

CHAPTER 1.

ADMINISTRATION OF ESTATES.

RULES MADE BY THE GOVERNOR IN COUNCIL.

Section 22.

1. These rules may be cited as the Administration of Estates Rules.

2. The forms of Petition, Estate Duty Affidavit, Administration Bond, Affidavit verifying administrator's account, and Grant set out in the First Schedule hereto with such variations as the circumstances may require shall be used in all cases of application for, and upon grant of, Probate or Letters of Administration.

3. The fees set out in the Second Schedule shall be paid in connection with the application for, grant of, or resealing Probate or Letters of Administration. These fees will include all work done in the office of the Supreme Court in connection with the application, grant or resealing. No grant shall be made until these fees have been paid.

No. 3 of 1949.

Short title.

1 of 1955

2 of 1965

3 of 1973

Forms.

2 of 1979

Fees.

FIRST SCHEDULE.

PETITION.

To His Honour the Judge.

The Supreme Court of the Falkland Islands.

THE HUMBLE PETITION of
Sheweth

1. (hereinafter called the deceased)
of Falkland Islands died at on the day of 19
leaving a Will dated 19
intestate leaving no Will

2. There $\frac{\text{is}}{\text{are}}$ a widow, children, sons, and daughters,
surviving the deceased.

3. Your Petitioner ^{is}_{are} the (sole) Executor(s) under the said Will
or

The deceased did not appoint an executor of his said Will
or

The executor(s) of the said Will did not survive the deceased,
or have renounced probate.

4. Your Petitioner is the _____ of the deceased.

5. Your Petitioner therefore prays that

Probate of the said Will of the deceased

Letters of Administration

Letters of Administration with the said Will annexed

} may be

granted to him to administer to the estate of the deceased.

6. I swear that if { Probate of the said Will of the deceased
Letters of Administration
Letters of Administration with the said Will
annexed

are granted to me I will well and faithfully administer the said estate
according to law.

.....
Petitioner.

Sworn before me this _____ day of _____ 19

at

.....
A Justice of the Peace.

Administration Bond.

KNOW ALL MEN by these presents, sealed with my seal, and signed
with my hand this _____ day of _____ 19 _____, that I,
of _____ Falkland Islands, am held and firmly bound unto the
Judge of the Supreme Court of the Colony in the sum of _____ pounds
of lawful money of the Colony to be paid by me, my heirs, executors
and administrators.

WHEREAS

_____ hath been appointed Administrator of the
estate of _____ who died at _____ Falkland Islands,
on the _____ day of _____ 19 _____

NOW THEREFORE the conditions of this obligation are such that if
the said _____ shall duly administer the estate aforesaid
according to law and render to the Judge of the Supreme Court a true

and complete inventory of all and singular the estate and effects of
the said _____ within six months from
the date hereof and swear to and render to the Judge of the Supreme
Court a true and just account of the administration of the estate on or
before the _____ day of _____ 19 _____ that is within
one year of the date hereof then this obligation shall become void and of
no effect, or otherwise be and remain in full force, and virtue.

IN WITNESS whereof the said

has hereunto set his hand and seal at _____ Falkland Islands,
the date first above written.

Signed sealed and delivered
in the presence of

.....
A Justice of the Peace.

In the Supreme Court of the Falkland Islands.

Estate Duty Affidavit.

In the Estate of _____ (hereinafter called the deceased)
of _____ Falkland Islands, who died at _____ on the
day of _____ 19 _____

I _____ of _____
*(Executor of the Will of the deceased) *(Administrator of the Estate
of the deceased) make oath and say as follows:

1. That the particulars and value thereof shewn in the Exhibits A
and B annexed hereto and signed by me are those of the estate of the
said deceased so far as I have been able to trace and are true to the best
of my knowledge and belief.

2. That to the best of my knowledge and belief there is no other
property forming part of the estate of the said deceased.

Sworn at _____ Falkland Islands the _____ day of _____ 19 _____

Before me

.....
A Justice of the Peace.

* Delete as required.

A.

In the Estate of
Exhibit A to the affidavit of

deceased.

£ s. d.
Cash in hand
Cash in bank
Furniture, implements of trade, etc.
Clothing and personal effects
Debts owing to the deceased
Shares, etc.
Money advanced on mortgage, etc.
Provident Fund, etc.
Life Insurance
Leasehold lands and houses
Horses, sheep, cattle
Motor cars, etc.
Stock in trade
Good will of business
Any other personal property

£ s. d.
Debts owing by
deceased
Funeral expenses
(with receipted
bill)

B.

In the estate of
Exhibit B to the affidavit of

deceased.

Real Estate.

£ s. d.
Houses (giving particulars)
Freehold lands (giving particulars)

£ s. d.
Mortgages or other en-
cumbrances (giving
particulars)

Affidavit verifying administrator's account.

In the Supreme Court of the Falkland Islands. (PROBATE)

In the estate of

deceased.

I,

the administrator of the estate

of the said deceased, make oath and say as follows:

1. The account marked A exhibited to this affidavit is my account of the estate of the intestate and contains a true account of all and every sum of money received by me or any person to my order up to and including the date hereof.

2. The several sums of money mentioned in the said account as having been paid and allowed have been actually and truly paid and allowed for the several purposes mentioned in the said account.

† Give full particulars.

3. The said account is just and true in all and every the items and particulars therein contained, according to the best of my knowledge and belief.

Sworn by the said

at

the day of 19

Before me

.....
A Justice of the Peace.

In the Supreme Court of the Falkland Islands.

Grant of

* Probate

* Letters of Administration

* is
are hereby granted to

†

to administer the estate of

who died on the day of 19

Oath having been made by the person to whom Probate is
these Letters are granted

that the value of the estate does not exceed £ and that the estate will be administered according to law and that a full and complete inventory of the estate will be filed in the Supreme Court within six months from the date hereof and that a complete account of the administration of the estate will be filed in the Supreme Court within one year from the date hereof.

.....19.....

.....
Judge.

* Delete as required.

died"

† "Sole Executor" or "with the Will annexed the Executor having refused to act"

or "one of the Executors, power being reserved of making a like grant to

..... the other Executor".

SECOND SCHEDULE.

I. Grant of Probate or Letters of Administration.

Non-contentious and Resealing under Section 21 of the Administration of Estates Ordinance.

When the net estate is under the value of				£	s.	d.
£100	not exceeding	£100	£100	10	0	0
£100	but not exceeding	£200	£200	1	0	0
£200	" "	£300	£300	1	10	0
£300	" "	£400	£400	2	10	0
£400	" "	£500	£500	5	0	0
£500	" "	£600	£600	6	0	0
£600	" "	£700	£700	6	15	0
£700	" "	£800	£800	7	10	0
£800	" "	£900	£900	8	0	0
£900	" "	£1,000	£1,000	8	5	0
£1,000	" "	£1,100	£1,100	9	10	0
£1,100	" "	£1,200	£1,200	10	0	0
£1,200	" "	£1,300	£1,300	10	10	0
£1,300	" "	£1,400	£1,400	11	10	0
£1,400	" "	£1,500	£1,500	12	10	0
£1,500	" "	£1,600	£1,600	13	10	0
£1,600	" "	£1,700	£1,700	14	10	0
£1,700	" "	£1,800	£1,800	16	0	0
£1,800	" "	£1,900	£1,900	18	0	0
£1,900	" "	£2,000	£2,000	24	0	0
£2,000	" "	£2,100	£2,100	10	0	0

for each £250,000 or part thereof of the net estate above £100,000

every add any further add a further add fee of £20.00

II. Grant of Probate or Letters of Administration.

Contentious

	£	s.	d.
1. On entering caveat			1 0
2. On settling a citation			10 0
3. On application for summons			2 0
4. Service of citation, writ, summons or order, in Stanley			2 6
5. "outside Stanley			5 0
6. On "filing" petition under Sections 7, 8, or 20 of the Administration of Estates Ordinance (when disputed)			10 0
7. On filing affidavit of service of citation or summons			2 0
8. On entering an appearance, each person			2 6
9. On setting down a case for hearing			10 0
10. Hearing fee			1 0
If the hearing occupies more than five hours, for each additional hour			5 0

In addition to the fees shown in this Schedule there shall be paid 5/- the cost of each notice appearing in the Gazette.

CHAPTER 2.

No Subsidiary Legislation.

CHAPTER 3.

ADMINISTRATION OF JUSTICE.

RULES OF THE SUPREME COURT.

Section 68.

1. These rules may be cited as the Rules of the Supreme Court.

No. 3 of 1949.

e Short title

Part I.

CIVIL CASES (OTHER THAN MATRIMONIAL).

2. (1) Every matter, other than an action, shall be brought before the Supreme Court by Petition delivered to the Registrar and if approved by the Judge shall be heard on the appointed day by him.

e Procedure on Petition

(2) Except where an injunction is sought a Petition shall not be heard less than seven days after a copy thereof has been served on every person in the Colony affected thereby.

Judge may order amendment of Petition or any pleading or that it be struck out.

3. The Judge may order that a Petition or any pleading be amended or struck out on the ground that it discloses no reasonable cause of action, that it is frivolous, vexatious or scandalous.

4. Any person directly affected by any matter before the Supreme Court may at any time before hearing apply on motion to the Supreme Court for the postponement of the hearing thereof and the Judge may make such order thereon and as to costs and security as he may deem fit.

Postponement of Hearing.

5. A writ shall be in the Form A set out in the Schedule hereto and shall be served on the defendant by or on behalf of the Plaintiff.

Writ.

6. A defendant shall within eight days if resident in Stanley, or sixty days if resident outside Stanley, after service of the writ, inclusive of the day of service, deliver to the Registrar and serve or cause to be served on the plaintiff his defence to the action.

Defence.

7. The plaintiff may within eight days if resident in Stanley, or sixty days if resident outside Stanley, after service of the defence, including the day of service deliver to the Registrar and serve or cause to be served on the defendant his reply to the defence.

In Reply.