



BRITISH INDIAN OCEAN TERRITORY

**REVISED ORDINANCES OF THE
BRITISH INDIAN OCEAN TERRITORY**

**THE ADMINISTRATION OF ESTATES
ORDINANCE 1983**

CHAPTER A.1

Revised Edition

Showing the law as at 1 September 2020

Published by Authority

**REVISED ORDINANCES OF THE
BRITISH INDIAN OCEAN TERRITORY**

**THE ADMINISTRATION OF ESTATES
ORDINANCE 1983**

CHAPTER A.1

Revised Edition

Showing the law as at 1 September 2020

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Ordinance 2015 and contains a consolidation of the following laws:

The Administration of Estates Ordinance 1983 - Ordinance No.9 of 1983

As amended by:

Ordinance No.4 of 2016

© British Indian Ocean Territory Administration

All rights reserved. No part of this publication may be reproduced in any form or by any means (including photocopying or copying in electronic format) without the written permission of the Commissioner of the British Indian Ocean Territory, or otherwise as permitted under the terms of a licence from the British Indian Ocean Territory Administration.

**REVISED ORDINANCES OF THE BRITISH INDIAN OCEAN
TERRITORY**

THE ADMINISTRATION OF ESTATES ORDINANCE 1983

CHAPTER A.1

ARRANGEMENT OF SECTIONS

Section		Page
1.	Citation.	4
2.	Definitions.	4
3.	Persons entitled to administer estates of deceased persons.	4
4.	Rights, liabilities, etc., of personal representatives.	5
5.	Where no probate, etc., granted.	5
6.	Employer's right to administer.	5
7.	Commissioner's Representative's right to administer.	5
8.	Rules of distribution.	5
9.	Indemnity.	6
10.	Agents.	6
11.	Persons may be required to produce evidence of entitlement to administer.	6
12.	Small estates.	6
13.	Application to Crown and exemption from liability.	7

**REVISED ORDINANCES OF THE BRITISH INDIAN OCEAN
TERRITORY**

THE ADMINISTRATION OF ESTATES ORDINANCE 1983

CHAPTER A.1

An Ordinance to provide for the administration of estates in the Territory of deceased persons.

Citation.

1. This Ordinance may be cited as the Administration of Estates Ordinance 1983, ROBIOT c.A.1.

Definitions.

2. In this Ordinance unless the context otherwise requires –

estate (except in the first place where that word occurs in section 3(1)) means the property in the Territory of a deceased person;

personal representative means a person administering an estate under any provision in this Ordinance and includes his authorised agent in the Territory;

property includes a thing in action and any interest in real or personal property.

Persons entitled to administer estates of deceased persons.

3. (1) A probate or letters of administration or any other document, by whatever name called, which entitles a person to administer the estate of a deceased person, granted in a place referred to in subsection (2) of this section, shall entitle the person to whom it is granted to administer the estate of that deceased person.

(2) The places referred to in subsection (1) of this section are –

(a) any part of the British Islands;

(b) any Commonwealth country;

(c) any member State of the European Community or the Council of Europe;

(d) the United States of America; and

(e) any other country approved by the Commissioner for the purpose of this section.

Rights, liabilities, etc., of personal representatives.

4. A personal representative shall have all the rights and powers, and shall be subject to all the duties and liabilities, in respect of administering an estate, of an executor in England.

Where no probate, etc., granted.

5. Where no such document as is mentioned in section 3(1) is granted, or where, in spite of reasonable effort it cannot be ascertained within 3 months of the death of the deceased that such a document has been or will be granted, the next of kin or other person entitled to inherit the property of the deceased or the greatest part of it, under the law of the place where the deceased was domiciled at the time of his death, shall be entitled to administer the estate. If in spite of reasonable efforts, it is not possible within the said period to ascertain the domicile of the deceased, the person who would be entitled to administer the estate in England of the deceased if the deceased had died in England intestate and domiciled in England shall be entitled to administer the estate.

Employer's right to administer.

6. Where no such person as is mentioned in section 3(1) or 5 has within 4 months of the death of the deceased taken any step towards administering the estate, the employer of the deceased, if he had one, may administer the estate.

Commissioner's Representative's right to administer.

7. Where no such person as is mentioned in section 3(1), 5 or 6 has within 6 months of the death of the deceased taken any step towards administering the estate, the Commissioner's Representative may administer the estate.

Rules of distribution.

8. An estate shall be distributed in accordance with the will or other testamentary writing to which the document referred to in section 3(1) relates, and, in the absence of a will or other testamentary writing, in accordance with the rules for distribution of an estate on intestacy which apply to the estate of the deceased at the place of his domicile at the time of his death, and if in spite of reasonable efforts it is not possible to ascertain such domicile or rules within 3 months of the first step being taken in the Territory to administer the estate, then in accordance with the rules for the distribution of real and personal estate on an intestacy in force in England at the time of death of the deceased.

Indemnity.

9. Without prejudice to section 4, every personal representative shall be indemnified to the extent of the estate in respect of every act done or omission made by him in good faith in the course of the administration.

Agents.

10. Any personal representative may do any act in the Territory through an agent duly authorised in writing, and when paying money or transferring property to a person may pay or transfer it to an agent in the Territory of the person duly authorised in writing to receive it. A personal representative shall be under no duty to pay or transfer money or property to a person outside the Territory.

Persons may be required to produce evidence of entitlement to administer.

11. (1) The Commissioner's Representative may require any person administering an estate to produce to him satisfactory evidence of his entitlement to do so, and may refuse such person permission to administer an estate, or to continue to do so, or to remove any part of the estate from the Territory, until such evidence is produced. Refusal of permission shall be communicated in writing to the person refused permission.

(2) Where permission has been refused in accordance with subsection (1) of this section, the person refused permission and any person with knowledge of such refusal is guilty of an offence if he acts in contravention thereof, and is liable to a fine of double the value of the property dealt with in contravention of the refusal or £5,000, whichever is the greater.

Small estates.

12. Despite anything contained in this Ordinance if, on the death of a person who was at the time of his death or at any time previously in the employment in the Territory of an employer in the Territory, any sum of money not exceeding £2,500 or the equivalent in another currency was due to the employee from the employer or if in the Territory any other property of the employee of value not exceeding that amount is lawfully in the possession or under the care of the employer, and if within 6 months of the death of the deceased no claim has been received by the employer by a person entitled under section 3(1) or 5 to administer the estate, the employer may pay or transfer the whole or any part of such money and property to any person who it appears to him would have been entitled to a beneficial interest therein, if the employee had died in England intestate and domiciled in England and the money or other property had formed part of his residuary estate. An employer shall not be liable to account to any person for money or other property paid or transferred in pursuance of this section.

Application to Crown and exemption from liability.

13. (1) This Ordinance binds the Crown in right of the Territory.

(2) Neither the Crown nor any servant of the Crown shall be liable in respect of any act done or omission made in good faith in carrying out this Ordinance.
