

The Wills, Probate and Administration (Amendment) Bill 1990

(NAME OF BILL)

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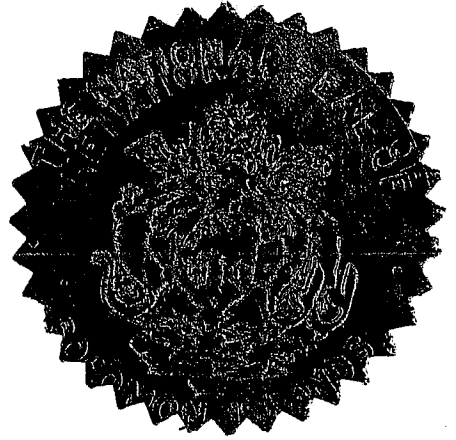
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1 copy Attorney General's Chambers
 1 copy Ministry 5/12/90
 1 copy Parliament Office
 1 copy Registrar of the High Court 5/12/90



**THE WILLS, PROBATE AND
ADMINISTRATION
(AMENDMENT) ACT 1990**

(NO. 8 OF 1990)



THE WILLS, PROBATE AND ADMINISTRATION (AMENDMENT) ACT 1990

(NO. 8 OF 1990)

Passed by the National Parliament this thirteenth day of November 1990.

This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true and correct copy of the said Bill.

A handwritten signature in dark ink, appearing to read 'Tuhaika'.

*J.M. Tuhaika
Clerk to the National Parliament*

Assented to in Her Majesty's name and on Her Majesty's behalf this fourth day of December 1990.

A handwritten signature in dark ink, appearing to read 'Lepping'.

*G.G.D. Lepping
Governor-General*

Date of commencement: see section 1.

AN ACT to Amend the Wills, Probate and Administration Act 1987.

ENACTED by the National Parliament of Solomon Islands.

Short title
and commence-
ment.

1. This Act may be cited as the Wills, Probate and Administration (Amendment) Act 1990 and shall come into operation on such day as the Minister may appoint by notice in the Gazette.

Amendment of
section 3 of
the Wills,
Probate and
Administration
Act, No. 2 of
1987.

2. The definition of "residuary estate" which appears in section 3(1) of the Wills, Probate and Administration Act (hereinafter referred to as the "principal Act") is hereby deleted and the following new definition substituted therefor -

" "residuary estate" in relation to an intestate means -

- (a) the residue of the net money arising from the sale and conversion of the movable and immovable estate, after the payment of costs but does not include any perpetual estate owned by a deceased Solomon Islander which is situated within the customary land boundary of his tribe, clan or line in his province of origin;
- (b) the residue of the ready money of the deceased (so far as it is not disposed of by will, if any); and
- (c) any investment for the time being representing that residue including (but without prejudice to the trust of sale) any part of the estate of the deceased which may be retained unsold and is not required for the purpose of administration after making the payments and setting aside the fund specified in section 75.

For the purpose of this Act "province of origin" means the home province of a clan, line or tribe to which, in accordance to custom, a Solomon Islander belongs."

Amendment of
section 75.

3. Section 75(1) of the principal Act is hereby amended by deleting the words "conversion of such" that appear therein and substituting therefor the words "conversion for such".

Amendment of
section 84.

4. Section 84 of the principal Act is hereby amended as follows -

- (a) by deleting from subsection (1)(a)(ii) the words "one thousand dollars" and substituting therefor the words "ten thousand dollars"; and
- (b) by deleting from subsection (1)(a)(iii) the words "ten thousand dollars" and substituting therefor the words "fifteen thousand dollars".

5. Section 86(1) of the principal Act is hereby amended by deleting therefrom the words "and the costs" which appear in line five and substituting therefor the words "less the costs".

5
Amendment of section 86.

6. Section 87(a) of the principal Act is hereby amended by deleting therefrom the words "one thousand dollars" and substituting therefor the words "fifteen thousand dollars".

Amendment of section 87.

7. The principal Act is hereby amended by adding immediately after section 104 the following new section as section 104A-

Insertion of a new section 104A.

" "Devolution of certain perpetual estates on intestacy. 104A. Where a Solomon Islander dies intestate and any perpetual estate owned by him does form part of the residuary estate, the devolution of such perpetual estate shall be in accordance with the current customary usage as certified by the Local Court having jurisdiction in the area where the land is situated."

