
STATUTORY INSTRUMENTS

1965 No. 1530

ADMINISTRATION OF ESTATES

The Colonial Probates Act Application Order 1965

<i>Made</i>	- - - -	<i>3rd August 1965</i>
<i>Laid before Parliament</i>		<i>9th August 1965</i>
<i>Coming into Operation</i>		<i>10th August 1965</i>

At the Court at Buckingham Palace, the 3rd day of August 1965

Present,

The Queen's Most Excellent Majesty in Council

Whereas Her Majesty is satisfied that the legislatures of the countries and territories specified in Schedule 1 hereto have made adequate provision for the recognition of Probates and Letters of Administration granted by courts within the United Kingdom:

Now, therefore, Her Majesty, by virtue and in exercise of the powers by the Colonial Probates Act 1892, the Colonial Probates (Protected States and Mandated Territories) Act 1927, the Foreign Jurisdiction Acts 1890 and 1913(1) or otherwise in Her Majesty is vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Colonial Probates Act Application Order 1965 and shall come into operation on 10th August 1965.

(2) The Interpretation Act 1889 shall apply for the purpose of interpreting this Order as it applies for the purposes of interpreting an Act of Parliament.

Application of Act

2. The Colonial Probates Act 1892 shall apply to the countries and territories specified in Schedule 1 to this Order.

Revocation

3. The Orders specified in Schedule 2 to this Order are hereby revoked.

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W. G. Agnew

SCHEDULE 1

Article 2

Aden
Alberta
Antigua
Australian Capital Territory
Bahamas
Barbados
Basutoland
Bechuanaland Protectorate
Bermuda
British Antarctic Territory
British Columbia
British Guiana
British Honduras
British Solomon Islands Protectorate
British Sovereign Base Areas in Cyprus
Brunei
Cayman Islands
Ceylon
Christmas Island (Australian)
Cocos (Keeling) Islands
Cyprus (Republic)
Dominica
Falkland Islands Colony
Falkland Islands Dependencies
Fiji
Gambia
Ghana
Gibraltar
Gilbert and Ellice Islands
Grenada
Hong Kong
Jamaica
Kenya
Manitoba
Malawi
Malaysia
Montserrat
New Brunswick

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New Guinea (Trust Territory)
New South Wales
New Zealand
Newfoundland
Nigeria
Norfolk Island
Northern Territory of Australia
North-West Territories of Canada
Nova Scotia
Ontario
Papua
Prince Edward Island
Queensland
St. Christopher, Nevis and Anguilla
St. Helena
St. Lucia
St. Vincent
Saskatchewan
Seychelles
Sierra Leone
South Australia
Southern Rhodesia
Swaziland Protectorate
Tanzania
Tasmania
Trinidad and Tobago
Turks and Caicos Islands
Uganda
Victoria
Virgin Islands
Western Australia
Zambia

SCHEDULE 2

Article 3

Orders Revoked

Date on which Order made	Countries or territories to which Order applied	References
30th January 1893	New South Wales, Victoria, New Zealand, Gibraltar and British Honduras.	Rev. I, p. 22: 1893, p. 1.
15th March 1893	Hong Kong, Western Australia and Ontario.	Rev. I, p. 23: 1893, p. 2.
16th May 1893	British Guiana, the Gold Coast, South Australia and the Straits Settlements.	Rev. I, p. 23: 1893, p. 3.
23rd November 1893	Bahama Islands.	Rev. I, p. 24: 1893, p. 4.
29th January 1894	Barbados and Tasmania.	S.R. & O. 1894/73 (Rev. I, p. 24: 1894, p. 1).
30th April 1894	Fiji.	S.R. & O. 1894/117 (Rev. I, p. 25: 1894, p. 2).
27th June 1894	Trinidad and Tobago.	S.R. & O. 1894/160 (Rev. I, p. 25: 1894, p. 3).
18th July 1894	Jamaica.	S.R. & O. 1894/178 (Rev. I, p. 26: 1894, p. 4).
3rd October 1895	Falkland Islands.	S.R. & O. 1895/405 (Rev. I, p. 27: 1895, p. 2).
6th March 1896	Leeward Islands and Dominica.	S.R. & O. 1896/194 (Rev. I, p. 27: 1896, p. 1).
26th October 1896	British Columbia.	S.R. & O. 1896/960 (Rev. I, p. 28: 1896, p. 2).
26th October 1896	Nova Scotia.	S.R. & O. 1896/961 (Rev. I, p. 28: 1896, p. 3).
27th November 1896	Manitoba.	S.R. & O. 1896/1083 (Rev. I, p. 29: 1896, p. 4).
18th May 1897	North-West Territories of the Dominion of Canada.	S.R. & O. 1897/556 (Rev. I, p. 29: 1897, p. 1).

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3rd February 1898	Grenada.	S.R. & O. 1898/124 (Rev. I, p. 30: 1898, p. 1).
19th May 1898	St. Vincent.	S.R. & O. 1898/412 (Rev. I, p. 30: 1898, p. 2).
19th May 1899	Queensland.	S.R. & O. 1899/449 (Rev. I, p. 31: 1899 II, p. 1415).
29th January 1900	St. Helena.	S.R. & O. 1900/88 (Rev. I, p. 31: 1900, p. 1).
20th May 1903	Newfoundland.	S.R. & O. 1903/414 (Rev. I, p. 32: 1903 I, p. 2).
11th February 1913	Alberta and Saskatchewan.	S.R. & O. 1913/214 (Rev. I, p. 32: 1913 I, p. 1).
30th September 1914	Papua.	S.R. & O. 1914/1473 (Rev. I, p. 34: 1914 I, p. 2).
30th March 1916	Sierra Leone Colony.	S.R. & O. 1916/273 (Rev. I, p. 34: 1916 I, p. 1).
30th March 1916	Sierra Leone and Uganda Protectorates.	S.R. & O. 1916/274 (Rev. I, p. 35: 1916 I, p. 357).
30th March 1916	Zanzibar Protectorate.	S.R. & O. 1916/275 (Rev. I, p. 35: 1916 I, p. 360).
7th September 1916	Nyasaland Protectorate.	S.R. & O. 1916/622 (Rev. I, p. 36: 1916 I, p. 356).
6th November 1916	East Africa, Bechuanaland, Northern Rhodesia, Southern Rhodesia and Swaziland Protectorates.	S.R. & O. 1916/818 (Rev. I, p. 37: 1916 I, p. 354).
17th July 1917	Saint Lucia.	S.R. & O. 1917/745 (Rev. I, p. 38: 1917, p. 1).
8th May 1919	Bermudas or Somers Islands.	S.R. & O. 1919/670 (Rev. I, p. 39: 1919 I, p. 1).

Date on which Order made	Countries or territories to which Order applied	References
17th May 1920	Nigeria Colony.	S.R. & O. 1920/887 (Rev. I, p. 39: 1920 I, p. 2).
17th May 1920	Nigeria Protectorate.	S.R. & O. 1920/888 (Rev. I, p. 40: 1920 I, p. 665).
13th August 1920	Ashanti.	S.R. & O. 1920/1663 (Rev. I, p. 41: 1920 I, p. 1).
14th February 1921	Gambia Colony.	S.R. & O. 1921/263 (Rev. I, p. 41: 1921, p. 1).
22nd December 1921	Ceylon.	S.R. & O. 1921/2003 (Rev. I, p. 42: 1921, p. 2).
15th June 1928	Federated Malay States.	S.R. & O. 1928/496 (Rev. I, p. 42: 1928, p. 1).
7th May 1929	Tanganyika Territory.	S.R. & O. 1929/393 (Rev. I, p. 45: 1929, p. 3).
27th February 1930	Western Samoa.	S.R. & O. 1930/123 (Rev. I, p. 46: 1930, p. 2).
28th July 1930	Johore.	S.R. & O. 1930/654 (Rev. I, p. 47: 1930, p. 1).
21st July 1932	Norfolk Island.	S.R. & O. 1932/605 (Rev. I, p. 47: 1932, p. 1).
31st January 1936	Basutoland.	S.R. & O. 1936/78 (Rev. I, p. 48: 1936 I, p. 8).
17th November 1939	Kedah, Kelantan, Perlis, Trengganu, Brunei, North Borneo and Sarawak.	S.R. & O. 1939/1701 (Rev. I, p. 48: 1939 I, p. 1).
17th November 1939	British Solomon Islands and Gambia Protectorates, Northern Territories of the Gold Coast, Somaliland Protectorate, Cameroons and Togoland under British Mandate.	S.R. & O. 1939/1702 (Rev. I, p. 50: 1939 I, p. 2).
17th November 1939	Aden, Cayman Islands, Turks and Caicos Islands, Cyprus, Seychelles and Gilbert and Ellice Islands.	S.R. & O. 1939/1703 (Rev. I, p. 51: 1939 I, p. 4).

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Date on which Order made	Countries or territories to which Order applied	References
21st December 1950	New Brunswick.	S.I. 1950/2097 (1950 I, p. 1).

EXPLANATORY NOTE

The Colonial Probates Act 1892 provides for the recognition by courts in the United Kingdom of Probates and Letters of Administration granted by courts in those countries or territories in the Commonwealth to which the Act has been applied by Order in Council.

This Order consolidates in one Order, taking account of constitutional and nominal changes, the provisions of previous Order applying the Act, except that it also applies the Act to the Australian Capital Territory, the British Antarctic Territory, the Falkland Islands Dependencies, the Northern Territory of Australia, Prince Edward Island and the Trust Territory of New Guinea and does not apply it to Western Samoa, the former Somaliland Protectorate (now part of Somalia) or the former Southern Cameroons (now part of the Republic of Cameroon).