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CHAPTER 45.

ADMINISTRATION OF ESTATES.

8 of 1945.
24 of 1952.
1 of 1955.

An Ordinance to provide for the appointment of an official Administrator of Estates, and to regulate the administration of estates and the distribution of intestate estates and for other purposes.

[1ST JANUARY, 1946.]

Short title.

1. This Ordinance may be cited as the Administration of Estates Ordinance; it shall come into force on such day as the Governor may fix by notice in the *Gazette*, and shall apply to the Colony. It shall also apply to the Protectorate in respect of—

(a) the estates of deceased non-natives, and

(b) any part of the estate of a deceased native which is not within the jurisdiction of any native court.

Interpretation.

2. In this Ordinance unless the context otherwise requires—

“ Administrator ” means a person appointed by the Court or under this Ordinance 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 Supreme Court of Sierra Leone;

“ 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 Ordinance, 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;

“ Official Administrator ” means a person in the public services appointed as Administrator under this Ordinance and includes an Assistant Official Administrator.

OFFICIAL ADMINISTRATOR OF ESTATES.

3. (1) The Governor shall appoint a suitable person to be Official Administrator and as many Assistant Official Administrators as may be required.

Appointment of Official Administrator.

(2) The Official Administrator shall 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.

4. (1) The Official Administrator may appoint such person or persons as he shall think fit, to act as his agent or agents 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 Official Administrator, 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 Official Administrator's own fault or neglect.

Appointment of agent by Official Administrator and remuneration.

(2) Every agent not being a public officer shall find security to the satisfaction of the Official Administrator 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 Official Administrator with the approval of the Court may decide.

5. (1) There shall be charged in respect of the administration of estates by the Official Administrator 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 Official Administrator. 24 of 1952.

(2) The Official Administrator 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 Official Administrator in the course of the Administration and shall be paid into the general revenue of the Colony.

6. Neither the Official Administrator 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 Official Administrator, which shall

Relief of Official Administrator from liability.

be dealt with by the Official Administrator or such agent, unless the Official Administrator 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 Official Administrator, and generally, neither the Official Administrator 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.

Sale of goods
of third
party.

7. If during the administration of an estate by the Official Administrator there is sold by the Official Administrator 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 same 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 Official Administrator 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.

Grants to
Official Ad-
ministrator
and effects.

8. (1) All probates and letters of administration granted to the Official Administrator shall be granted to him by that name, and shall authorise the Official Administrator 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.

(2) The grant of probate or letters of administration to the Official Administrator 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 Official Administrator, or to his agents duly appointed in accordance with the provisions of this Ordinance.

DEVOLUTION OF ESTATES.

Intestate
devolution.

9. (1) The estate of every person dying intestate after the date of the operation of this Ordinance shall devolve upon the Official Administrator:

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