

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 2,264 of 5th DECEMBER, 1985.

I ASSENT,

PETER TERRY,

GOVERNOR.

5th December, 1985.



GIBRALTAR

No. 28 of 1985.

AN ORDINANCE to amend the Administration of Estates Ordinance (Chapter 1).

ENACTED by the Legislature of Gibraltar.

Short title

1. This Ordinance may be cited as the Administration of Estates (Amendment) Ordinance, 1985.

New Part V.

2. The Administration of Estates Ordinance (in this Ordinance referred to as the principal Ordinance) is amended by inserting immediately after Part IV the following new Part:

Administration of Estates (Amendment) Ordinance, 1985.

" PART V : DISPOSAL BY NOMINATION.

Power to nominate.

57. (1) Any employee not being under the age of sixteen years (hereinafter in this Part called the nominator) may at any time in the course of his employment nominate a person or persons (who shall be clearly designated in such nomination) to whom any sum standing to his credit in the books of his employer in respect of wages, salary, gratuities, allowances, contributions or arrears of pay or other moneys payable by the employer to such employee on his death, and not exceeding in the aggregate \$2,500, shall be paid on his death.

(2) A nominator may direct in his nomination that specific sums shall be paid to one or more of the persons named in the nomination, or that the persons named in the nomination may take the moneys nominated in specific shares

(3) Not more than one nomination under this section may be in force at any one time.

Formalities of nomination

58. (1) Every nomination under Section 57 –

- (a) shall be substantially in the form set out in the Third Schedule;
- (b) shall be in writing, signed by the nominator and attested by one witness; and
- (c) shall be delivered at or sent to the principal place of business of the employer.

(2) Any person nominated in any nomination under Section 57 shall not be the employer, or a servant or agent of the employer of the nominator, unless such employer, servant or agent is the husband, wife, father, mother, child, brother, sister, nephew or niece of the nominator.

(3) No person who witnesses the signature of a nominator to a nomination under Section 57 shall take benefit under such nomination. (4) On receiving a nomination under subsection (1) the employer shall make a record thereof,

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endorse the nomination with a note that he has made such a record, and return the nomination for safe keeping.

Revocation of nomination.

59. (1) Any nomination made under Section 57 shall be revoked

- (a) by the marriage of the nominator subsequent to the making of the nomination;
- (b) by the death of the nominee or (if there is more than one) any nominee in the lifetime of the nominator or
- (c) by any subsequent nomination made by the nominator.

(2) Any such nomination shall not be revoked by any will or by any event or events other than those specified in this section.

Operation of nomination.

60. (1) On receiving satisfactory proof of the death of a nominator the employer shall, where he has no notice of the claim of any creditor, thereupon pay the nominee or nominees specified in the nomination in force at the time of the death, according to the directions of such nomination, notwithstanding the production of probate of the will of the deceased nominator or of letters of administration of his estate.

(2) The receipt of any person specified in the nomination of a payment made by the employer under subsection (1) shall be a valid and effectual discharge for the sum so paid (provided such person has attained the age of sixteen years) and shall release the employer from any liability to any person in respect of such payment.

(3) Where an employer has made a payment to a nominee in ignorance of the marriage of the nominator subsequent to the nomination the receipt of the nominee shall be a valid and effectual discharge for the purpose of subsection (2).

Nominee under Sixteen or of unsound mind,

61. Where any person nominated to receive any sum under a nomination under Section 57 is an infant under sixteen years of age, or is of unsound mind, the employer may in his discretion pay the sum mentioned in the nomination, or any part thereof, to any person who satisfies such employer that he will apply such money for the benefit of such infant or person of

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unsound mind, and the receipt of such person shall be a valid and effectual discharge for the amount so paid.

Application to the crown.

61A. The provisions of this Part shall bind the Crown in right of the Government of Gibraltar, but not otherwise."

New Third Schedule.

3. The principal Ordinance is amended by adding the following:

"THIRD SCHEDULE.

Section 58.

**ADMINISTRATION OF ESTATES ORDINANCE: NOMINATION
FOR BENEFIT UNDER SECTION 57.**

TO: (insert name and address of employer)

IN ACCORDANCE WITH Section 57 of the Administration of Estates Ordinance.

I (insert full name and address of nominator) hereby nominate (insert full name/s and address/es of person/s nominated) to receive any wages and other moneys to which I shall be entitled on my death, not exceeding £2,500 in all.

2. * I understand that this nomination becomes invalid if I marry/my marriage comes to an end before my death or if any of the above-named nominee/s dies/die in my lifetime. If my marriage does so come to an end or any of the above named nominee's die/dies in my lifetime, I will notify the above-named employer accordingly.

DATED this day of 19

(Signature of nominator)

Witnessed by:
(Signature of Witness)
(Full name and address of witness)

Administration of Estates (Amendment) Ordinance, 1985.

*AMEND AS APPROPRIATE

THIS IS AN IMPORTANT, DOCUMENT: KEEP IN A SAFE PLACE."
Passed by the Gibraltar House of Assembly on the 28th day of November,
1985.

P. A. GARBARINO

Clerk to the Assembly.