

THE ADMINISTRATOR-GENERAL'S ACT

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[The inclusion of this page is authorized by L.N. 3/2001]

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SCHEDULE

THE ADMINISTRATOR-GENERAL'S ACT

[26th August, 1873.]

Cap. 1.
Law
15 of 1958.
Acts
42 of 1969
3rd Sch.,
30 of 1991,
7 of 1992,
28 of 1999.
Short title.

1. This Act may be cited as the Administrator-General's Act.

2. In this Act—

Interpreta-
tion.

"estate" includes the estate of every deceased person which has vested in the Administrator-General, or which he is entitled to have vested in him as administrator or executor under this Act;

"prescribed" means prescribed by rules of court;

"trust" includes every guardianship, committee-ship, or receivership, vested in the Administrator-General under this Act, and all property vested in the Administrator-General as trustee under this Act, and all property administered by him under this Act.

Appointment of Officers

3. The Governor-General may appoint a fit and proper person to be Administrator-General for Jamaica.

Administra-
tor-General.
42/1969
3rd Sch.

4. The Administrator-General shall not directly or indirectly practise in any profession, or carry on any trade or business or hold any office or place of profit in any corporation or joint stock company; but this shall not apply to a person appointed to act temporarily as Administrator-General. This section shall not prevent the appointment of the Administrator-General to any other office in the public service, nor the appointment as Administrator-General of a person holding another such office, which the Minister may think that the Administrator-General can

Restrictions
on Adminis-
trator-
General.

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properly hold together with the office of Administrator-General.

Deputy
Administrator-General.
42/1969
3rd Sch.

5. The Governor-General may appoint a fit and proper person to be Deputy Administrator-General.

Functions,
powers and
duties of
Deputy
Administrator-General.

6. The Deputy Administrator-General shall have and exercise such functions, powers and duties pertaining to the office of Administrator-General as the Minister may from time to time direct, and as the Administrator-General may on any particular occasion or for any particular purpose direct.

As to office.

7. The office of the Administrator-General shall be in such place in Kingston as the Minister may approve, and the Administrator-General shall attend at such office, and such office shall be open during such times as shall be prescribed.

Administrator-General
an officer of
the Supreme
Court.

8. The Administrator-General shall be deemed to be an officer of, and an accounting party to the Supreme Court.

Duties as to
keeping
accounts.

9. The Administrator-General shall keep a full, complete, and accurate account of all transactions with respect to all estates and trusts vested in or administered by him; and shall keep all such books as may be necessary for that purpose. Such books shall be kept at the office of the Administrator-General, and shall be open for the inspection of all persons, on payment of the fees mentioned in the Schedule. All persons who shall apply for copies or extracts from any of the books shall be entitled to have the same on payment of the fees mentioned in the Schedule. Rules of court may from time to time be made prescribing in what manner the accounts, books, and documents of the Administrator-General shall be kept, and generally how the office shall

Schedule.

be regulated, and at what times, and in what manner, and subject to what, if any, conditions searches in the books of the Administrator-General may be made, and copies or extracts from the same obtained.

10. The Administrator-General shall, whenever called upon by the Supreme Court so to do, furnish complete and accurate statements and accounts, either with respect to any particular estate or trusts vested in or administered by him under this Act, or with respect to the whole business of the Administrator-General under this Act; and it shall be lawful for the Supreme Court at any time, to have the books of the Administrator-General examined, without the payment of any fee, by any person named by the Minister for that purpose. Special statements.

11.—(1) All sums of money from time to time received by the Administrator-General in that capacity shall forthwith or within such time as may be prescribed— Keeping of funds.
7 of 1992
S. 2 (a).

- (a) be paid by him into a commercial bank or a specified financial institution to the credit of an account to be entitled "Administrator-General's Account"; or
- (b) be invested by him in securities issued by the Government of Jamaica.

(2) Interest shall be allowed on such money in the same way as interest is allowed on deposits by executors, administrators and trustees under the Trustees, Attorneys and Executors (Accounts and General) Act, except that there shall be no limit of amount. 15/1958
S. 2.

(3) The Administrator-General may, for the purposes of the due administration of any estate or trust— 7 of 1992
S. 2 (b).

- (a) withdraw from the commercial bank or a specified financial institution referred to in subsection (1) any money standing to the credit of the Administrator-General's Account; or

- (b) sell any securities purchased pursuant to subsection
(1) (b),

and until any money so withdrawn or derived from the sale of any securities, as the case may be, is applied to such purposes as aforesaid the Administrator-General shall, subject to any order of a court of competent jurisdiction, deal with such money in accordance with such general or special directions as may be given by the Minister :

Provided always that the Administrator-General shall never expend the money of one trust or estate for the purposes of another trust or estate.

Administration

When
Administra-
tor-General
entitled to
administra-
tion.

12. The Administrator-General shall be entitled to, and it shall be his duty to apply for, letters of administration to the estates of all persons who shall die intestate without leaving a widower, widow, brother, sister, or any lineal ancestor or descendant, or leaving any such relative if no such relative shall take out letters of administration within three months, or within such longer or shorter time as the Court to which application for administration is made, or the Judge thereof may direct; and also to the estates of all persons who shall die leaving a will but leaving no executor, or no executor who will act, if no such relative as aforesaid of such deceased shall, within the time aforesaid, take out letters of administration to his estate. The Administrator-General shall be entitled to such letters of administration in all cases in which, if this Act had not been passed, letters of administration to the estates of such persons might have been granted to any administrator :

Provided that this section shall not apply to the estates of deceased persons for the administration of whose estates provision is made by law, nor to estates where the total value of the personal property does not exceed five thousand

30/1991
S. 2.

dollars, but it shall be lawful to appoint the Administrator-General, with his consent, administrator of any estate, notwithstanding that the total value of the personal property does not exceed five thousand dollars.

30/1991
S. 2.

13. In cases falling within the preceding section, it shall be lawful for the Administrator-General to apply for letters of administration to any deceased person's estate within three months after the death of such person, if it appears likely that no other person will take out letters of administration to such estate, and that injury to the estate is likely to result from delay in obtaining administration to the estate. On any such application the Court may give such decision as it thinks fit.

Time for
application.

13A.—(1) Where it appears to the Administrator-General that—

- (a) there is no minor among the persons having an interest in the estate of a deceased; and
- (b) although there are adult beneficiaries equally entitled to obtain letters of administration, there is disagreement as to which of them should apply for such grant,

Administra-
tion where
no minor
benefi-
ciaries.
28/1999
S. 2.

the Administrator-General may, by notice in writing to such beneficiaries, inform them of their right to apply to the Court for an order naming any of them or a third party, as the case may require, as the person who should apply for letters of administration.

(2) The Court may, on application by any of the beneficiaries, grant an order referred to in subsection (1).

14. If any letters of administration, granted to the Administrator-General are revoked, he shall not be adjudged to pay any of the costs of such revocation, unless the Court shall be satisfied that he acted improperly in obtaining such administration, or in opposing the revocation thereof.

Costs on
revocation
of
administra-
tion.

Administration proceedings by him, same as in other cases.

15. Letters of administration to the Administrator-General shall, subject to this Act, be granted on the like occasions, to the same extent, on the payment of the same fees and duties, and in the same way, as letters of administration would have been granted if this Act had not been passed, and all proceedings to obtain or to oppose such administration, or otherwise in any way relating to such administration, shall, subject only to the provisions of this Act, be the same as if this Act had not been passed.

Vesting of property.

16. On the grant of letters of administration to the Administrator-General, the property of the deceased shall vest in the Administrator-General, and be assets in his hands for the payment of the debts and liabilities of the deceased, in the same way, and to the same extent in all respects, as such property would have vested in and been assets in the hands of any other administrator, if this Act had not been passed, and the Administrator-General shall discharge the debts and liabilities of the deceased, and shall distribute the surplus, in the same way, and in the same order of priority, and to the same extent, that any other administrator would have been bound to discharge such debts and liabilities, and to distribute such surplus, if this Act had not been passed.

Appointing Administrator-General executor of will.

17. It shall be lawful for any testator to appoint the Administrator-General the sole executor of his will. The Administrator-General shall not act as co-executor with any other person, and if any testator shall appoint any person as co-executor with the Administrator-General, the appointment of such person shall be void, and the Administrator-General shall be the sole executor:

Provided, that it shall be lawful for any testator to appoint the Administrator-General the sole executor in substitution for any other executor in the event of such executor dying, or neglecting, refusing, or becoming incapable to act as such executor.

18. It shall not be necessary for the Administrator-General, on taking out letters of administration, or on proving any will, to file any declaration of the value of the property, or to give any administration bond, or will bond, or to take any oath to bring into the Registry of the Supreme Court an inventory of the estate of the deceased, or to take any oath duly to administer such estate.

No administration bond or oath of office required from him.

19. It shall be the duty of the Administrator-General to make, as soon as possible after obtaining letters of administration or letters testamentary to any estate, a true and perfect inventory of all the personal property of the deceased person, with an appraisalment thereof, and to return the same so made into the Registry of the Supreme Court; and it shall also be the duty of the Administrator-General well and truly to administer the estates of deceased persons vested in him.

Duty to return inventories and administer estate vested in him.

20. Letters of administration and letters testamentary shall be granted by the Supreme Court to the Administrator-General, according to the practice of the Supreme Court, and shall be granted by the Resident Magistrates' Courts in the same way, as nearly as may be, as such letters of administration and letters testamentary would be granted to any other executor or administrator. Such letters of administration and letters testamentary shall bear the stamp to which they would have been liable if granted to a private person.

Letters of administration, etc., granted to him by Supreme Court.

21. Subject to this Act, the rights, duties, powers, and liabilities of the Administrator-General, in applying for and obtaining letters of administration or letters testamentary, and in acting as administrator or executor, shall be the same in all respects as under similar circumstances the rights,

Rights, duties, powers and liabilities of Administrator-General.

duties, powers, and liabilities of private persons applying for and obtaining letters of administration or letters testamentary, or acting as administrators or executors would have been if this Act had not been passed.

Duty of
Collectors to
report
deaths.

22. It shall be the duty of the Collector of Taxes in each parish to ascertain to the best of his ability, and to report to the Administrator-General, the names of all persons who shall die in the parish under such circumstances as to entitle the Administrator-General to the administration of their estates.

Jurisdiction
of Court
before or
pending
proceedings
for admin-
istration.

23. Whenever it appears to the Supreme Court that there is good ground to believe that the Administrator-General is, or is likely to become, entitled to the administration of any estate, and that the property of such estate is likely to be damaged or diminished for want of a proper person to take charge thereof, before letters of administration or letters testamentary can be taken out, or while it is doubtful who will apply for and obtain letters of administration or letters testamentary, it shall be lawful for the Supreme Court to authorize the Administrator-General to take possession of such property for such time, in such manner, and subject to such conditions, if any, as the Court may direct. The Administrator-General shall hold and deal with such property as may be directed by the Court from time to time until letters of administration or letters testamentary have been granted. The Administrator-General shall not be entitled to any commission in respect of such property unless he ultimately obtains the administration thereof, but he shall be entitled to be repaid out of such property all costs and expenses to which he may be put in respect thereof, and for applying to the Court if the Court thinks fit.

23A.—(1) This section applies to money or securities for money, including money in bank accounts, insurance policies, moneys owing to an estate or rental income (hereinafter called “the relevant assets”) in the estate of any deceased person.

Exercise of certain powers prior to grant of administration. 28/1999 S. 3.

(2) Where it is the duty of the Administrator-General to apply for letters of administration in relation to any estate he may exercise any of the powers specified in subsection (3) prior to the grant of letters of administration in relation to such estate.

(3) The powers exercisable by the Administrator-General under this section shall be—

- (a) to collect the relevant assets, obtain advances therefrom and otherwise deal with the relevant assets; and
- (b) to make payments out of the relevant assets—
 - (i) to meet the costs and expenses connected with obtaining the grant of letters of administration;
 - (ii) for the advancement or benefit of any beneficiary.

23B. Where—

- (a) the Administrator-General has obtained letters of administration in relation to an estate; and
- (b) property is to be distributed among the beneficiaries of that estate; and

Vesting of property by order of Court. 28/1999 S. 3.

- (c) the Administrator-General is unable to obtain the signatures of those beneficiaries or any of them in order to effect such distribution,

the Administrator-General may apply to the Court for an order directing that the property be vested in the beneficiaries.

Trusts

Power to
appoint him
a trustee
or guardian.

24. It shall be lawful for the Supreme Court, and for any person or corporation, to appoint the Administrator-General trustee of any real or personal property, or, subject to sections 27 and 28, to appoint him guardian of any infant, on the like occasions, in the same way, and to the same extent, that any other person might be appointed such trustee or guardian.

Or com-
mittee of a
lunatic.

25. The Administrator-General may be appointed, but it shall not be compulsory to appoint him committee of the estate of any idiot or lunatic, or committee of the estate and person of any idiot or lunatic, but he shall not be appointed committee of the person only of an idiot or lunatic, except with his own consent.

Prohibition
against
acting with
others.

26. The Administrator-General shall not act as co-trustee, co-guardian, or co-committee, with any one, except on the appointment of the Supreme Court. If any one (except as aforesaid) shall appoint any person to act with the Administrator-General as co-trustee, co-guardian, or co-committee, the appointment of such person shall be void, and the Administrator-General shall be the sole trustee, guardian, or committee:

Provided, that it shall be lawful for any person to appoint the Administrator-General the sole trustee, guardian, or committee, in substitution for any other trustee, guardian, or committee in the event of such other trustee, guardian, or committee dying, or neglecting, refusing, or becoming incapable to act.

27. The Administrator-General shall not (except with his own consent) act as guardian of any infant, or as committee of any idiot or lunatic, unless such infant, idiot, or lunatic has property to the amount of one thousand dollars, and all the property of such infant, idiot or lunatic is vested in the Administrator-General as trustee for such infant, idiot, or lunatic, or the Administrator-General is invested with the entire administration of such property.

When not bound to act as guardian or committee.
30/1991
S. 3.

28. The Administrator-General shall not (except with his own consent) be appointed guardian or committee *ad litem*, or for any other similar temporary purpose of an infant, idiot, or lunatic.

Not to be appointed guardian or committee *ad litem*, etc.

29. No person, except the Administrator-General shall be appointed receiver in any suit in the Supreme Court, unless it be proved to the satisfaction of the Court that it would be more beneficial to the estate that some other person should be appointed receiver.

To be appointed receiver.

30. Subject to this Act, the rights, duties, powers, and liabilities of the Administrator-General, acting as trustee, guardian, committee, or receiver, shall be the same in all respects as the rights, duties, powers, and liabilities of any other trustee, guardian, committee, or receiver.

Rights, duties, powers and liabilities as trustee, guardian, committee or receiver.

Consent of
Administrator-General
in optional
cases.

31. In any case in which the consent of the Administrator-General is required, before he is bound to accept a trust or to act under this Act, the giving or withholding such consent shall be absolutely in the discretion of the Administrator-General. In all such cases it shall be lawful for the Administrator-General, with the sanction of the Supreme Court, to agree with any person as to the remuneration (if any) which the Administrator-General is to receive for accepting and acting in the matter for which his consent is required. Any such agreement made without such sanction shall be void.

Duties in
all other
cases.

32. In all cases in which the consent of the Administrator-General is not required, it shall be the duty of the Administrator-General except as hereinafter mentioned, to accept and forthwith to enter upon the duties of the administration of any estate or trust to which he may be appointed or entitled under this Act:

Provided, that it shall be lawful for the Supreme Court to authorize the Administrator-General to refuse to take out letters of administration or letters testamentary, or to accept any trust, if, from the special circumstances of the case, it shall appear to the Court that such authority ought to be given.

Legal Proceedings

How he is
to sue and
be sued.

33. In all legal proceedings in respect of any estate or trust vested in the Administrator-General, or in respect of any act or omission of the Administrator-General, with regard to such estate or trust, he shall sue and be sued as "The Administrator-General, administrator (*or* executor) of the estate (*or* of the Will) of A. B. deceased", *or* "trustee of the marriage settlement of X and Y" (*or otherwise as the case may be*).

34. Writs, complaints, summonses, notices, pleadings, process, and all other documents in any legal or other proceeding by or against the Administrator-General, may be served by being left at his office, and such service shall have the same effect as if it had been made personally.

How process
served on
him.

35. All judgments, decrees, or orders, recovered or made in any legal proceeding by or against the Administrator-General, shall be in the same form and subject to this Act, shall have the same effect as such judgments, decrees, or orders would have had under similar circumstances, if this Act had not been passed, against a private person occupying, in relation to such proceedings, a position similar to that of the Administrator-General.

Judgments,
etc., in
proceedings
by or
against
him.

36. No execution shall issue without the leave of the Supreme Court on any judgment, decree, or order against the Administrator-General, but it shall be the duty of the Administrator-General, unless an order is made under the immediately following section, to pay forthwith the amount of such judgment, decree, or order, and costs (if any) in the same way, to the same extent, that a private person, under similar circumstances, would be bound to pay the amount of such a judgment, decree, or order and costs:

Execution
against
him.

Provided, that if a private person, under similar circumstances, would be personally liable on such judgment, decree, or order, and would be entitled to recoup himself out of the estate or trust in respect of which it was recovered, the Administrator-General may in the first instance pay the amount of such judgment, decree, or order, and costs, out of the estate or trust in respect of which it was recovered, to the extent that such private person would be so entitled to be recouped:

And provided further, that it shall be lawful for the Supreme Court, if it thinks that the justice of the case requires it, to order that the amount for which such judgment, decree, or order is obtained, or such part thereof as the Court thinks fit, shall be paid by the Administrator-General personally, and not out of any trust or estate.

Payment
out of Con-
solidated
Fund.
28/1999
S. 5.

36A.—All sums required to discharge any liability which the Administrator-General, if he were a private trustee, would be personally liable to discharge, shall be charged on and paid out of the Consolidated Fund, so, however, that, neither the Consolidated Fund nor the Administrator-General shall be liable for any loss which would not have imposed liability on a private trustee.

Power to
submit to
the
Supreme
Court
questions of
doubt.

37. When a judgment, decree or order has been recovered against the Administrator-General, and there are any circumstances which render it doubtful whether he ought to pay the amount thereof, or out of what funds he ought to pay the amount thereof, he may apply to the Supreme Court for an order authorizing him to pay, or to refuse to pay, or directing out of what funds he should pay the amount of such judgment, decree, or order.

Suing or
defending
in *forma
pauperis*.

38. It shall be lawful for the Supreme Court to authorize the Administrator-General to sue or defend in *forma pauperis*, in any case in which the Court thinks that the Administrator-General ought so to sue or defend. An order under this section shall authorize the Administrator-General to sue or defend in such Court, and in such proceeding, as may be specified in such order, and no Court fees shall be payable by the Administrator-General in any proceedings under such order: and the Supreme Court may give such directions as it thinks fit to secure the repayment, out of any property recovered or secured by such proceeding, of all costs and charges of such proceedings.

39. The Administrator-General may at any time apply to the Supreme Court for the opinion, advice, or direction of the Court or Judge respecting his rights or duties with regard to applying for, or obtaining administration of any estate, or trust, or probate of any will, or assuming the management of any estate, or trust, or with regard to any estate or trust vested in or administered by him under this Act, or with regard to any matters arising out of the management or conduct of any such estate or trust.

Power to apply for the opinion and direction of the Court.

40. The Administrator-General, obtaining *bona fide* the opinion or direction of the Supreme Court, or of a Judge thereof, or acting *bona fide* on such opinion or direction, shall be deemed, so far as regards his own responsibility, to have discharged his duty as administrator, executor, trustee, guardian, committee, or receiver, with regard to the estate or trust with respect to which such opinion or direction was given.

Relief from personal responsibility.

41. If the Administrator-General shall at any time improperly neglect, refuse, or delay to apply for or to obtain letters of administration, or to prove any will, or to assume the management of any estate or trust to which he has been appointed, or if he shall improperly act, or omit to act, in the management of any estate or trust vested in or administered by him, or the duties of which he shall have entered upon, or if he shall improperly neglect, refuse, or delay to pay forthwith the amount of any judgment, decree, or order recovered against him, or if he shall pay the amount of any such judgment, decree, or order out of any funds not properly liable to such payment, or if he shall improperly act, or omit to act, in any other matter with respect to any estate or trust vested in or administered by him, or with

Power to apply to Court against him.

respect to any duty imposed upon him by this Act, or if there is reasonable ground to think that he is about improperly to act, or to omit to act, with respect to any of the matters aforesaid, any person interested in such estate, trust, judgment, decree, order, or other matter, may apply to the Supreme Court for an order, requiring the Administrator-General to do, or refrain from doing, the act in respect of which such person complains, and the Court may thereupon make such order as the Court thinks fit.

Winding up
estates
vested in
him.

42. When the management of any estate or trust, vested in or administered by the Administrator-General, is or ought to be determined, the Administrator-General, or any person interested in such estate or trust, may apply to the Supreme Court for an order, declaring that the duties of the Administrator-General with respect to such estate or trust are at an end, and making such provision for the winding-up of such estate or trust, and the transfer of the property thereof, as may be necessary.

Power of
Court in
making
orders.

43. In all applications under this Act to the Supreme Court, the Court may make any order authorized by this Act, either absolutely, or subject to any terms or conditions, and the costs of all such applications shall be in the discretion of the Court.

Power of
Court to
make
general
orders
under
this Act.

44. It shall be lawful for the Supreme Court to make any general orders respecting any application to the Supreme Court, or to the Judge thereof, under this Act. Until such orders are made, all applications to the Court shall be by petition, and the present procedure shall apply to all

proceedings upon such petitions, and also to all proceedings at Chambers under this Act, except so far as such procedure may be varied by any direction of the Court or Judge.

45. No change of the person holding the office of Administrator-General shall affect any estate or trust vested in or administered by the Administrator-General, but such estates and trusts shall vest in the succeeding Administrator-General, whether appointed temporarily or permanently, in the same way, and to the same extent, that they vested in the former Administrator-General. Such succeeding Administrator-General shall hold in all respects the same position with regard to such estates and trusts as the former Administrator-General held. No proceedings, legal or other, pending on a change of the person holding the office of Administrator-General, shall be affected in any way by such change, but such proceedings may be continued by and against the succeeding Administrator-General, whether appointed temporarily or permanently, as they might have been continued by and against the former Administrator-General, without suggestion, revival or other similar proceeding.

Change of Administrator-General, and vesting of estates, and continuing of proceedings thereon.

46. Estates and trusts under the management of or vested in the Administrator-General, or which the Administrator-General is entitled to administer, or to have vested in him, shall not be administered by the Supreme Court, unless it be proved to the satisfaction of the Court that such estate or trust cannot be properly administered by the Administrator-General, and the Supreme Court shall not have any power to substitute any person for the Administrator-General to perform the duties with regard to any estate or trust vested in or administered by the Administrator-General.

Administering by the Court of estates, etc., vested in him.

Powers of
Judge in
Chambers.

47. All applications that may be made to, and whatever may be done by, the Supreme Court under this Act may be made to, and may be done by, a Judge of the Court in Chambers, who, in any proceeding under this Act shall have the same powers and jurisdiction as the Court.

Charges for
administration
of
estates.
28/1999
S. 7 (a).

48.—(1) The Administrator-General shall be entitled to a commission of six *per centum* on all payments made by him in respect of debts, liabilities, cost of management, and other similar charges, and on all payments in respect of dividends, interests, rents, or other produce, or receipts of any estate or trust, and also on all property, real and personal, conveyed, assigned, or distributed by him, including the final transfer of the corpus of any trust fund, or of any part thereof. Such commission shall be the remuneration for the time and responsibility of the Administrator-General in the general administration of the estate or trust.

(2) Any expenses in respect of any other matters, including travelling expenses relating to any estate or trust, may be charged against the estate or trust, in the same way, and to the same extent, that such expenses might be charged under similar circumstances by any administrator, executor, trustee, or guardian, other than the Administrator-General.

28/1999
S. 7 (c).

(3) In addition to the charges specified in subsections (1) and (2), the Administrator-General may, in connection with any estate or trust administered or managed by him, charge such fees as may be prescribed.

Miscellaneous Provisions

All re-
muneration
other than
salary to be
paid into the
Consolidated
Fund.
42/1969
3rd Sch.

49. All commissions, fees and remuneration other than salary, payable to, or receivable by, the Administrator-General, under or in pursuance of the provisions of this Act or under or in pursuance of the provisions of any enactment amending or substituted therefor shall, as the same are

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received by him, be paid into the Treasury and shall form part of the Consolidated Fund.

50. When the Administrator-General is appointed by the Supreme Court receiver of any estate, he shall receive the same remuneration that any other person would have been entitled to, if appointed receiver under similar circumstances; and when he is a co-trustee, co-guardian, or co-committee, he shall be entitled to deduct the same fees as if he were the sole trustee, guardian, or committee.

Remuneration as receiver or co-trustee, co-guardian, or co-committee.

51. The Government shall provide the Administrator-General with a suitable office, and with such clerks and assistants as may from time to time be necessary; and all expenses of the said office, and all expenses incurred by the Administrator-General in and about the performance of the duties of his office shall be defrayed out of the Consolidated Fund.

Government to provide office, clerks and expenses of performing duties of office.

52. When, in the performance of the duties of his office, the Administrator-General has incurred any expense, or made himself liable to any claim or demand, and there is no fund out of which he may or can lawfully recoup or reimburse himself in respect of the same, then, on any Judge of the Supreme Court certifying that such expense was properly and reasonably incurred, or that such liability was properly and reasonably undertaken as aforesaid, it shall be lawful for the Minister to order that such expense shall be reimbursed out of, or such liability be assumed by, the Consolidated Fund and assets of the Island. The provisions of this section shall apply to the Deputy Administrator-General in the same manner as they apply to the Administrator-General.

Reimbursement of expenses.

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Adminis-
tration of
assets of
deceased in
the hands
of the
Government.

53.—(1) The assets of any person dying in this Island or abroad, which shall be in or pass into the possession of the Government of this Island, and for which provision is not otherwise made, shall be delivered to the Administrator-General, unless within six weeks of the same coming into possession of the Government, or the death of the deceased person, whichever shall last happen, probate of the will of such deceased person, or Letters of Administration on the estate and effects of such deceased person be produced to the Minister.

28/1999
S. 8 (a).

(2) If the said assets do not exceed fifty thousand dollars, the Administrator-General shall divide the same, after deducting his commission and expenses, to and amongst any person or persons who shall appear to him to be entitled to the effects of such deceased person.

28/1999
S. 8 (b).

(3) If such assets exceed fifty thousand dollars, but do not exceed five hundred thousand dollars or such other amount as the Minister may by order prescribe, the Administrator-General shall, after the expiration of six weeks from the receipt by him of such assets, apply for a grant of Letters of Administration on the estate and effects of such deceased person, in the Resident Magistrate's Court for the parish of Kingston, which is hereby authorized to grant such Administration, and shall administer the said assets according to law.

28/1999.
S. 8 (c).

(4) If such assets exceed five hundred thousand dollars or such other amount as the Minister may by order prescribe, the Administrator-General shall after the expiration of six weeks from the receipt by him of such assets, apply for a grant of Letters of Administration on the estate and effects of such deceased person in the Supreme Court, and shall administer the same according to law.

53A.—(1) Where the Administrator-General is satisfied that an estate consists solely of personalty not exceeding one hundred thousand dollars or such higher amount as the Minister may by order prescribe, it shall be lawful for the Administrator-General, without the grant of letters of administration, to administer that estate for the benefit of the persons interested therein as if letters of administration had been granted to him.

Administration of small estates.
28/1999
S. 9.

(2) Notice of any estate administered pursuant to subsection (1) shall be published in such manner as may be prescribed.

54. The Administrator-General may, with the approval of the Government, and on such terms as to remuneration as the Government may approve, require any clerk of a Resident Magistrate's Court to act as his agent in respect of any estate or trust vested in or administered by the Administrator-General; and the Administrator-General may appoint any other persons to act as his agents, if he pleases to do so.

Power to employ Clerk of Resident Magistrate's Court and other agents.

55. All conveyances, transfers, mortgages, charges, grants, deeds, contracts or instruments to which the Administrator-General as such may be party shall be expressed to be granted to or by or made with him in his style of office as "The Administrator-General for Jamaica, administrator (or executor) of the estate (or of the Will) of A.

Conveyances, etc., to which Administrator-General a party.

B. deceased", or, "trustee of the marriage settlement of X and Y" (or otherwise as the case may be).

And all estates trusts and property shall be vested in and dealt with by him in the manner and according to the style hereinbefore provided; and he shall be so entered in the

register of titles as the proprietor under the Registration of Titles Act for the time being in force of any land, mortgage, charge or lease or interest in the same.

Books
prima facie
evidence.

56. All entries made in the ordinary course of business, in the books kept under this Act at the Administrator-General's office, with respect to any estate or trust vested in or administered by him under this Act shall be in all legal proceedings *prima facie* evidence of the facts therein stated.

Authenti-
cated copies
of entries
therein
evidence.

57. Copies, authenticated by the signature of the Administrator-General, of any entries in the books kept under this Act at the Administrator-General's office, with respect to any estate or trust vested in or administered by him under this Act, shall be admissible in evidence, and shall have the same effect in evidence, in all respects, as the originals from which such copies were made.

Proof of
signature of
Administra-
tor-General.

58. In all legal proceedings judicial notice shall be taken of the signature of the Administrator-General; but any Court or Judge may require the signature of the Administrator-General to be proved in the ordinary way, if such Court or Judge thinks it is doubtful whether the alleged signature is genuine.

When books
produced
in evidence.

59. The books kept under this Act at the Administrator-General's office shall not be produced in evidence in any legal proceeding, except by order of the Supreme Court, or of one of the Judges of such Court.

Regulations.
28/1999
S. 10.

60. The Minister may make regulations subject to negative resolution prescribing anything required by this Act to be prescribed.

SCHEDULE

(Section 9)
Fees
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For every search in books kept by the Administrator-General, for each two hours, or fractional part of two hours	ten cents.
Copies of any books kept by the Administrator-General, or of any entries therein, or of any portion thereof, authenticated by the sig- nature of the Administrator- General, for each sheet or portion of a sheet of one hundred and sixty words	fifteen cents.