



MONTSERRAT

CHAPTER 3.05

TRUST CORPORATION (PROBATE AND ADMINISTRATION) ACT

Revised Edition
showing the law as at 1 January 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

TRUST CORPORATION (PROBATE AND ADMINISTRATION) ACT

Act 6 of 1947 .. in force 23 December 1947

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TRUST CORPORATION (PROBATE AND ADMINISTRATION) ACT

(Acts 6 of 1947, 24 of 1956 and 10 of 1969)

Commencement

[23 December 1947]

Short title

1. This Act may be cited as the Trust Corporation (Probate and Administration) Act.

Interpretation

2. In this Act—

“**administration**” means letters of administration of the estate of a deceased person, whether general or limited, or with the will annexed or otherwise;

“**Court**” means the Eastern Caribbean Supreme Court;

“**probate**” means the probate of a will;

“**trust corporation**” means either a corporation appointed by the Court in any particular case to be a trustee or a corporation constituted under the law of the United Kingdom of Great Britain and Northern Ireland, or any part of the Commonwealth, and having a place of business in Montserrat and empowered by its constitution to undertake trust business and being either—

(a) a company incorporated by special Act, or Royal Charter;

(b) a company registered (whether with or without limited liability) under the Companies Act, having a capital (in stock or shares) for the time being issued of not less than \$1,200,000, of which not less than \$480,000 shall have been paid up in cash; or

(c) a company registered without limited liability under the Companies Act, whereof one of the members is a company within any of the classes hereinbefore defined.

For the purposes of this definition “**trust business**” means the business of acting as trustee under wills and settlements and as executor and administrator of deceased persons.

(Amended by Act 10 of 1969)

Power to grant representation to a trust corporation**3. (1)** The Court may—

- (a) Where a trust corporation is named in a will as executor, whether alone or jointly with another person, grant probate to the corporation either solely or jointly with another person, as the case may require; and
- (b) grant administration to a trust corporation either solely or jointly with another person,

and the corporation may act accordingly as executor or administrator, as the case may be.

(2) Probate or administration shall not be granted to a syndic or nominee on behalf of a trust corporation.

(3) Any officer authorized for the purpose by a trust corporation or the directors or governing body thereof may, on behalf of the corporation, swear affidavits, give security and do any other act or thing which the Court may require with a view to the grant to the corporation of probate or administration, and the acts of an officer so authorized shall be binding on the corporation.

(4) This section shall have effect whether the testator or intestate died before or after the commencement of this Act, and no such vesting, grant or transfer as aforesaid shall operate as a breach of a covenant or condition against alienation or give rise to a forfeiture.

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