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## CHAPTER 45

### ADMINISTRATION OF ESTATES

An Act to provide for the appointment of an Administrator and Registrar General of Estates, and to regulate the administration of estates and the distribution of intestate estate and for other purposes

8 of 1945  
24 of 1952.  
1 of 1955.  
"Ordinance amended to "Act" by Act 29/1972.

[1<sup>st</sup> JANUARY, 1946]

"Ordinance" Substituted for "Act" by Act 29/1972

1. This Act may be cited as the Administrator of Estates Act, it shall come into force on such day as the President may fix by notice in the Gazette, and shall apply throughout Sierra Leone except in respect of the estate or part of the estate of the deceased native which is within the jurisdiction of a Local court.

Short title.

"Native Court" substituted for "Local Court" by virtue of Act 20/1963 Sec.1 as amended by Act 29/1972

2. In this Ordinance unless the context otherwise requires

Interpretation

"Administrator" means a person appointed by Court or under this Act to administer an estate;

"assets" means all property real and personal of a deceased person which is chargeable with and applicable to the payment of his debts and legacies or available for distribution amongst his heirs and next-of-kin;

"Court" means the High Court of Sierra Leone

"Supreme Court" substituted for "High Court" by sec.7, Act No.29 of 1972

"estate" means all interests in land and chattels real and personal, choses in action and other property whatsoever;

"Expatriate Officer" means any person who is an expatriate officer for the purposes of the Pensions Act, and is not a person subject to military law;

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"issue" includes children and the descendants of deceased children according to their stocks;

"letters of administration means any letters of administration, whether general or with a copy of the will annexed or limited in time or otherwise;

"next-of-kin" includes, any person other than a widow or widower of a deceased person who by law would be entitled to letters of administration in preference to a creditor;

"Administrator and Registrar General" means a person in the public services appointed as Administrator under this Act and includes an Assistant Administrator and Registrar General

As amended by Act 19/1972 sec.2

## ADMINISTRATOR AND REGISTRAR GENERAL OF ESTATES

3. (1) The President shall appoint a suitable person to be Administrator and Registrar General and as many Assistant Administrator and Registrar Generals as may be required.

Appointment of Administrator and Registrar-General "Governor" substituted for "President" by Act 29/1972

(2) The Administrator and Registrar-General shall for the purposes of this Act be a Corporation sole and shall have perpetual succession and may sue and be sued in his corporate name, and shall be entitled to appear in Court either in person or by counsel in any proceedings to which he is a party.

Corporation sole As amended by No.19 of 1972 sec. 3

4. (1) The Administrator and Registrar-General may appoint such person or persons as he shall think fit, to act as his agent for the managing, collecting and getting in of the assets and in payment of the liabilities, and the distribution of the assets of deceased persons whose estates are in the course of administration by him, such agent or agents shall in all respects act in such matters under the direction of the Administrator and Registrar-General, who shall not be answerable for any act or omission of any agent not in conformity with such direction or which shall not have happened by the Administrator and Registrar-General's own fault or neglect.

Appointment of agent by Administrator and Registrar General and remuneration

(2) Every agent not being a public officer shall find security to the satisfaction of the Administrator and Registrar-General for the performance of his duty

(3) Every agent, not being a public officer may be remunerated either by salary or such fees as the, Administrator and Registrar-General with the approval of the Court may decide.

5. (1) There shall be charged in respect of the administration of estates by the Administrator and Registrar-General such fees by way of percentage or otherwise as may be prescribed by Rules of Court made as provided in section 45.

Fees and expenses of Administrator 24 of 1952

(2) The Administrator and Registrar-General shall also be entitled to any expenses which might be retained or paid out of any estate in his charge, as if he were a private administrator.

(3) All such fees and expenses shall have priority over all debts of the deceased and may be deducted from any moneys received by the Administrator and Registrar-General in the course of the Administration and shall be paid into the general revenue of Sierra Leone

"colony" substituted for "Sierra Leone" by Act 29/1972

6. Neither the Administrator and Registrar-General nor any agent shall be personally liable to any person in respect of assets in the possession at the time of his death of any person, whose estate shall be administered by the

Relief of Administrator & Registrar General from liability

Administrator and Registrar-General, which shall be dealt with by the Administrator and Registrar-General or such agent, unless the Administrator and Registrar-General or his agent respectively, shall know, or have actual, notice before the same are dealt with, that the same were not in fact the property of the person whose estate is being administered by the Administrator and Registrar-General, and generally, neither the Administrator and Registrar-General nor any agent shall be liable for any act done bona fide in the supposed and intended performance of their duties, unless it shall be shown that such act was done not only illegally but wilfully or with gross negligence.

7. If during the administration of an estate by the Administrator and Registrar-General there is sold by the Administrator and Registrar-General or any agent on his behalf any goods or chattels or other property belonging to a third party, the amount realised by such sale shall be paid over to the owner upon proof by him of such ownership unless the sale shall have already been applied in payment of the debts of the deceased or shall have been distributed in the ordinary course of administration whilst the Administrator and Registrar-General or his agent was in ignorance or without actual notice of the claim of such person to the goods or chattels or other property sold.

Sale of goods of third party

8. (1) All probates and letters of administration granted to the Administrator and Registrar-General shall be granted to him by that name, and shall authorise the Administrator and Registrar-General and his successors in office to act as executor or administrator, as the case may be, of the estate to which such probate or letter relates.

Grants to Administrator & Registrar General and effects.

(2) The grant of probate or letters of administration to the Administrator and Registrar-General shall be conclusive as to the representative title against all debtors of the deceased and all persons holding such assets, and shall afford full indemnity to all debtors paying their debts, and all persons delivering up such assets to the Administrator and Registrar-General or to his agents duly appointed in accordance with the provisions of this Act.

## DEVOLUTION OF ESTATES

9. (1) The estate of every person dying intestate after the date of the operation of this Act shall devolve upon the Administrator and Registrar-General.

Intestate devolution

Provided that, upon the grant of letters of administration under the provisions of this Act, the estate shall be divested from the Administrator and Registrar-General and be vested in the person or persons to whom letters of administration have been granted as aforesaid.

(2) All the assets of a deceased person shall be administered for the payment of all debts of such person whether he died testate or intestate.

Liability of assets for payment of debts

10. (1) Whenever the Administrator and Registrar-General has received information in writing that any person has died within or without the jurisdiction of

Application for grant by Administrator and Registrar-General

the court leaving estate within the jurisdiction of the Court and if it appears-

- (i) that any such person dies intestate; or
- (ii) that the deceased having made a will devising or bequeathing his estate, or part thereof, has omitted to appoint an executor; or
- (iii) that the person or persons named as executor or executors have died in the testator's lifetime, or have renounced probate thereof; or
- (iv) that the last surviving executor has died intestate; or
- (v) that probate or letters of administration with the will annexed has not been obtained within six months from the death of the testator; or
- (vi) that the estate will probably be damaged, purloined or destroyed;

the Administrator and Registrar-General shall, by notice under his hand to be served personally or delivered at the residence of the widow or widower; and of such next-of-kin, executors or devisees whose addresses shall be known and published in three weekly publications in the Gazette and in any other public paper as he shall decide, call upon the widow or widower and such next-of-kin, executors or devisees within one month of such service or publication, to show cause why an order should not be made for him to administer such estate:

Provided that no citation shall, be necessary in cases under sub-section (vi) of this section.

- (2) If at the expiration of the period of one month cause shall not be shown to the satisfaction of the High Court or a Judge thereof in the manner provided in the Third Schedule\* to the, Act why the order should not be made and in cases under sub-section (vi) at any time after the information in writing as aforesaid, the Administrator and Registrar-General shall petition the Court in the form set out in the First Schedule\* to this Act, and the Court shall upon being satisfied that it is a proper case make an order for the grant of letters of administration with or without a will annexed, as the case may be, to the Administrator and Registrar-General.
- (3) Upon such grant as aforesaid, the Administrator and Registrar-General, shall forthwith cause an inventory to be made of the estate and shall file the same in the Court, and shall keep an account of all this receipts, payments and dealings in every such estate, and shall hold, possess, realize and dispose of the assets of the estate according to the directions of the Court and in default of any such directions to the provisions of this Act.

Grant to persons appearing

11. If in the course of proceedings to obtain a grant of probate or letters of administration under the provisions of section 10, any person appears and establishes his claim to probate of the will of the deceased, or to letters of Administration as widow or widower or next-of-kin of the deceased, the Court shall make an order that probate or letters of administration be granted to him, and shall award the Administrator and Registrar-General the costs of any proceedings taken by him, to be paid out of the estate of the deceased.

Grant of letters of administration to widow or widower

12. Notwithstanding an order which shall have been made authorising the Administrator and Registrar-General to administer the estate of an intestate, and whether such order has been made or not, the Court may grant probate of any will or letters of Administration of the estate of a deceased intestate to the widow or widower or next-of-kin of such intestate in the manner hereto before made:

or next-of-kin

Provided that no application for any grant shall be made until seven days notice in writing of the intention to make such application shall have been left at the office of the Administrator and Registrar-General.

Grant of probate or letters of administration to revoke grant to the Administrator and Registrar-General

13. Where probate of the will of a deceased or letters of administration of his estate has been granted by the Court in any case where an order to administer had been granted to the Administrator and Registrar-General, the grant of such administration to the Administrator and Registrar-General, shall be deemed to be revoked and all the interest, powers, rights and duties of the Administrator and Registrar-General in regard to the estate of the deceased person affected by such grant, and all liabilities of the Administrator and Registrar-General under any contract or agreement entered into by him in relation to such estate or any part thereof, shall cease; and such portion of the estate of such deceased person as shall be left unadministered by the Administrator and Registrar-General, shall vest in the executor or administrator obtaining such grant of probate or letter of administration, subject nevertheless to all lawful contracts theretofore, made relating to such estate:

Provided that all acts lawfully done by the Administrator and Registrar-General before the grant of probate or letters of administration to any executor or administrator shall be valid and effectual as if they had been done by the executor or administrator.

Title of administrator

14. The title of the Administrator and Registrar-General and of any administrator appointed under this Act shall upon such appointment being made, relate back to, and be deemed to have arisen upon the death of the owner of such estate as if there had been no interval of time between such death and appointment.

Administrator to be trustee.  
As amended by Act 29/1972

15. The Administrator and Registrar-General and every administrator appointed under this law shall be deemed a trustee within the meaning of any law, now or hereafter to be in force, relating to trusts and trustees.

Appointment of Administrator and Registrar-General of estate unadministered

16. (1) In any case in which administration of the estate of any deceased person shall have been, or shall hereafter be, granted to any person, the Administrator and Registrar-General, or any person interested, may apply to the court or a Judge thereof that letters of administration of the estate left unadministered of such deceased person may be granted to the Administrator and Registrar-General, or any person on the ground that it would be beneficial to all persons interested that the executor or administrator be removed and the estate be administered by the Administrator and Registrar General or such other person

- (2) The court or judge may, on such application, grant or refuse the same either absolutely, or any conditions, or may adjourn the hearing thereof for further evidence, and may make such order as to payment of costs by the parties to such application, personally or out of the estate to be administered as to the said Court or Judge may seem fit
- (3) All applications under this section shall be by motion of seven days notice to the administrator and all persons interested in the estate and supported by affidavit.

Provided that the court may dispense with personal service as it may think fit where it is satisfied the administrator cannot be found.

(4) When an order is made under this section, it shall have the effect of revoking any previous probate or letters of administration and vesting the estate left unadministered in the Administrator and Registrar-General or other person so appointed with all the rights, powers and subject to all the liabilities of the administrator.

Transfer by  
executor or  
administrator to  
Administrator and  
Registrar-General

17. (1) Any executor or administrator may with the previous consent of the Administrator and Registrar-General by instrument in writing under his hand notified in the Gazette, transfer the assets of the deceased vested in him by virtue of such probate or letters of administration to the Administrator and Registrar-General

Provided that before the Administrator and Registrar-General shall give his consent to the transfer he shall notify as far as possible all persons who appear to him to be interested in the estate and shall not give such consent if any other person applies to the Court for administration unless the Court refuses such application.

(2) As from the date of such transfer, the transferor shall be exempted from all liability as such executor or administrator, as the case may be, except in respect of acts or omissions done or committed, before the date of such transfer, and the Administrator and Registrar-General shall have the rights which he would have been subject, if the probate or letters of administration as the case may be, had been granted to him by that name at the date of such transfer.

Advertisements for  
debts and claims

18. (1) As soon as possible after the grant of probate or letters of administration, an executor or administrator shall cause advertisements to be published in some public paper calling upon creditors and other persons beneficially interested in the estate which he is administering to come in and prove their claims within such period as he may specify not being less than one month.

(2) The Administrator and Registrar-General shall in like manner cause advertisements as aforesaid and shall in addition publish the same in the Gazette

(3) Any claims by a creditor shall state his name and address, the origin of the debt or claim, the degree or class of debt and particulars duly verified by affidavit.

Distribution of estate

19. As soon as may be after the expiration of the time limited under the provision of the preceding section, or after the settlement of any dispute in respect of any claim, the executor, administrator or the Administrator and Registrar-General, as the case may be shall dispose of the estate of the deceased in the manner following-

- (a) he shall reimburse himself of all such costs and charges as he may reasonably have incurred in collecting and managing the estate;
- (b) he shall pay into the Treasury the fees mentioned in section 5 (1);
- (c) he shall pay the creditors of the estate in the following order, namely-

"crown" substituted for "state" by Act No 29 of 1972 sec 7

- (1) debts due to the State
- (2) judgement debt;
- (3) specialty contracts debts;
- (4) simple contract debts;
- (5) all other debts;

- (d) he shall pay the balance (if any) to the persons legally entitled either as a legatee under a will or beneficially entitled on an intestacy as provided in the Second Schedule hereof.

Proving of claims

20. As executor, administrator or the Administrator and Registrar-General who has distributed the assets of a deceased person among the persons who have proved their claims as creditors or beneficiaries as the case may be shall not be liable for the assets so distributed to any person of whose claims he had notice at the time of such distribution; but nothing in this section contained shall prejudice the right of any creditor or claimant to follow the assets or any part thereof into the hands of any person or persons who may have received the same respectively.

No. sale of. Land without consent of parties or order of court

21. (1) No land forming part of the estate of an intestate shall be sold by the Administrator and Registrar-General or any administrator without the consent of all persons beneficially interested, or the order of the Court or Judge thereof for that purpose first obtained.

(2) On the application of the Administrator and Registrar-General; an administrator or any person beneficially interested, and after previous notice to other persons interested, the Court may order and direct the course of proceedings which shall be taken in regard to the time and mode of any sale of land, the letting and management thereof until sale, the application for maintenance or advancement or otherwise of shares, income of shares, of infants, the expediency and mode of affecting a partition if applied for, and generally in regard to the administration of the land for the greatest advantage of all persons interested.

Personalty to be realised

22. The Administrator and Registrar-General shall convert into money all the

personalty of every estate which he administered unless an order be made to the contrary by the Court, and shall pay all monies received by him from time to time in the course of administration, whether in respect of realty or personalty, except such sums as may be required for defraying expense already incurred or immediately to be incurred in the administration, into the treasury to the account of the estate from which they arise:

Provided that, in the case of a solvent estate, the Administrator and Registrar-General shall transfer any property specifically bequeathed to any person to such person and may deliver to the widow or widower, or next-of-kin of the deceased any watch, jewellery or other property of the deceased which, in the opinion of the Administrator and Registrar-General ought not to be sold.

Directions by Court

23. (1) The Administrator, or any person claiming any title, right or interest in the estate of a deceased intestate may apply by petition to the Court or by summons to a Judge in Chambers, for directions in any question respecting the possession, custody, control, management or disposal of any property forming part of the assets of a deceased intestate.

- (2) All such applications shall state the grounds thereof and shall be supported by an affidavit setting out the facts relied upon, or upon which such opinion, advice or direction is required and shall be served upon all persons interested.
- (3) The Administrator and Registrar-General or other person acting upon such opinion, advice or direction shall be deemed, so far as his own responsibility is concerned, indemnified from the consequences of acting thereon:
- (4) Provided nevertheless that this shall not indemnify the Administrator and Registrar-General or any such person for any fraud or wilful concealment or misrepresentation in obtaining such opinion, advice or direction.

Assets of persons not domiciled in Sierra Leone payable to executor abroad

24. (1) When a person, not domiciled in Sierra Leone, has died leaving assets in Sierra Leone, the Administrator and Registrar-General, after having given the prescribed notice for creditors and others to send in to him their claims against the estate of the deceased, and after having discharged at the expiration of the time therein named such lawful claims as he may have notice of, may, instead of distributing any surplus or residue of the deceased's estate to persons residing out of Sierra Leone who are entitled thereto transfer with the consent of the administrator if any as the case may be in the country of the domicile of the deceased, the surplus or residue to such executor or administrator for distribution to such persons:

Provided that where such deceased person was domiciled in a foreign state, such transfer may be made to a Consular Officer of such state, such transfer may be a full and complete discharge to the Administrator and Registrar-General in respect of the same:

And provided further that where the person entitled to receive the residue of an estate is living in a British Dominion or Possession or any Territory over which Her Majesty exercises jurisdiction and the Government of that Dominion, Possession or Territory is willing to pay the residue to that person the Administrator and Registrar-General may transfer the residue through the Minister to the Government of the British Dominion, Possession or Territory in

which the person entitled is living and written acknowledgement by the Accountant General of the Government of Sierra Leone that he has received the surplus for such purpose shall be a full and complete discharge to the Administrator and Registrar-General in respect of the same.

Keeping accounts

(2) The President may prescribe the fees payable to a Consular Officer or to the Government mentioned in this section.

25. The Administrator and Registrar-General and every executor and administrator shall keep an account of all receipt, payments and dealings with every estate he is administering and shall permit all interested persons to inspect and take copies of the same, and of all proceedings relating thereto at all reasonable hours or shall furnish office copies thereof.

Filing of accounts

26. (1) The Administrator and Registrar-General and every executor and administrator shall on the completion of the administration of an estate file in the Court his accounts and vouchers relating to the same, together with an affidavit in verification, and after thirteen days notice has been given to all persons known to be interested who are resident in Sierra Leone setting forth a day and hour to be appointed by the Court for the passing of such accounts, and notice of such day and hour has been published in the Gazette the same may be examined by the Court in the presence of any person who may attend upon such notice; and objection may be taken to the account or any item or part thereof and the Court may allow or disallow the account of any item or part thereof and accounts shall be taken and settled by the Court in accordance with the usual practice of the Court.

(2) A certificate under the hand of a judge of the Court to the effect that the accounts have been examined and found correct shall be a valid and effectual discharge in favour of the Administrator and Registrar-General, executor or administrator as the case may be, as against all persons whatsoever.

Filing of interim account

27. Where the administration of an estate is not completed within twelve months of the date of the grant of probate or letters of administration, as the case may be, the executors shall, unless otherwise ordered by the Court, file in the Court an interim statement of accounts which may be examined in accordance with the Rules of Court.

Power to transfer share of minor to relative

28. Where any person entitled to share under a will or in the distribution of the estate of a deceased person is a minor, the Court may upon the application of the Administrator and Registrar-General, executor or administrator, appoint the father or mother of such minor, or some other suitable person to receive the share of such minor on his behalf and the receipt of such person so appointed shall be a full and complete discharge for the payment of such share.

Disposal of proceeds of intestate estates without a widow or widower, or next-of-kin

29. (1) Whenever the Administrator and Registrar-General shall have administered the estate of any person who has died intestate and without leaving a widow or widower, or next-of-kin, by paying all debts, fees, expenses and liabilities incident to the collection, management and administration of such

estate, he shall forthwith pay all sums of money which shall be in his hands to the credit of such intestate into the Treasury to form part of a fund hereinafter called the "Intestate Fund" and shall forthwith publish a notice in the Gazette and such other public papers as he shall deem expedient, announcing the completion of such administration and calling upon all persons claiming to be interested in such estate on legal, equitable or moral grounds, to present their petitions to the Court.

Petitions to Court

(2) Such petition may be presented at any time within two years from the date of the said notice, unless the Court, as hereinafter provided, fixes a lesser period within which the petition may be presented, and no such claim shall be entertained after expiration of two years or such lesser period of time as may be fixed by the Court as aforesaid, and the hearing of the petition shall not take place until two months shall have elapsed after the expiration of the said period of two years or such lesser period fixed as aforesaid or until the petitioner shall have given two months' notice in the Gazette of the presentation of such petition or intention to present such petition, and if the petition has been presented and no such notice given until after the day appointed by the court.

(3) (a) Where the court is satisfied upon application, either by the Administrator and Registrar-General, or by a person who has presented a petition under sub-section(1) of this section, that it is unlikely there should be any further petitions presented or that a lesser period of time will be sufficient for the presentation of any such petitions, the court may order that instead of the period of two years mentioned in sub-section(2) there shall be substituted for such period such lesser period not less than six months as the court may consider sufficient.

What must be stated

(b) Notice of any order made by the court under this subsection shall be published in the other public papers in which the notice under sub-section (1) of this section was published.

Service to Official Administrator

(4) Every such petition shall state the place of residence of the claimant and the ground upon which and the description of the estate in respect of which and the description of the estate in respect of such claim is made.

Hearing

(5).A copy of such petition shall be served upon the Administrator and the Registrar- General.

Ground of Petition

(6) A person claiming to be interested in such estate may appear personally or by counsel, and the respective claims of different petitioners may be heard and dealt with at the hearing.

(7) The equitable or moral grounds in this section referred to shall include those arising from the illegitimacy of the deceased person whose estate shall have been administered or of his children.

Order on Petition

30. (1) If any petitioner verifies his claim by evidence to the satisfaction of the court, the court shall make such order in the premises, including any award of

costs, as it shall think fit.

(2) The order may contain a direction to the Accountant-General to pay from the sum standing to the credit of the estate in the Treasury the sum awarded to any claimant or petitioner by such order, or any debt appearing to the court to be then outstanding and due from the estate.

Assets unclaimed within two years to lapse to Government

31. (1) After the expiration of two years from the date of any notice published by the Administrator and Registrar-General under section 29 hereof, all sums standing to the credit of an estate in respect of which such notice was published, and in respect of which either no petition shall have been presented has been withdrawn, struck out or dismissed, shall forthwith pass to and form part of the general revenue of Sierra Leone, and the Administrator and Registrar General shall notify the Accountant General thereof.

(2) The Court may either of its own motion, or on the application of the Attorney General or the Administrator and Registrar General, or any person interested, after notice to the petitioner strike out or dismiss any petition which shall not have been heard and determined within three years from the date of the notice of the Administrator and Registrar General under section 29 if the Court is of the opinion that the petitioner has failed or delayed without good and sufficient cause duly to prosecute such petition.

Powers of President to dispose of assets

32. It shall be lawful for the President to dispose of or distribute either the whole or any part of any assets transferred to Government under the last preceding section or otherwise to or among any kindred of the deceased or any other such persons in such shares and manner as he shall think fit, regard being had to any equitable or moral claims.

Duty of heads of department to notify deaths

#### ESTATES OF DECEASED EXPATRIATE GOVERNMENT OFFICERS

33. (1) It shall be the duty of the Head of every Government Department to inform the Administrator and Registrar General forthwith of the death of any expatriate officer of his department

Administration by the Administrator and Registrar General of estate of deceased expatriate officers

(2) Where any expatriate officer dies intestate, or leaving a will but without having appointed an executor who is within the jurisdiction and able and willing to take probate, and without leaving any widow or widower, or next of kin within the jurisdiction who is able and willing to take probate, his estate shall be administered by the Administrator and Registrar General.

Agent of Administrator and Registrar General in Sierra Leone

(3) If any such expatriate officer as aforesaid die leaving property in any place in Sierra Leone, other than in Bonthe in the Sherbro Judicial District, the Administrator and Registrar General may subject to the approval of the President, appoint a public officer to act as his agent in the administration of the estate of such deceased.

(4) If any such expatriate officer as aforesaid die leaving property in Bonthe in the Sherbro Judicial District or in the Provinces, then the District Officer of the

District in which such property is left shall be ex-officio agent of the Administrator and Registrar General in the administration of the estate of such deceased:

Limitation of administration

Provided that the District Officer may appoint a public officer in his district to act as such agent in his place.

34. The administration of such estate by the Administrator and Registrar-General shall be limited to the collection and realization of the estate of the deceased within the jurisdiction, the payment of his funeral and testamentary expenses and debts within the jurisdiction, and the payment of the balance into the Treasury to the credit of the legal personal representative of the deceased.

Publication of notice by Administrator

35. As soon as possible after the Administrator has taken over the administration of the estate of any expatriate officer he shall cause a notice of the fact to be published in the Gazette and such other public papers as he shall deem expedient, requiring all persons having any claim against the estate of the deceased so send in such claim to the Administrator within thirty days, and may, if he thinks fit, require that any claim be supported by affidavit of the person making the same, or of any person cognisant of the facts relating thereto.

Certain articles to be sent to the Consular Officer As amended by Act 29/1972

36. Where the estate is solvent any watch, jewellery, letters or other property of the deceased which, in the opinion of Administrator and Registrar-General, ought not to be sold shall be securely packed and forwarded to the Consular Officer or appropriate authority of the country of origin of the deceased officer for despatch to the legal personal representatives of the deceased officer. The Administrator shall give notice to the Minister that this has been done.

Rendering of accounts and the Order of Court. As amended by Act 29/1972

37. (1) Upon the completion of the administration of the estate, the Administrator shall file in the Court his accounts and those of the agent, if any, and the vouchers relating thereto together with an affidavit or affidavits in verification. The Court shall, on passing such accounts, order the net balance due to the estate to be lodged with the Accountant General with a view to being paid to the Consular Officer or appropriate authority of the country of origin of the deceased officer on behalf of the legal personal representative of the deceased.

(2) The Administrator and Registrar-General shall, on receipt of the order of the court, send to the Minister a copy of the said order of the accounts as finally passed by the Court and the vouchers relating thereto, and of the affidavit or affidavits in verification, together with a request that the Consular Officer or appropriate authority of the country of origin of the deceased officer may be instructed accordingly.

(3) If at any time subsequent to the filing of the accounts and vouchers as aforesaid there shall be brought to the knowledge of the Court the existence of assets or of claims against the estate of the deceased which were unknown to the Administrator and Registrar-General or not included in the accounts at the time of such filing, the Court on being satisfied by affidavit or otherwise of the existence of assets, or of the validity of such claims may order

Interim accounts

that the accounts be amended as circumstances may require, and pass the amended accounts accordingly.

38. The Administrator and the Registrar-General may, by leave of the court, and subject to such terms as to the future administration of the estate as the court may deem just, pass any accounts prior to the completion of the administration . In any such case the procedure prescribed in section 37(2) shall be followed as to any balance shown to be due to the estate by such accounts, but the : Minister shall in addition be notified that the administration has not been completed.

Change of  
administration by  
Order of Court

39. The court may at any time, on application being made to it for the purpose, or of its own motion, order that the Administrator and Registrar-General shall cease to administer an estate.

Any such order shall be made on such terms as the court shall think fit, and the court may by the same or another order name some other person to act as administrator.

Power to  
administer where  
assets do not  
exceed £50

#### ADMINISTRATION OF SMALL ESTATES

40. (1) Notwithstanding anything contained in this or any other assets within Sierra Leone the gross value of which does not exceed fifty pounds, the Administrator and the Registrar-General may by notice in the Gazette and in some other public paper advertise his intention to administer the estate under the provisions of this section and at the expiration of the time limited by such notice he may apply to the court for an order to administer the estate, which order the court may grant or refuse at its discretion:

Provided that where the gross value of the estate does not exceed ten pounds no notice shall be published:

And provided further that no order shall be made for the Administrator and the Registrar-General to administer such estate if letters of administration of the intestate have been granted to an administrator unless the court under section 16 sub-section (4) has revoked such grant.

(2) It shall not be obligatory for the Administrator and Registrar-General to file in court his account and vouchers in respect of an estate administered under this section unless he is required to do so by a beneficiary or creditor of the deceased, and receives payment of such sum as the Administrator and Registrar-General may reasonably require to cover the costs of preparing, filing and passing the accounts:

Provided that all persons interested shall have the right to inspect and make copies of such account.

(3) The Administrator and Registrar-General shall publish in some public papers a notice calling upon all creditors to send in their claims against the

deceased within a reasonable time to be stated by him in such notice:

Provided that where the gross value of the estate does not exceed ten pounds the Court may on the application of the Administrator and Registrar-General dispense with the publication of such notice,

(4) Upon the expiration of the time so stated or if publication of the notice to creditors is dispensed with as hereinbefore provided, after such period as the Court may fix, the Administrator and Registrar-General shall pay all claims of which he shall have received notice and which have been proved to his satisfaction and shall distribute the residue (if any) among the persons interested in accordance with the rules of distribution in the Second Schedule hereto annexed, In the case of illegitimacy of the deceased or his children, such distribution shall be made among such the persons who, in the opinion of the Administrator and Registrar-General, would, but for such illegitimacy, have been entitled to the same according to the rules of distribution aforesaid.

(5) The Administrator and Registrar-General may on his own motion and shall at the request of any beneficiary or of any creditor who has proved his claim to the satisfaction of the Administrator and Registrar-General apply to the Court for directions as to any claim or as to the persons who are entitled to the estate as creditors or beneficiaries.

Power to remit fees in estates not exceeding £50

41. Notwithstanding anything contained in this or any other Act the court may at the time of making an order for the Administrator and Registrar-General to administer an estate the gross value of which does not exceed fifty pounds remit all fees and costs usually payable upon an administration by the Official Administrator and to substitute therefore one fee, equivalent to one-tenth of the gross value of the estate, and may order that any formalities or proceedings, which may appear to him to be unnecessary, be dispensed with, and may give all directions as it may consider expedient for the effective and economical administration of the estate.

Wages or salary not exceeding £10 to be paid to widow or relative of deceased person in certain cases

42. In case any person employed in the service of any Government Department or of the City Council of Freetown or of the Rural Area Council shall die leaving any sum of money not exceeding ten pounds due to him as wages or salary, and probate of his will or letters of administration be not produced to the officer responsible for the payment of the said sum; or if notice in writing of the existence of a will and intention to prove the same or notice of intention to take out letters of administration be not given to the said officer within the period of two months from the death of such person so employed as aforesaid; or if such notice be given but such will be not proved or letters of administration be not taken out and the probate and letters of administration produced to the said officer within the period of four months' from the death of such person; the officer may after the period of two or four months, as the case may be, pay the sum due as aforesaid, at his discretion to the widow and relatives of the deceased person or anyone or more of them and shall thereupon notify the Administrator and Registrar-General accordingly.

Native Intestate Estates not within jurisdiction of Local Court.  
"Local" substituted for "Native" by Act. No.20 of 1963 sec.3

Administrator and

## ADMINISTRATION OF NATIVE ESTATES

Registrar-General  
to ascertain  
customary law

43. (1) Notwithstanding anything contained in this Act, where any native dies intestate leaving assets in Sierra Leone which are not within the jurisdiction of any Local Court the distribution of such assets after payment of the debts of the deceased and the costs of administration shall be according to native law and custom.

Sec. 43(2), (3) &  
(4) amended by  
Act No.16 of 1975

(2) Where the Administrator and Registrar-General administers any such estate he shall request the District Officer of the area, or the Paramount Chief of the Chiefdom concerned, or the Tribal Headman of the tribe to which the deceased belonged to ascertain from the Local court or from members of the tribe, as the case may be, the names of persons entitled to the balance of the estate and on such names being certified to him by the District Officer, or the tribal Headman, as the case may be, shall pay such balance of the estate to the persons so named.

(3) Where the District Officer, or the Paramount Chief of the Chiefdom concerned or the Tribal Headman certifies that there are no known persons entitled under customary law to the balance of the estate and there appears to be any person or persons who were dependent on the deceased or who would have been entitled had the deceased been a non-native, the Minister may direct the Administrator and Registrar-General to pay the balance of the estate to such person or persons in such proportions as he may think equitable.

(4) The receipt of the persons certified by the District Officer or the Paramount Chief of the Chiefdom concerned or the Tribal Headman or of the persons to whom the Minister directs that payment shall be made as the case may be, shall be a valid and effectual discharge in favour of the Administrator and Registrar-General against all persons whatsoever, in respect of the balance of the estate so paid over and effectual discharge in favour of the Administrator and Registrar-General against all persons whatsoever in respect of the balance of the estate so paid over.

Annual Report of  
Administrator and  
Registrar-general

"House of  
Representative  
substituted for  
"Parliament" by  
sec.7 Act No.29 of  
1972

## GENERAL

44. The Administrator and Registrar-General shall in every year in the month of April transmit to the Financial Secretary, to be laid before the Parliament, a return of all monies paid, received and invested in respect of all the estates of deceased persons administered by him during the preceding year, distinguishing the particular estate in which the same have been so received, paid or invested, and he shall also publish twice in every year, in the months of April and October a like return in the Gazette in respect of the six months ending on the 31<sup>st</sup> day of December and 30<sup>th</sup> day of June, respectively.

Rules of Court  
Cap. 7.

45. Rules of Court may be made in accordance with section 24 of the Courts Act, for the effectual execution of this Act, and for fixing the costs to be allowed, or in respect of the matters herein contained, and the performance thereof, and

also for altering the number of days by this Act limited for the doing of everything by this Act prescribed or authorised to be done, and substituting other days for the same as, in the opinion of the Rules of Court Committee, shall be necessary and proper.

Until such rules are made, the rules in the Third Schedule hereto annexed shall be in force.

## SECOND SCHEDULE

### RULES OF DISTRIBUTION

1. If a woman die intestate leaving a husband the whole of the estate shall go to him.
2. If a man die intestate leaving a widow and children or issue the widow shall be entitled to one-third of the estate, and the children or issue the remaining two-thirds equally between them per stripes.
3. If a man dies leaving children or issue but no widow, the children and issue take the whole between them per stripes
4. If a man die leaving a widow but not children or issue the widow shall take one-half absolutely and the half shall be divisible amongst this nearest relatives of next-of-kin.

Relatives of the half-blood taking equal with relative of the full entitled to the whole.

5. If a man die leaving no widow or children or issue, the father will be entitled to the whole.
6. (1) If a man die leaving no widow, child, issue or father; the mother, brothers and sisters will take in equal shares. Brothers and sisters of the half-blood share equally with brothers and sisters of the full-blood.
- (2) If any brother or sister shall have died in the life-time of the intestate, leaving children, such children shall stand in loco parentis, provided the, mother or any brother or sister be living.

\* Rules of Court have been made prescribing the fees to be paid for the administration of estates by the Administrator and Registrar-General. None have been made yet to replace the Third Schedule. The First Schedule, which prescribes a form or application to the Court, and the Third Schedule, which is in the nature of Rules of Court, are for convenience printed together with the Rules about fees in the Volume containing the subsidiary legislation of the Courts Act (Cap.7).

7. If there be no brother or sister, nor child of such brother or sister,

the mother shall take the whole.

8. If there be no mother, the brothers and sisters take equally, the children of such brothers and sisters as may be standing in loco parentis.
9. If there be no next-of-kin the estate shall go to the State.

CHAPTER 46

ADMINISTRATION OF ESTATES BY  
CONSULAR OFFICERS

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Administration of Estates by Consular Officers
3. Variation of Schedule

8 of 1940  
"Ordinance"  
substituted by "Act"  
Act 29/1972

CHAPTER 46

ADMINISTRATION OF ESTATES BY  
CONSULAR OFFICERS

An Act to enable Consular Officers of Certain States to Administer the Estates of Deceased Foreign Nationals of such States.

Short title  
"Colony"  
substituted by  
"Sierra Leone".  
Act 29/1972

[18<sup>TH</sup> JULY, 1940]

Administration of  
Estates by  
Consular Officer

WHEREAS it is expedient that effect should be given in Sierra Leone to the provisions of certain Treaties of Commerce and Navigation mentioned in the Schedule hereto

1. This Act may be cited as the Administration of Estates by Consular Officers Act, and shall apply to Sierra Leone.
2. Whenever any subject or citizen of any State mentioned in the first column of the Schedule hereto-
  - (a) dies within Sierra Leone, or
  - (b) dies outside Sierra Leone leaving property within Sierra Leone,

"Official  
Administrator"  
replaced by  
"Administrator and  
Registrar General"  
By Act 19/1972

and no person other than the Administrator and Registrar-General is present in Sierra Leone at the time of his death who is rightfully entitled to administer the estate of such deceased person, the Consul, Vice-Consul or Consular Officer of such State within Sierra Leone may take possession and have the custody of the property of such deceased person, and may apply the same in payment of his debts and funeral expenses, and may retain the surplus for the benefit of the persons entitled thereto; but such Consul, Vice-Consul or Consular Officer shall immediately apply for; and shall be entitled to obtain

Variation of  
Schedule  
"President"  
substitutes  
"Governor" by Act  
29/1972

from the Court, Letters of Administration of the property of such deceased person, limited in such manner and for such time as to the Court shall seem fit.

3. It shall be lawful for the President by Order published in the Gazette to vary the Schedule-
  - (a) by deleting therefrom any State when the provisions of the Treaty with that State mentioned in the Schedule shall have ceased to have effect;
  - (b) by adding thereto any State with whom the Government of Sierra Leone shall make a Treaty of Commerce and Navigation containing provision similar to any of the provisions mentioned in the Schedule.

#### SCHEDULE\*

Name of State	Title of Treaty	Date of Treaty	Provision
Finland	Treaty of Commerce and Navigation between the United Kingdom and Finland	14 <sup>th</sup> December, 1923	Article 19 (Third Paragraph)
Estonia	Treaty of Commerce and Navigation between the United Kingdom and Estonia	18 <sup>th</sup> January, 1926	Article 22
Hungary	Treaty of Commerce and Navigation between the United Kingdom and Hungary	23 <sup>rd</sup> July, 1926	Article 14
Yugoslavia	Treaty of Commerce and Navigation between the United Kingdom and the Kingdom of the Serbs, Croats and Slovenes	12 <sup>th</sup> May, 1927	Article 24
Turkey	Treaty of Commerce and Navigation between the United Kingdom and Turkey	1 <sup>st</sup> March, 1930	Article 28
Roumania	Treaty of Commerce and Navigation between the United Kingdom and Roumania	6 <sup>th</sup> August, 1930	Article 28
Thailand	Treaty of Commerce and Navigation between the United Kingdom and Siam (Thailand)	23 <sup>rd</sup> November, 1937	Article 19

\* There are also the following Consular Conventions, concluded in 1951 or thereafter, which contain clauses providing for the administration of estates by Consular Officers, and the preambles' of which state that their provisions shall apply to all territories for whose international relations the United Kingdom is responsible-

Name of State	Title of Convention	Date of Convention	Provision
Norway	Consular between the United Kingdom and Norway	22 <sup>nd</sup> February 1951	Part VI Article 22
United States	Consular between the United Kingdom and the United States	6 <sup>th</sup> June, 1951	Part VII Article 18
France	Consular between the United Kingdom and France	31 <sup>st</sup> December. 1951	Part VI Article 29
Sweden	Consular between the United Kingdom and Sweden	14 <sup>th</sup> March, 1952	Part VI Article 22
Greece	Consular between the United Kingdom and Greece	17 <sup>th</sup> April, 1953	Part VI A Article 22
Mexico	Consular between the United Kingdom and Mexico	20 <sup>th</sup> June, 1954	Part VI Article 23
Italy	Consular between the United Kingdom and Italy	1 <sup>st</sup> June, 1954	Part VI Article 23
Germany	Consular between the United Kingdom and Germany	30 <sup>th</sup> July, 1956	Part VI Article 21

## BIRTHS AND DEATHS

### Contents:

1. Aku Mohammedan Burial Grounds Act Cap 91
2. Burial Registration (Freetown) Act Cap 94
3. Births and Deaths Act No.11 of 1983

