

***SUPPLEMENT* to the Solomon Islands Gazette**

Friday 16th February, 1996

S.I. No. 8

[Legal Notice No. 21]

THE BANKRUPTCY ACT 1994
(No. 1 of 1994)

NOTICE OF COMMENCEMENT

IN exercise of the powers conferred by section 1 of the Bankruptcy Act, 1994, I, OLIVER ZAPO, Minister of Justice and Legal Affairs, do hereby appoint the 27th day of February 1996 as the date on which the said Act shall come into operation.

Dated at Honiara this eighth day of February, 1996.

OLIVER ZAPO
Minister of Justice & Legal Affairs

[Legal Notice No. 22]

THE PUBLIC TRUSTEE ACT 1987
(No. 4 of 1987)

NOTICE OF COMMENCEMENT

IN exercise of the powers conferred by section 1 of the Public Trustee Act, 1987, I, OLIVER ZAPO, Minister of Justice and Legal Affairs, do hereby appoint the 27th day of February 1996 as the date on which the said Act shall come into operation.

Dated at Honiara this eighth day of February, 1996.

OLIVER ZAPO
Minister of Justice & Legal Affairs

[Legal Notice No. 23]

THE PUBLIC TRUSTEE ACT 1987
(No. 4 of 1987)

THE PUBLIC TRUSTEE (FORMS) REGULATIONS 1996

IN exercise of the powers conferred by section 41 of the Public Trustee Act, 1987, I, OLIVER ZAPO, Minister of Justice and Legal Affairs, do hereby make the following regulations -

1. These Regulations may be cited as the Public Trustee (Forms) Regulations 1996.
2. The forms set out in the Schedule are the forms prescribed for the purposes of the Act mentioned on each form.

SCHEDULE

PUBLIC TRUSTEE ACT 1987

NOTICE OF APPLICATION FOR A GRANT TO ADMINISTER

THE ESTATE OF DECEASED

(section 7)

TO:

TAKE NOTICE that after 30 days from the date of service of this notice on you* I will apply to the High Court for a grant of letters of administration (with the will annexed) deceased, late of who died on the day of 19.....
intestate/having made his last will on the day of 19.....

AND TAKE NOTICE ALSO that you may object to my application. To do so you must write to the High Court before the end of the period of 30 days after the service of this notice on you*. You must give your name and an address in Solomon Islands and say you object to my application. The court will not grant my application until there has been a hearing at which you will be given a chance to say why you object.

Dated at Honiara this day of 19.....

PUBLIC TRUSTEE

*Note: If this notice is served upon you by registered post, the 30 day period will not start until the 15th day after the day the notice was posted to you.

THE PUBLIC TRUSTEE ACT 1987
(No. 4 of 1987)

NOTICE OF APPLICATION FOR A GRANT TO ADMINISTER

THE ESTATE OF

DECEASED

(section 7)

TAKE NOTICE that I intend to apply to the High Court after the expiry of 30 days from the date of publication of this notice for a grant of letters of administration with the will annexed to enable me to administer the estate of _____ deceased, late of _____ who died on the _____ day of _____ 19..... intestate/having made his last will on the _____ day of _____ 19.....

AND TAKE NOTICE FURTHER that you may object to my proposed application. To do so you must write to the High Court before the end of the period of 30 days from the date of publication of this notice. He must give his name and an address in Solomon Islands and say he objects to my application. The court will not grant my application until any objector has been given the opportunity to say why he objects.

Dated at Honiara this _____ day of _____ 19.....

PUBLIC TRUSTEE

THE PUBLIC TRUSTEE ACT 1987
(No. 4 of 1987)

NOTICE OF APPLICATION FOR A GRANT TO ADMINISTER

THE ESTATE OF _____ DECEASED

(section 7)

This notice is given in accordance with section 12 of the Public Trustee Act 1987.

2. Any person having a claim against or an interest in the estate of _____ late of _____ who died on the _____ day of _____ 19..... should send details of the claim or interest in writing by the _____ day of _____ 19..... to:

Public Trustee
P.O. Box G15
Honiara

3. After the _____ day of _____ 19..... the estate of the late _____ will be distributed among the persons entitled having regard to those claims and intestate of which I have had notice.

Dated at Honiara this _____ day of _____ 19.....

PUBLIC TRUSTEE

THE PUBLIC TRUSTEE ACT 1987
(No. 4 of 1987)

CERTIFICATE OF SUMMARY ADMINISTRATION OF SMALL
ESTATE BY PUBLIC TRUSTEE
(Section 17(1))

I CERTIFY THAT

1. The gross estate of
late _____ of
the _____ day of _____ on
estate within the meaning of section 3(1) of the Will, Probate and
Administration Act 1987.
2. The said _____ died
intestae in such circumstances that I may apply or the grant of letters
of administration.
3. I propose to administer the said estate summarily in accordance with
section 17(1) of the Wills, Probate and Administration Act 1987.

Dated at Honiara this _____ day of _____ 19.....

PUBLIC TRUSTEE

THE PUBLIC TRUSTEE ACT 1987
(No. 4 of 1987)

CERTIFICATE AUTHORISING SUMMARY ADMINISTRATION
OF SMALL ESTATE
(section 18(1))

WHEREAS

(1) It appears to me that the gross estate of
late of
who died intestate at
on the day of 19.....
does not exceed \$1,000.00.

(2)

of
the
of the deceased would be entitled to apply for the grant of letters
of administration of the estate.

NOW I CERTIFY THAT

is entitled to administer the estate of the said in accordance with
section 18(1) of the Public Trustee Act 1987.

Dated at Honiara this day of 19.....

PUBLIC TRUSTEE

Dated at Honiara this first day of February, 1996.

OLIVER ZAPO
Minister of Justice & Legal Affairs

[Legal Notice No. 24]

THE REVISED EDITION OF THE LAWS ACT 1995
(No. 5 of 1995)

NOTICE
(Section 8(2))

IN exercise of the powers conferred by section 8(2) of the Revised Edition of the Laws Act, 1995, I, **OLIVER ZAPO**, Minister of Justice and Legal Affairs, do hereby appoint that the Revised Edition of the Laws shall contain the Acts in force on the 1st day of March 1996.

Dated at Honiara this eighth day of February, 1996.

OLIVER ZAPO
Minister of Justice & Legal Affairs

[Legal Notice No. 25]

**THE WILLS, PROBATE AND ADMINISTRATION ACT
1987**

(No. 2 of 1987)

THE ADMINISTRATION BOND REGULATIONS 1996

IN exercise of the powers conferred under section 108 of the Wills, Probate and Administration Act, 1987, I, OLIVER ZAPO, Minister of Justice and Legal Affairs, do hereby make the following regulations -

1. These Regulations may be cited as the Administration Bond Regulations 1996.
2. The prescribed amount for the purposes of section 45 is one thousand dollars.
3. An Administration Bond shall be in a penalty of double the the amount at which the estate of the deceased is sworn unless the court shall in any case think fit to direct that the same shall be reduced, in which case it shall be lawful for the court to direct that more bonds than one shall be given so as to limit the liability of any security to such amount as the court thinks fit.
4. The form of Administration Bond is prescribed in the Schedule hereto.

SCHEDULE

IN THE HIGH COURT
OF SOLOMON ISLANDS
(Probate Jurisdiction)

19..... No.

IN THE ESTATE OF
deceased, intestate.

ADMINISTRATION BOND

WE (1) are jointly and severally bound to the High Court of Solomon Islands in the sum of (2) dollars for the payment of which to the High Court we bind ourselves and each of us and our executors and administrations.

The condition of this bond is such if the said

(3) the
(4) of
(5) deceased who died on the day 19..... and the intended administrator of the estate of the said deceased does, when lawfully required -

- (i) make a true inventory of the said estate which has or shall come to this possession or knowledge;
- (ii) exhibit the inventory in the High Court;
- (iii) fully and truly administer the estate according to law;
- (iv) make a true account of the administration;
- (v) deliver up the letters of administration to the High Court if it appears the deceased made a will;

then this bond shall be void and of no effect, but shall otherwise remain in full force and effect.

Dated at this day of 19

Signed, sealed and delivered by in this presence of:

.....
A Commissioner for Oaths

Notes:

- (1) Names and addresses of intended administrator and 2 sureties.
- (2) Double the gross value of the estate.
- (3) Name of intended administrator.
- (4) Relationship of intended administrator to deceased or other capacity entitling him to apply for the grant.
- (5) Name of deceased.

Dated at Honiara this first day of February, 1996.

OLIVER ZAPO
Minister of Justice & Legal Affairs

[Legal Notice No. 26]
THE WILLS, PROBATE AND ADMINISTRATION ACT 1987
 (No. 2 of 1987)

THE GRANTS OF PROBATE AND ADMINISTRATION
(ORDER OF PRIORITY) REGULATIONS 1996

IN exercise of the powers conferred under section 41 of the Wills, Probate and Administration Act, 1987, I, OLIVER ZAPO, Minister of Justice and Legal Affairs, do hereby make the following regulations -

1. These Regulations may be cited as the Grants of Probate and Administration (Order of Priority) Regulations 1996.
2. The person or persons entitled to a grant of probate or administration with the will annexed are in the following order of priority -
 - (a) the executor;
 - (b) any residuary legatee or devisee holding in trust for any other person;
 - (c) any residuary legatee or devisee for life;
 - (d) the ultimate residuary legatee or devisee or, where the residue is not wholly disposed of by the will, any person entitled to a share in the residue not so disposed of or (subject to section 31 of the Act) the personal representative of any such person; provided that where the court is satisfied that the testator has disposed of substantially the whole estate, a grant may be made to any legatee or devisee entitled to or to a share in the estate so disposed of without regard to the persons entitled to share in any residue not disposed of by the will;
 - (e) any specific legatee or devisee or any creditor, or (subject to section 31 of the Act) the person representative of any such person or, where the estate is not wholly disposed of by the will any person who, notwithstanding that the amount of the estate is such that he has no immediate beneficial interest in the estate would have such a beneficial interest in the event of an addition to the estate;
 - (f) any legatee or devisee, whether residuary or specific, entitled on the happening of any contingency or any person having no interest under the will who would have been entitled to a grant if the deceased had died wholly intestate.

3. (1) Where the deceased died wholly intestate, the persons having a beneficial interest in the estate shall be entitled to a grant of administration in the following order of priority -

- (a) the surviving spouse;
- (b) the children of the deceased or the issues of any such child who died during the lifetime of the deceased;
- (c) the father or mother of the deceased;
- (d) brothers or sisters of the whole blood or the issue of any such brother or sister who died during the life-time of the deceased.

(2) If no person in any of the classes mentioned in paragraph (1) has survived the deceased then the following, if they have a beneficial interest in the estate, shall be entitled to a grant in the following order of priority -

- (a) brothers and sisters of the half blood or the issue of any such deceased brother or sister who died during the life-time of the deceased;
- (b) grandparents;
- (c) uncles and aunts of the whole blood or the issue of any such deceased uncle or aunt who died during the life-time of the deceased.

(3) In default of any person having a beneficial interest in the estate, the Public Trustee shall be entitled to a grant if he claims *bona vacantia* on behalf of the crown.

(4) If all persons entitled to a grant under the foregoing provisions of this rule have been cleared off, a grant may be made to a creditor of the deceased or to any person who notwithstanding that he has no immediate beneficial interest, may have a beneficial interest in the event of an addition to the estate.

(5) Subject to section 31 of the Act the personal representative of a person in any of the classes mentioned in paragraphs (1) and (2) of this regulation or the personal representative of a creditor shall be preferred to the personal representative of a spouse who died without taking a beneficial interest in the whole of the estate of the deceased.

Dated at Honiara this first day of February, 1996.

OLIVER ZAPO
Minister of Justice & Legal Affairs

[Legal Notice No. 27]

**THE WILLS, PROBATE AND ADMINISTRATION ACT 1987
(No. 2 of 1987)**

THE GRANTS IN SMALL ESTATES REGULATIONS 1996

IN exercise of the powers conferred under section 108 of the Wills, Probate and Administration Act, 1987, I, OLIVER ZAPO, Minister of Justice and Legal Affairs, do hereby make the following regulations -

1. These Regulations may be cited as the Grants In Small Estates Regulations 1996.
2. The prescribed amount for the gross value of a small estate is one thousand dollars.
3. An application to a court for a grant of probate or administration of a small estate shall contain the particulars set out in Schedule 1.
4. The forms of certificate of grant of probate and of administration of a small estate are prescribed in Schedule 2 hereto.

SCHEDULE

THE WILLS, PROBATE AND ADMINISTRATION ACT 1987
(No. 2 of 1987)

(PART IV)

APPLICATION FOR GRANT OF PROBATE OR ADMINISTRATION
OF A SMALL ESTATE

(please read the notes at the end before writing on this form)

TO: Registrar, High Court
Magistrate's Court
Clerk

(1) I apply for the grant of: (1)

probate
administration
administration with will annexed

of the estate of (2)
who died on the (3) day of 19.....
at (4) and who normally lived at
(5)

(2) The relatives of (2) who are now alive are:

husband or wife
children (if under 18, give their ages)
grandchildren (if under 18, give their ages)
father
mother
brothers
sisters

(3) (6) I enclose the original will.

(4) (7) I enclose evidence of the death of (2)

(5) The estate of the deceased, to the best of my knowledge, consists of:

§ ¢

Bank accounts
Other securities
Salary, leave pay due
Registered land
Boat and canoe, car, etc.
Other personal effects
Others

Total _____

(6) The debts of the deceased at the date of death were:

\$ ¢

The funeral costs were:

Total _____

- (7) I make this application on the grounds that:
- (8) I am the executor named in the will.
I am the person entitled to apply for the grant.

The persons who are entitled to apply in priority to me do not wish to apply and I enclose their written agreement to my application.

Dated this day of 19.....

Signed in the presence of:

Name and address of witness

NOTES

- (1) Cross out whichever one does not apply.
- (2) Name of Deceased.
- (3) Date of Death.
- (4) Place of Death.
- (5) Place where deceased normally lived.
- (6) Cross out if there is no will.
- (7) Enclose evidence of death - e.g. hospital death certificate or statutory declarations by 2 people who knew him well and were present at his death or burial.
- (8) Cross out whichever one does not apply. People are entitled (usually) to apply for the grant in the order set out in paragraph 2 of this form. (For example, if you are the brother of the deceased and the widow is still alive, you must get her consent in writing to you making this application).

IF YOU ARE UNCERTAIN ABOUT HOW TO FILL IN ANY PART OF THIS FORM, ASK A MAGISTRATE, PUBLIC SOLICITOR OR PROVINCIAL GOVERNMENT OFFICER FOR HELP. YOU WILL NEED TO MAKE A STATUTORY DECLARATION BEFORE A MAGISTRATE OR COMMISSIONER FOR OATHS IN SUPPORT OF YOUR APPLICATION.

SCHEDULE 2

THE WILLS, PROBATE AND ADMINISTRATION ACT 1987
(No. 2 of 1987)

CERTIFICATE OF GRANT OF PROBATE OF A SMALL ESTATE
(Section 56)

THIS CERTIFICATE is granted to
of
who has proved the last will (a copy of which is annexed) of deceased,
late of
who died on the _____ day of _____ 19.....
The said
is now entitled under the Provisions of Part IV, Small Estates, of the Wills,
Probate and Administration Act 1987, to administer the estate of the
deceased, the estate having been sworn to be under \$1,000.00 in value.

Dated at _____ in Solomon Islands this _____ day
of _____ 19.....

Registrar or Magistrate
High Court of Solomon Islands District

THE WILLS, PROBATE AND ADMINISTRATION ACT 1987
(No. 2 of 1987)

CERTIFICATE OF GRANT OF AUTHORITY TO ADMINISTER
A SMALL ESTATE WITH WILL ANNEXED
(section 56)

THIS CERTIFICATE is granted to _____ of
the _____
of _____ deceased, late of
who died on the _____ day of _____ 19.....
having made his will (a copy of which is annexed)
on the _____ day of _____ 19.....
The said _____ is now
entitled under the Provisions of Part IV, Small Estates, of the Wills,
Probate and Administration Act, 1987 to administer the estate of the
deceased, the estate having been sworn to be under \$1,000.00 in value.

Dated at _____ in Solomon Islands this _____
day of _____ 19.....

Registrar or Magistrate
High Court of Solomon Islands District

THE WILLS, PROBATE AND ADMINISTRATION ACT 1987
(No. 2 of 1987)

CERTIFICATE OF GRANT OF AUTHORITY TO ADMINISTER
A SMALL ESTATE
(Section 56)

THIS CERTIFICATE is granted to _____ of
the _____
of _____ deceased, intestate, late
of _____ who died on the
day of _____ 19.....
The said _____ is now
entitled under the Provisions of Part IV, Small Estates, of the Wills,
Probate and Administration Act, 1987 to administer the estate of the
deceased, the estate having been sworn to be under \$1,000.00 in value.

Dated at _____ in Solomon Islands this
day of _____ 19.....

Registrar or Magistrate
High Court of Solomon Islands District

Dated at Honiara this first day of February, 1996.

OLIVER ZAPO
Minister of Justice & Legal Affairs

[Legal Notice No. 28]

**THE WILLS, PROBATE AND ADMINISTRATION ACT 1997
(No. 2 of 1987)**

**THE ADMINISTRATION OF INSOLVENT ESTATES
REGULATIONS 1996**

IN exercise of the powers conferred by sections 76 and 108 of the Wills, Probate and Administration Act, 1987, I, OLIVER ZAPO, Minister of Justice and Legal Affairs, do hereby make the following regulations -

1. These Regulations may be cited as the Administration of Insolvent Estates Regulations 1996.
2. Where the estate of a deceased person is insolvent, the funeral, testamentary and administration expenses have priority.
3. Subject to regulation 2 the same rules shall prevail and be observed with regard to the rights of secured and unsecured creditors, to debts and liabilities provable, to the valuation and annuities and future and contingent liabilities and to the priorities of debts and liabilities as are from time to time in force under the law of bankruptcy affecting the assets of persons adjudged bankrupt.
4. The right of retainer of a person representative shall apply to those debts owing to the personal representative in his own right whether solely or jointly with another person.

Dated at Honiara this first day of February, 1996.

OLIVER ZAPO
Minister of Justice & Legal Affairs

[Legal Notice No. 29]

**THE WILLS, PROBATE AND ADMINISTRATION ACT 1987
(No. 2 of 1987)**

**THE GRANTS OF PROBATE AND ADMINISTRATION (FEES)
REGULATIONS 1996**

IN exercise of the powers conferred by section 108 of the Wills, Probate and Administration Act, 1987, I, OLIVER ZAPO, Minister of Justice and Legal Affairs, do hereby make the following regulations -

1. These Regulations may be cited as the Grants of Probate and Administration (Fees) Regulations 1996.

2. Upon application for the grant of probate or letters of administration the following fees shall be paid.

Where the gross value of the estate at the time of death does not exceed:

\$1,000.00	-	No Fee
\$2,500.00	-	\$25.00
\$5,000	-	\$50.00
\$7,500	-	\$75.00

Where the gross value of the estate at the time of death exceeds \$7,500 - \$100.

3. The Registrar of High Court shall upon good cause being shown have a discretion to waive partially or entirely the fee in respect of any application.

Dated at Honiara this first day of February, 1996.

OLIVER ZAPO
Minister of Justice & Legal Affairs

[Legal Notice No. 30]

**THE WILLS, PROBATE AND ADMINISTRATION ACT 1987
(No. 2 of 1987)**

THE STATUTORY TRUSTS REGULATIONS 1996

IN exercise of the powers conferred by section 108 of the Wills, Probate and Administration Act, 1987, I, OLIVER ZAPO, Minister of Justice and Legal Affairs, do hereby make the following regulations -

1. These Regulations may be cited as the Statutory Trusts Regulations 1996.

2. Where under Part VI of the Act the residuary estate or any of the residuary estate of an intestate is directed to be held on the statutory trusts for the issue of the intestate the statutory trusts are:
 - (a) in trust, in equal shares, for each child of the intestate, alive at the date of death of the intestate who attains the age of 18 years or marries under that age but where a child of the intestate died before the intestate leaving issue and such issue attains the age of 18 years or marries under that age, such issue shall take in equal shares the share which their parent would have taken if alive at the date of death of the intestate;
 - (b) the statutory power of advancement* and the statutory provisions which relate to maintenance and accumulation of surplus income* shall apply but when an infant marries such infant shall be entitled to give valid receipts for the income of the infant's share or interest;
 - (c) where the property held on the statutory trusts for issue is divisible into shares, any money or property which, by way of advancement or on the marriage of a child of the intestate has been paid to such child by the intestate or settled by the intestate for the benefit of such child (including any life or less interest and including property covenanted to be paid or settled) shall, subject to any contrary intention expressed or appearing from the circumstances, be taken as so paid or settled in or towards satisfaction of the share of such child or the share which such child would have taken if living at the death of the intestate and shall be brought into account at a valuation (as at the date of death of the intestate) in accordance

- with the requirements of the personal representatives;
- (d) the personal representatives may permit any infant contingently interested to have the use and enjoyment of any personal chattels in such manner and subject to such conditions (if any) as the personal representatives consider reasonable, and without being liable to account for any consequential loss.

3. If the trusts in favour of the issue of the intestate fail by reason of no child or other issue attaining an absolutely vested interest the residuary estate of the intestate and the income and all statutory accumulations or so much thereof as may not have been paid or applied under any power affecting the same, shall devolve as if the intestate had died without leaving issue living at the date of death of the estate.

4. Where under Part VI the residuary estate or any part of the residuary estate of an intestate is directed to be held on the statutory trusts for any class of relatives of the intestate other than issue, the same shall be held on trusts corresponding to the statutory trusts for the issue (other than the provision for bringing any money or property into account) as if such trusts referred to the members of that class of relatives instead of to the children of the intestate.

Dated at Honiara this first day of February, 1996.

OLIVER ZAPO
Minister of Justice & Legal Affairs

*Trustee Act 1925 of the U.K.

[Legal Notice No. 31]

THE WILLS, PROBATE AND ADMINISTRATION ACT 1987
(No. 2 of 1987)

THE ADMINISTRATION OF ASSETS OF SOLVENT ESTATES
REGULATIONS 1996

IN exercise of the powers conferred by sections 77 and 108 of the Wills, Probate and Administration Act, 1987, I, OLIVER ZAPO, Minister of Justice and Legal Affairs, do hereby make the following regulations -

1. These Regulations may be cited as the Administration of Assets of a Solvent Estates Regulations 1996.
2. The order of application of the assets of a solvent estate is -
 - (a) property not disposed of by the will of the deceased, subject to retaining a fund to meet any financial legacies;
 - (b) property not specifically devised or bequeathed but included (either by a specific or general description) in a residuary gift, subject to retaining a fund to meet any financial legacies so far as not provided for under paragraph (a);
 - (c) property specifically appropriated or devised or bequeathed (either by a specific or general description) for the payment of debts;
 - (d) property specifically devised or bequeathed, rateably according to value.
 - (e) the fund, if any, retained to meet financial legacies.
 - (f) property specifically devised or bequeathed, rateably according to value.
 - (g) property appointed by will under a general power rateably according to value.
3. The right of retainer of a personal representative (which shall apply only to debts owing to the personal representative in his own right whether solely or jointly with another person) and his right to prefer creditors may be exercised in respect of all assets of the deceased.

Dated at Honiara this first day of February, 1996.

OLIVER ZAPO
Minister of Justice & Legal Affairs

