

No. 17 of 2021

VIRGIN ISLANDS

PROBATES (RESEALING) ACT, 2021

ARRANGEMENT OF SECTIONS

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- 9... Probates (Resealing) Act repealed.

SCHEDULE

I Assent
(Sgd.) John J. Rankin CMG
Governor.
14th June, 2021

VIRGIN ISLANDS

No. 17 of 2021

An Act to provide for the resealing of probates and letters of administration granted by a court of probate in a recognised jurisdiction in respect of the estate of deceased persons and for other matters connected therewith.

[Gazetted 22nd June, 2021]

ENACTED by the Legislature of the Virgin Islands as follows:

Short title and
commencement.

1. (1) This Act may be cited as the Probates (Resealing) Act, 2021.

(2) This Act shall come into force on such date as the Governor may, by Proclamation published in the *Gazette*, appoint.

Interpretation.

2. In this Act, unless the context otherwise requires –

“Court” means the High Court;

“court of probate” means any court or authority, by whatever name designated, that has jurisdiction in matters of probate;

“probate or letters of administration” include confirmation in Scotland and any instrument having the same effect which, under the laws of the Virgin Islands, is given to probate or letters of administration; and

“recognised jurisdiction” means any of the jurisdictions specified in the

Schedule	Schedule.
Resealing of probate or letters of administration.	<p>3. (1) Where a court of probate in a recognised jurisdiction has, either before or after the coming into force 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 Court, be sealed with the seal of the Court.</p> <p>(2) Where probate or letters of administration is sealed with a seal of the Court pursuant to subsection (1), the probate or letters of administration so sealed shall have the like force and effect, and have the same operation in the Virgin Islands, as if it were granted by the Court.</p>
Conditions precedent to sealing.	<p>4. (1) The Court shall, before sealing a probate or letters of administration under this Act, be satisfied that stamp duty has been paid in respect of so much, if any, of the estate as is liable to stamp duty in the Virgin Islands.</p> <p>(2) For the purposes of subsection (1)</p> <p>(a) the Court may require such evidence, if any, as it thinks fit as to the domicile of the deceased person; and</p> <p>(b) “stamp duty” includes any duty payable on the value of the estate and effects for which probate or letters of administration is granted.</p>
Security for payment of debt.	<p>5. The Court may, if it considers it fit on the application of a creditor, require, before sealing a probate or letters of administration, that adequate security be given for the payment of debts due from the estate of the deceased person to creditors residing in the Virgin Islands.</p>
Effect of duplicate of probate or letters of administration.	<p>6. For the purposes of this Act, a duplicate of any probate or letters of administration sealed with the seal of the Court granting the probate or letters of administration, or a copy thereof certified as correct by or under the authority of the Court granting the probate or letters of administration, shall have the same effect as the original.</p>
Rules of Court.	<p>7. Rules of Court may make provision for regulating the procedure and practice, including fees and costs in the Court, on and incidental to an application for sealing a probate or letters of administration granted under this Act.</p>
Amendment of Schedule.	<p>8. The Governor may, with the agreement of Cabinet, by Order published in the <i>Gazette</i>, amend the Schedule.</p>
Repeal. Cap. 60	<p>9. The Probates (Resealing) Act is repealed.</p>

SCHEDULE

[Sections 2 and 8]

List of Recognised Jurisdictions

1. Alberta
2. Anguilla
3. Antigua and Barbuda
4. Australia (including each of the Provinces thereof)
5. Bahamas
6. Barbados
7. Belize
8. Bermuda
9. Botswana
10. British Antarctic Territory
11. British Columbia
12. British Sovereign Base Areas in Cyprus
13. Brunei
14. Canada (including each of the Provinces thereof, except Quebec)
15. Cayman Islands
16. Christmas Islands (Australia)
17. Cocos (Keeling) Islands
18. Cyprus (Republic)
19. Dominica
20. England and Wales
21. Falkland Islands
22. Falkland Islands Dependencies
23. Fiji
24. Gambia
25. Ghana
26. Gibraltar
27. Grenada
28. Guernsey
29. Guyana
30. Hong Kong (including The Hong Kong Special Administrative Region of the People's Republic of China)
31. Isle of Man
32. India
33. Jamaica
34. Jersey
35. Kenya
36. Kiribati
37. Lesotho
38. Malawi
39. Malaysia

40. Montserrat
41. Nevis
42. New Guinea Territory
43. New Zealand
44. Nigeria
45. Norfolk Island
46. Northern Ireland
47. Papua New Guinea
48. St. Helena
49. St. Kitts
50. St. Lucia
51. St. Vincent
52. Scotland
53. Seychelles
54. Sierra Leone
55. Singapore
56. Solomon Islands
57. South Africa
58. Sri Lanka
59. Swaziland
60. Tanzania
61. Trinidad and Tobago
62. Turks and Caicos Islands
63. Tuvalu
64. Uganda
65. United States of America (including the District of Columbia and US Territories)
66. Zambia
67. Zimbabwe

Passed by the House of Assembly this 6th day of May, 2021.

(Sgd.) Julian Willock,
Speaker.

(Sgd.) Phyllis Evans,
Clerk of the House of Assembly.