent, conveyance or transfer, subject to a charge for all moneys (if any) which the representative is liable to pay, all liabilities of the representative in respect of the land shall cease, except as to any acts done or contracts entered into by him before such assent, conveyance, or transfer.

(2) At any time after the expiration of one year from the death of the owner of any land, if his representative has failed on the request of the person entitled to the land to assent, or to convey

or transfer the land to that person, the Court may, if it thinks fit, on the application of that person, and after notice to the representative, order that the assent, conveyance, or transfer be made, or, in the case of land under the Real Property Act, that the person so entitled be registered as a proprietor of the land, either solely or jointly with the representative. Ch. 56:02.

(3) The production of an assent or transfer by the representative of a deceased proprietor of land under the Real Property Act shall, subject to the provisions of such Act, authorise the Registrar General to make the prescribed entry in the Real Property Register of the title of the person named in the assent or transfer as proprietor of the land, and such instrument shall not be deemed to affect the title to such land until such entry has been made.

13. A Deed or instrument under the last preceding section shall have validity only when duly registered. No registration fee beyond the sum of twenty-five dollars and no stamp duty shall be chargeable in respect of any such deed or instrument. Deed of assent to be registered. [6 of 1993].

14. (1) The representative of a deceased person may, in the absence of any express provision to the contrary contained in the Will of such deceased person, with the consent of the person entitled to any legacy or interest given by the deceased person or to a share in his residuary estate, or, if the person entitled is a person of unsound mind or an infant, with the consent of his committee, trustee, or guardian, appropriate any part of the residuary estate of the deceased in or towards satisfaction of that legacy or share, and may for that purpose value in the prescribed manner the whole or any part of the property of the deceased person in such manner as they think fit: Provided that before any such appropriation is effectual, notice of such intended appropriation shall be given to all persons interested in the residuary estate, any of whom may thereupon, within the prescribed time, apply to the Court, and such valuation and appropriation shall be conclusive save as otherwise directed by the Court. Appropriation of estate in satisfaction of legacy or share.

(2) In the case of land under the Real Property Act, the production of sufficient evidence of an appropriation under this section shall, subject to the provisions of the Real Property Act, authorise the Registrar General to register the person to whom the Ch. 56:02.

property is appropriated as proprietor of the land, and the sufficiency of such evidence shall be determined by the Registrar General, subject to any directions which may be given by a Judge as in such Act provided.

Partition by
representative.

15. The representative may, in lieu of conveying the real estate or residuary real estate of the intestate to any persons interested therein jointly or in common, convey the same or any part thereof to each of several persons entitled jointly or in common, in severalty by way of partition by Deed or Deeds under section 12:

Provided that the partition effected by such Deed or Deeds shall be with the consent of such persons as are *sui juris*, and by order of the Court to be obtained on originating summons in the case of such as are infants or of unsound mind. In the absence of agreement among the persons entitled of full age as to any such conveyance by way of partition, it shall be lawful for the executor or administrator or any party entitled *sui juris* or the next friend of any infant or committee of any insane person entitled, to apply in the prescribed manner by originating summons for directions in respect of such proposed partition; and the Judge upon such summons shall have all the powers of a Judge on the hearing of an action or summons for partition or for sale in lieu of partition.

Land under
Real Property
Act.
Ch. 56:02.

16. The provisions of sections 13 and 14 of this Act shall, with the necessary modifications, apply to registration under the Real Property Act of any assent by an executor or administrator to any scheme for the division by way of partition among parties entitled of land being under the provisions of such Act. The assent shall in such cases be in the prescribed form.

PART III

ADMINISTRATION OF ESTATES, DISTRIBUTION OF ESTATES, AND WAIVER OF RIGHTS OF THE STATE

ADMINISTRATION OF ESTATES

Intestates'
estates
generally.
Ch. 9:03.

17. The Administrator General may, subject as is provided in and by the Wills and Probate Act, apply to the Court for Letters of Administration, general or restricted as the case may be, to the estate and effects of any person, whether domiciled in Trinidad and Tobago or not, who shall have died possessed of property, real or personal, therein intestate or of any person so dying having made a Will in any case in which the executor or executors named in

such Will shall renounce and disclaim the execution of such Will, or being duly cited shall refuse or neglect to prove such Will, and in case of the death of any representative of any such person deceased, for administration or administration with Will annexed of the estate unadministered.

18. The Administrator General shall, as such, have power if there is no executor appointed by Will or if there is no person who has obtained Letters of Administration to the estate of any deceased person and in any case that appears to him to require him so to do, pending the grant of Probate of any Will or of Letters of Administration to such estate, to take possession of, seize, reduce into possession, sell, realise, and get in the estate, real and personal, or any person dying in Trinidad and Tobago or possessed of property in Trinidad and Tobago, whenever such estate and effects are shown not to amount in gross value to the sum of nine hundred and sixty dollars, without applying for probate of any Will or grant of Letters of Administration:

Small estates under \$960, in absence of executor or administrator.

Provided that nothing herein contained shall be construed to limit the power to issue administration conferred by rule 5 in the First Schedule to the Wills and Probate Act. And administration under the said rule shall, if granted in respect of any estate so taken possession of as hereinbefore mentioned, be deemed equivalent to a grant of administration of the state unadministered by the Administrator General:

Ch. 9:03.

Provided also, that in the event of its being made to appear at any time after the Administrator General has proceeded to take possession of any estate under the provisions of this section, that such estate equals or exceeds in gross value the sum of nine hundred and sixty dollars, then such possession and the acts done to obtain the same and any sale or realisation of such estate and effects or of any part thereof shall not be in any way invalidated, but the Administrator General may forthwith proceed to apply for Probate or Letters of Administration to be granted to him or to any person or persons entitled.

19. In any case in which it appears that the property, real and personal, of or to which a deceased intestate has died possessed or entitled does not exceed in value the sum of nine hundred and sixty dollars, and no application has been made by any person entitled under rule 5 in the First Schedule to the Wills and Probate Act, it shall be lawful for the Administrator General to make application as in such rule provided for the benefit of any person

Intestates' estates under \$960.

Ch. 9:03.

who may appear to him to have established a legal, equitable or moral claim, and in default of any such person, for the use of Trinidad and Tobago; and in such first-mentioned case to pay or divide or grant the estate of the deceased, when administration shall have been granted, among the persons who shall have established a legal claim, and, in default of any such persons, with the assent of the President, among persons who shall establish an equitable or moral claim, in such proportions and subject to such conditions and the payment of such costs as the President may approve.

Dealing with estates of intestates not leaving next of kin.

20. Where any person shall have died intestate and without leaving next of kin, the Administrator General may, if the estate does not exceed nine hundred and sixty dollars, without obtaining Letters of Administration, and in other cases after obtaining Letters of Administration, take possession of and administer the real and personal estate of such deceased intestate on behalf of Trinidad and Tobago without limit of amount: Provided that in the event of such estate, real and personal, proving to exceed in value the sum of nine hundred and sixty dollars, such Administrator General shall, as soon as may be after it has so been made to appear, apply to the Court for Letters of Administration to the estate of such intestate to be granted to him on behalf of Trinidad and Tobago.

Estate of party interested in administration.

21. In the event of the death of any person beneficially entitled to an estate or any part of an estate vested in and under administration by the Administrator General, the Administrator General, without obtaining the proof of any Will of such person or the grant of any Letters of Administration to his estate and effects, shall be deemed the person entitled to represent the deceased person so beneficially entitled until proof of the Will of such person or the grant of Letters of Administration to the estate and effects of such person by or to some person in Trinidad and Tobago, irrespective of the amount or value of the beneficial interest of the person deceased.

Court may order administration and refer accounts, etc., to Judge.

22. It shall be lawful for the Court, on the petition of the Administrator General or of any person interested, to make order for the administration of any estate which shall have been taken possession of by the Administrator General or whereof administration shall have been granted to such Administrator General under any of the preceding sections of this Act, and to order that it be referred to a Judge to take the accounts of the funeral

and testamentary expenses and debts of the testator or intestate and of his estate, and for the application of the same in payment of the costs of suit of such Administrator General, to be taxed as between Attorney-at-law and client, and of the debts and legacies, if any, in due course of administration, and to enquire and ascertain who are the persons entitled to the residue of such estate; and such proceedings shall be had on such order as if an action had been filed for the administration of such estate.

DISTRIBUTION OF ESTATES

23. An estate or interest to which a deceased person was entitled on his death in respect of which he dies intestate shall, after all payment of debts, duties, and expenses be distributed or held on trust amongst the same persons being kin or next of kin in accordance with sections 24, 25, 26 and 26A.

Distribution on intestacy. [28 of 2000].

24. (1) Where an intestate dies leaving a surviving spouse but no issue, his estate shall be distributed to or held on trust for the surviving spouse absolutely.

Shares of spouse and issue. [28 of 2000].

(2) Where an intestate dies leaving issue, but no spouse, his estate shall be distributed *per stirpes* among the issue.

(3) Where an intestate dies leaving a spouse and one child, the surviving spouse shall take one-half of the estate absolutely and the other half shall be distributed to or held on trust for the child.

(4) Where the intestate dies leaving a spouse and more than one child, the surviving spouse shall take one-half the estate absolutely and the remaining one-half shall be distributed to or held on trust for the children.

25. (1) Notwithstanding section 24, where an intestate dies leaving no surviving spouse, but dies leaving a surviving cohabitant, the cohabitant shall be treated for the purposes of this Act as if he or she were a surviving spouse of the intestate.

Rights of cohabitants. [28 of 2000].

(2) Notwithstanding section 24, where an intestate dies leaving a spouse and a cohabitant and the intestate and his spouse were at the time of his death living separate and apart from one

another, only such part of the estate as was acquired during the period of cohabitation shall be distributed to the cohabitant, subject to the rights of a surviving spouse and any issue of the intestate.

(3) A surviving cohabitant claiming a share of the estate of an intestate under this section shall, within twenty-eight days of the death of the intestate, file with the Registrar of the Supreme Court a notification of interest as the surviving cohabitant and, within three months thereafter or such other time as the Court considers appropriate having regard to all the circumstances, obtain an order from the Court affirming the cohabitational relationship with the intestate and stating the quantum of the share of the estate to which the cohabitant is entitled.

(4) The Rules Committee shall make Rules for matters arising under this section.

Estate going to
parents.
[28 of 2000].

26. Where an intestate leaves no spouse, no cohabitant or no issue, the estate goes to the parents of the intestate in equal shares or the survivor of them.

Distribution of
estate to next of
kin.
[28 of 2000].

26A. Where the intestate leaves no spouse, no issue, no cohabitant and no parent, then his estate shall be distributed to or held on trust for his next of kin living at the time of his death in the following order and manner:

- (a) to the brothers and sisters of the whole blood in equal shares;
- (b) where there are no brothers or sisters of the whole blood, to the brothers and sisters of the half blood in equal shares;
- (c) where there are no brothers and sisters of the whole or half blood to the grandparents of the intestate in equal shares;
- (d) where there are no grandparents to the issue of the brothers and sisters of the whole blood;
- (e) where there is no issue of the brothers and sisters of the whole blood to the issue of the brothers and sisters of the half blood; and
- (f) where there is no issue of the brothers and sisters of the half blood to the uncles and aunts of the intestate, being brothers and sisters of the whole blood and then of the half blood of a parent of the intestate.

26B. Descendants and relatives of the intestate, conceived before his death but born afterwards, inherit as if they had been born in his lifetime and had survived him.

Posthumous births.
[28 of 2000].

26C. In default of any person taking an absolute interest under the foregoing provisions, the estate of the intestate belongs to the State as *bona vacantia*.

No successors.
[28 of 2000].

WAIVER OF RIGHTS OF STATE

27. Whenever the Administrator General on behalf of Trinidad and Tobago has obtained administration to the estate of a deceased person intestate, and no person appears to be legally entitled to the beneficial interest in the residue of such estate under the provisions of sections 24 to 26A, it shall be lawful for the President or any person duly authorised by him, by warrant, to order the payment or transfer of the whole or any part of such residuary estate if got in and converted into money, or the transfer, delivery, or grant of any part thereof unconverted, whether consisting of real or personal estate, to any person who shall have established to the satisfaction of the President or any person duly authorised by him a legal, equitable, or moral claim thereto. And in the case of any part of such residuary estate consisting of land, then the Administrator General shall, by virtue of such warrant, execute and deliver to such person a Deed of transfer under the provisions of section 12, vesting such land in such person in accordance with the terms of such warrant. And in the case of such residue consisting of money which has been paid to the Comptroller of Accounts on behalf of Trinidad and Tobago, then the Comptroller of Accounts shall, on such warrant, pay the amount therein specified to the person in such warrant mentioned, and any such warrant as aforesaid may be granted on such terms and conditions as to the costs and fees attendant on transfer and as to the payment of such duties and otherwise, as to the President or any person duly authorised by him may seem fit.

Grant of State rights after administration.
[28 of 2000].
Ord. 32—1947.

28. Where a person has died intestate, and the value of the estate, real and personal, of such person does not exceed nine hundred and sixty dollars, and such estate of such person shall have vested in the Administrator General under the provisions of subsection (4) of section 10, and no administration to the estate of such person has been granted, it shall be lawful for the President or any person duly authorised by him, at any time after the

Grant of State rights without administration.
[28 of 2000].
Ord. 32—1947.

expiration of six months from such death, on its being made to appear by affidavit, that the deceased person has died intestate, and that there is no evidence that there is any person in Trinidad and Tobago entitled to his estate under the provisions of sections 24 to 26A, to transfer to any person who shall have established a legal, equitable, or moral claim thereto within the meaning of the last preceding section, such part of the residuary estate of the intestate; consisting of land, as shall then be so vested in the Administrator General, to such persons and for such estates as shall in such warrant be directed. Such warrant may be granted subject to such terms and conditions as in the last preceding section specified.

Registration of
warrant.

Ch. 56:02.

29. A transfer of land under either of the two last preceding sections shall be entered, in the case of land subject to the provisions of the Real Property Act, on the Real Property Register, and in the case of land not so subject, in the Protocol of Deeds, on the delivery thereof to the Registrar General within twelve days from the same being signed, and at the expiration of one year from such registration shall be deemed to have passed the legal estate in such land according to the terms of such transfer; and administration obtained to the estate of such intestate after the expiration of such year shall not be deemed to vest in the real representative to whom such administration shall have been granted or in the next of kin the legal or beneficial estate respectively in such land:

Provided that in the case of land subject to the provisions of the Real Property Act, on the entry of any such transfer the Registrar General shall enter a caveat on behalf of the Administrator General and all persons entitled to take out Letters of Administration, and shall remove the same at the expiration of one year from such registration.

Registration in
ordinary
register.

Ch. 56:02.

30. The registration in the Protocol of Deeds of transfers or warrants under sections 10 and 11 of the Distributions Ordinance, No. 102, granting land not subject to the provisions of the Real Property Act shall, as regards transfers or warrants which at the time of the commencement of this Act have been entered in such protocol for a period of two years and upwards, or if not so entered for the full period of two years on the 7th of March, 1912, then upon the completion thereof, be deemed to be in all respects valid and effectual for the purposes set forth in the last preceding section.

31. A transfer under section 27 shall, as to any land therein comprised, be deemed in like manner to take effect by way of entitling the person therein named to possession, and shall bind the legal and beneficial estate in such land according to the tenor thereof after the expiration of one year from its registration, unless in the meantime application has been made on behalf of persons claiming to be entitled as against the State to set aside the administration granted to the Administrator General, or thereafter in the event of all such applications being unsuccessful.

Effect of transfer under section 27.

PART IV

ESTATES OF PERSONS OF UNSOUND MIND

32. The Administrator General may be constituted the committee or a joint committee of the estate and effects of any person of unsound mind in the same manner as any other person capable of being so constituted and appointed, at the discretion of the Court having jurisdiction in that behalf.

Administrator General may be constituted committee of insane person.

33. The Administrator General shall possess himself of the estate, real and personal, of any person of unsound mind resident in Trinidad and Tobago where such estate does not exceed in value the sum of four hundred and eighty dollars, without any inquisition found, and may administer such estate for the benefit of such person, and may take possession of, sell, and realise the estate, real and personal, of such person and make such payments out of such estate for the maintenance of such person, including any payment to or on account of the Director of Medical Services for the maintenance of such person in the mental hospital, as he may think fit, and generally may exercise all the powers which could be exercised by the legal personal representative of such person if he were dead, without any proceedings being instituted for the purpose.

Insane persons' estates.

PART V

GENERAL

34. Nothing in this Act contained shall be deemed in any way to affect the powers of the President and the Postmaster General under the Post Office Savings Bank Act to pay, apply, and distribute moneys standing to the credit of a depositor in the Savings Bank to the several classes of persons in such Act specified.

Savings Bank deposits.

Ch. 47:01.

Rules as to
procedure.

35. In respect of all applications to be made to or entertained by the Court under the provisions of this Act, and of the Court fees, charges, and costs of parties and Attorneys-at-law payable in respect of the same, and of the forms to be used in respect of the same, and generally for carrying the provisions of this Act into effect, it shall be lawful for the Chief Justice, with the concurrence of a Puisne Judge, to make such rules and orders as may be deemed necessary for regulating and providing for the same; and such rules and orders when made shall be laid before Parliament for confirmation and have validity in the same manner and subject to the same conditions in all respects as Rules made under the provisions of the Supreme Court of Judicature Act.

Ch. 4:01.

Regulations for
conduct of office
of Administrator
General.

36. In respect of the duties of the Administrator General and of his officers, and of any persons assisting him or acting for him, and in respect of the manner of all applications to be made to and all business to be transacted by or with the Administrator General or such officers and other persons other than proceedings in the Court, the Minister may make such Regulations as may be deemed expedient; and such Regulations when made shall be published in the *Gazette* and shall be binding on the Administrator General and his officers and all persons assisting him or acting for him and all persons affected thereby in the same manner as if the same were embodied in this Act.

SUBSIDIARY LEGISLATION

**ADMINISTRATOR GENERAL'S FEES
AND CHARGES ORDER**

ARRANGEMENT OF ORDERS

ORDER

1. Citation.
 2. Commission to be paid to the Administrator General.
 3. Commission to be paid where waiver is granted.
 4. Commission payable under sections 27 and 28.
 5. Commission payable on value of property.
 6. Fees payable under sections 27 and 28 for resignation.
 7. Estate duties payable in accordance with the Administration of Estates Act.
-

[Subsidiary]

RG 25.11.37.

**ADMINISTRATOR GENERAL'S FEES
AND CHARGES ORDER**

made under section 35

Citation. **1.** This Order may be cited as the Administrator General's Fees and Charges Order.

Commission to be paid to the Administrator General. **2.** Under section 7 of the Act a commission of 5 per cent, is, unless otherwise directed by the Court, payable on all sums received by the Administrator General in respect of any estate coming into his hands.

Commission to be paid where waiver is granted. **3.** A commission of 3 per cent is payable on all sums of money in respect of which a waiver is granted.

Commission payable under sections 27 and 28. **4.** On a transfer of real and personal estate (other than money) under sections 27 and 28 of the Act—

Ch. 76:02.

Where the net value of the estate (after making allowances for deductions as authorised by the Estate and Succession Duties Act for arriving at the net value of an estate), does not exceed \$480, 7½ per cent commission is payable.

Where it exceeds \$480, 10 per cent commission is payable:

Provided that where the estate is insolvent, a fee of \$5.00 on every \$480 (or part thereof) of the gross value of the estate shall be payable:

Provided further that the amount of commission payable on an estate at the rate applicable thereto shall where necessary be reduced so as not to exceed the highest amount of commission which would be payable at the next lower rate, with the addition of the amount by which the value of the estate exceeds the value on which the highest amount of commission would be so payable at the lower rate.

5. On all conveyances and transfers to perfect or rectify titles, a commission of 5 per cent is payable on the value of the property.

Commission payable on value of property.

6. In respect of transfers of land under sections 27 and 28 of the Act, a fee of 24 cents is payable for resignation.

Fees payable under sections 27 and 28 for resignation.

No stamp duty is payable.

No fee for preparation of the Deed is payable.

7. Estate duty shall be paid on all estates subject to duty in accordance with provisions of the Estate and Succession Duties Act.

Estate duties payable in accordance with the Administration of Estates Act. Ch. 76:02.