

ADMINISTRATOR-GENERAL ACT

Principal Act

Act. No. 1889-05	<i>Commencement</i>	22.3.1889
	<i>Enactment</i>	27.2.1889

Amending enactments	Relevant current provisions	Commencement date
Acts. 1893-03	s.16	
1930-02	s.19(2)	
1934-36	s.3	
1935-08	s.20	
1949-25	s.10	
1965-15	ss.6(2) and 16	
1975-03	ss.3(2), 4, 5, 7, 17 and 20	
1983-48	s.2	
2007-17	ss. 2, 3(1), 17(b) & (d) & 19(1)	14.6.2007

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AN ACT TO PROVIDE FOR THE ADMINISTRATION OF UNREPRESENTED ESTATES AND THE APPOINTMENT OF AN ADMINISTRATOR-GENERAL.

Short title.

1. This Act may be cited as the Administrator-General Act.

Interpretation.

2. In this Act, unless the context otherwise requires,—

“the court” means the Supreme Court;

“Minister” means the Minister responsible for justice;

“unrepresented estate” means—

- (a) the estate of every person who dies intestate and whose widow, husband or next of kin is unknown, or has refused to take out letters of administration, or is absent from Gibraltar without having an agent therein;
- (b) the estate of every person who dies having made a will, when owing to any cause it is necessary to appoint administrators cum testamento annexo, or de bonis non of such estate, and the person entitled to such letters of administration is unknown or refuses to take out such letters of administration or is absent from Gibraltar without having an agent therein; and
- (c) every estate whereof the executors or administrators are absent from Gibraltar without having an agent therein.

Appointment of Administrator-General.

3. (1) The Minister shall appoint a suitable person to be the Administrator-General for the purposes of this Act.

(2) The Administrator-General shall be a corporation sole by the name of the Administrator-General of Gibraltar and shall have perpetual succession and an official seal. The Administrator-General may sue and may be sued in his corporate name.

Application re unrepresented estate.

4. (1) The Administrator-General shall, whenever he becomes aware of any estate which he considers unrepresented, apply to the court for a grant

to him of letters of administration, stating the particulars of such estate, and the court shall upon being satisfied that such estate is unrepresented, grant letters of administration to enable him to administer such unrepresented estate.

(2) The Administrator-General shall have all the rights and duties of a personal representative under the Administration of Estates Act¹.

Entering on estate before order.

5. The Administrator-General shall, if he thinks fit so to do, immediately on becoming aware of any unrepresented estate, and before obtaining a grant of administration, enter upon the estate for the purpose of sealing up or making such other dispositions for the security of such estate as he may deem necessary.

6. *Repealed.*

Court may revoke grants.

7. (1) If upon the representation of any person claiming to be legally entitled to the administration or management of any estate in respect of which a grant of administration has been made under section 4 the court is satisfied that the applicant is so entitled, the court may revoke such grant and direct the Administrator-General to desist from interfering with such estate or may make such other order as the court shall deem meet:

Provided that all matters and things which shall have been performed bona fide by the Administrator-General previously to the determination of such grant shall be valid and effectual to all intents and purposes whatsoever.

(2) Where an order is made by the court under this section for the appointment of any person to administer an estate in the place of the Administrator-General, the court shall order that the percentage fixed under section 17(b) shall be calculated on the gross amount of the estate realised by the Administrator-General at the date of such order, and that such percentage shall be paid into the Consolidated Fund.

8. *Repealed.*

Interest on sums improperly retained.

9. If any person shall retain in his hands or employ for his own benefit or knowingly permit any person so to retain or employ any sum of money or

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other effects, part of any unrepresented estate, after a demand therefor shall have been made by the Administrator-General, every such person shall be charged and pay interest on such money or on the value of such effects at the rate of 12 per cent per annum for the time during which he shall have retained or employed the same, or permitted the same to be retained or employed as aforesaid, and the Administrator-General is hereby authorized and required to demand and sue for such interest either together with the principal money or effects, or separately, as he may think fit.

10.-15. *Repealed.*

Where moneys to be paid.

16. All moneys received by the Administrator-General in the execution of his office, whether of debt due to the estate, the proceeds of sale, or from whatsoever source they may be derived, shall forthwith be paid into the Gibraltar Savings Bank to the account of the Administrator-General:

Provided that the Administrator-General may retain in his possession out of the assets of any estate such sum not exceeding £20 as he may consider necessary for the purpose of defraying all such costs and charges as he may reasonably have to incur on behalf of such estate.

Distribution of proceeds of estate.

17. As soon as may be after the Administrator-General has called in and administered the unrepresented estate he shall dispose of the moneys arising out of such estate in the manner following—

- (a) he shall reimburse himself of all such costs and charges as he may reasonably have incurred in collecting the estate;
- (b) he shall pay into the Consolidated Fund such percentage not exceeding 5 per cent on the gross amount of money arising out of the realisation of the estate as may from time to time be prescribed by the Minister by notice under this section;
- (c) he shall pay the creditors of the estate in the order and manner prescribed by law; and
- (d) he shall pay the balance (if any) which remains after such payments aforesaid to the Accountant General in trust for the person entitled thereto.

18. *Repealed.*

Claimants to balance of estate.

19. (1) Any person who shall claim, in any other character than that of a creditor thereof, any estate or balance which may be in the hands or under the control of the Administrator-General or of the Accountant General, may apply to the court by petition to have the same delivered over to him and the court upon being satisfied of the validity of such claim shall make such order as may be just. Where two or more persons lay claim to any such estate or balance, the court may, with the consent of the parties, dispose of their claims by determining the same in a summary manner, and may make such order therein with regard to costs and all other matters as the circumstances may require. Where the parties do not consent, they shall proceed to obtain a decision of their claims according to the ordinary course of law and the Administrator-General or Accountant General, as the case may be, shall, if necessary, take such steps as shall be requisite for compelling such parties to interplead.

(2) Subsection (1) shall have effect as though it included equitable or moral claims by any such person as is mentioned therein to the personal estate of any person dying intestate without widow, husband, heirs or next of kin and all the provisions of that subsection with respect to the mode of procedure, the powers of the court and the consent of the parties shall apply to any such claim accordingly:

Provided that any such claim shall be subject to the like exceptions and limitations as are in force with respect to any proceeding mentioned in section 32(2) of the Administration of Estates Act.

Inspection of Administrator-General's books.

20. Any person may inspect the books and accounts of the Administrator-General during his office hours and on payment of a fee of 50 pence.

SCHEDULE.

Repealed.