

Seychelles

Probates (Re-Sealing) Act

Act 27 of 1935

Legislation as at 30 June 2012

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Probates (Re-Sealing) Act
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Seychelles

Probates (Re-Sealing) Act Act 27 of 1935

Commenced on 21 December 1935

[This is the version of this document at 30 June 2012 and includes any amendments published up to 30 June 2014.]

[Act 27 of 1935; Act 8 of 1936; Act 23 of 1976]

1. Short title

This Act may be cited as the Probates (Re-sealing) Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"**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 trusteeship agreement on behalf of the United Nations Organisation has been accepted by Her Majesty;

"**probate**" and "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;

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

3. Sealing of probates and letters of administration granted outside Seychelles

Where a court of probate in any part of Her Majesty's dominions, or a British court in a foreign country, has, either before or after the passing of this Act, 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 Supreme 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 Seychelles as if granted by that court.

4. Conditions to be fulfilled before sealing

The court shall, before sealing a probate or letters of administration under this Act, 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 Seychelles; 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 Seychelles 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.

5. Security for payment of debts

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 Seychelles.

6. Duplicate or copy admissible

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.

7. Rules of court

The Chief Justice may make rules of court for regulating the procedure and practice, including fees and costs, in the Supreme Court, on and incidental to an application for sealing a probate or letters of administration under this Act.

Note:

1. *The Colonial Probates Act Application Order, 1965 UK. S.R & O 1965 No. 1530 of 10th August, 1965) (Laws of Seychelles 1971 Ed. Vol VII p. 205) applied the Colonial Probates Act, 1892 of the United Kingdom to Seychelles enabling Probates and letters of administration granted in Seychelles to be recognised in UK.*
2. *Act [10 of 1986](#) repealed the Succession Duties Act (Cap 109, 1971 Ed.) with effect from 17.2.1986.*