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 STATUTORY INSTRUMENTS
 

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1965 No. 1530

## ADMINISTRATION OF ESTATES

## The Colonial Probates Act Application Order 1965

*Made* - - - - 3rd August 1965*Laid before Parliament* 9th August 1965*Coming into Operation* 10th August 1965

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(a), the Colonial Probates (Protected States and Mandated Territories) Act 1927(b), the Foreign Jurisdiction Acts 1890 and 1913(c) 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:—

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

Citation, commencement and interpretation.

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

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

Application of Act.

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

Revocation.

W. G. Agnew.

(a) 55 &amp; 56 Vict. c. 6.

(b) 17 &amp; 18 Geo. 5. c. 43.

(c) 53 &amp; 54 Vict. c. 37 and 3 &amp; 4 Geo. 5. c. 16.

(d) 52 &amp; 53 Vict. c. 63.

## Article 2

## SCHEDULE 1

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  
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

<i>Date on which Order made</i>	<i>Countries or territories to which Order applied</i>	<i>References</i>
30th January 1893	New South Wales, Victoria, New Zealand, Gibraltar and Honduras.	Rev. I, p. 22: 1893, British 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).

<i>Date on which Order made</i>	<i>Countries or territories to which Order applied</i>	<i>References</i>
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).
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).

<i>Date on which Order made</i>	<i>Countries or territories to which Order applied</i>	<i>References</i>
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).
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).

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

### EXPLANATORY NOTE

*(This Note is not part of the Order.)*

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 Orders 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).