

CAYMAN ISLANDS

LAW 6 OF 1955

I consent,

[L.S.]

HUGH FOOT,

*Governor.*

8th October, 1955

A LAW to provide for the devolution of real estate to the personal representatives of deceased persons and for purposes incidental thereto or connected therewith.

[ ]

**B**E IT ENACTED by the Assembly of Justices and Vestry of the Cayman Islands as follows:—

1—This Law may be cited as the Real Property Representative Law, 1955. Short title.

2—(1) Where real estate is vested in any person, without a right in any other person to take by survivorship, it shall on his death, notwithstanding any testamentary disposition, devolve to and become vested in his personal representatives or representative from time to time, as if it were a chattel real vesting in them or him. Devolution of real estate to personal representative.



(2) This section shall apply to any real estate over which a person executes by will a general power of appointment, as if it were real estate vested in him.

(3) Probate and letters of administration may be granted in respect of real estate only, although there is no personal estate.

(4) This section applies only in cases of death from and after the commencement of this Law.

Real estate of intestate without heir to devolve to and become vested in the proper officer under certain circumstances and shall be subject to the provisions of this Law.

3—(1) On the death of any person without an heir any real estate vested in such person with respect to which such person died intestate shall, if probate or letters of administration in respect of the estate of such person, or letters of administration to the use and benefit of the Crown, have been granted to the proper officer, devolve to and become vested in such officer, as if such real estate were a chattel real vesting in him, and such real estate shall be subject in all respects to the provisions of this Law in the same manner as if such real estate were real estate devolving to and becoming vested in a personal representative by virtue of the provisions of section 2 of this Law.

(2) This section applies in all such cases in which there has been a grant of probate or letters of administration from and after the date of commencement of this Law, whether the death occurred before or after that date.

Trusts on which personal representatives shall hold realty.

4—(1) Subject to the powers, rights, duties and liabilities hereinafter mentioned, the personal representatives of a deceased person shall hold the real estate as trustees for the persons by law beneficially entitled thereto, and those persons shall have the same power of requiring a transfer of real estate, as persons beneficially entitled to personal estate have of requiring a transfer of such personal estate.

(2) All enactments and rules of law relating to the effect of probate or letters of administration as respects chattels real, and as respects the dealing with chattels real



before probate or administration, and as respects the payment of costs of administration and other matters in relation to the administration of personal estate, and the powers, rights, duties and liabilities of personal representatives in respect of personal estate, shall apply to real estate so far as the same are applicable, as if that real estate were a chattel real vesting in them or him, save that it shall not be lawful for some or one only of several joint personal representatives, without the authority of the Court, to sell or transfer real estate.

(3) In the administration of the assets of a person dying after the commencement of this Law, his real estate shall be administered in the same manner, subject to the same liabilities for debt, costs and expenses, and with the same incidents, as if it were personal estate: Provided that nothing herein contained shall alter or affect the order in which real and personal assets respectively are now applicable in or towards the payment of funeral and testamentary expenses, debts, or legacies, or the liability of real estate to be charged with the payment of legacies.

(4) Where a person dies possessed of real estate, the Court shall, in granting letters of administration, have regard to the rights and interests of persons interested in his real estate, and his heir-at-law, if not one of the next-of-kin, shall be equally entitled to the grant with the next-of-kin, and provision shall be made by Rules of Court for adapting the procedure and practice in the grant of letters of administration to the case of real estate.

5—(1) At any time after the death of the owner of any land, his personal representatives may assent in writing to any devise contained in his will, or may convey the land to any person entitled thereto as heir, devisee, or otherwise, and may make the assent or conveyance, either subject to a charge for the payment of any money which the personal representatives are liable to pay, or without any such charge, and on such assent in writing or conveyance subject to a charge for all moneys (if any) which the personal representatives are liable to pay, all liabilities of the personal representatives in respect of the land shall cease,

Assent of  
personal  
representa-  
tive to devise  
of land.



except as to any acts done or contracts entered into by them before such assent or conveyance.

(2) At any time after the expiration of one year from the death of the owner of any land, if his personal representatives have failed on the request in writing of the person entitled to the land to convey the land to that person, the Court may, if it thinks fit, on the application of that person, and after notice to the personal representatives, order that the conveyance be made, or in the case of registered land, that the person so entitled be registered as the proprietor of the land either solely or jointly with the personal representatives.

(3) No fee other than recording fees and registration fees and no stamp duty shall be chargeable or payable on or in respect of any assent, conveyance or transfer by the personal representative of such deceased person, unless such assent, conveyance, or transfer is for valuable consideration.

(4) The production of an assent in the prescribed form by the personal representatives of a deceased proprietor of registered land, shall authorise the Registrar to register the person named in the assent as proprietor of the land.

Appropriation  
or residuary  
estate in  
satisfaction  
of legacy  
or share.

6—(1) The personal representatives of a deceased person may, in the absence of any express provision to the contrary contained in the will of such deceased person, with the consent of the person entitled to any legacy given by the deceased person or to a share in his residuary estate, or if the person entitled is a lunatic or an infant, with the consent of his committee, trustee, or guardian, appropriate any part of the residuary estate of the deceased in or towards satisfaction of that legacy or share, and may for that purpose value in accordance with the prescribed provisions, the whole or any part of the property of the deceased person, in such manner as they think fit.

Provided that before any such appropriation is effectual, notice of such intended appropriation shall be given to all persons interested in the residuary estate, any of whom



may thereupon, within the prescribed time, apply to the Court, and such valuation and appropriation shall be conclusive, save as otherwise directed by the Court.

(2) Where any property is so appropriated, a conveyance thereof by the personal representatives to the person to whom it is appropriated shall not by reason only that the property so conveyed is accepted by the person to whom it is conveyed, in or towards the satisfaction of a legacy or a share in residuary estate, be liable to any higher stamp duty than that payable on a transfer of personal property for a like purpose.

(3) In the case of registered land, the production of the prescribed evidence of an appropriation under this section, shall authorise the Registrar to register the person to whom the property is appropriated as proprietor of the land.

7—Nothing in this Law shall affect any duty payable in respect of real estate, or impose on real estate, any other duty than is now payable in respect thereof.

Duty payable on realty.

8—Any dealing between the commencement of the Real Property Representative Law, Law 12 of 1903, of Jamaica and the commencement of this Law with the real estate of a deceased person by his personal representative shall be deemed to have had effect as if the provisions of the Real Property Representative Law, Law 12 of 1903 (as amended from time to time) of Jamaica were in force in the Cayman Islands at the time of such dealing.

Past dealings with real estate by personal representatives.  
Law 12 of 1903 (as amended) now Cap. 357. (Jamaica).

9—In the construction of this Law, unless the context necessarily requires a different construction—

Interpretation.

“land” means all hereditaments corporeal and incorporeal;

“land.”

“personal representative” means an executor or administrator who has obtained probate or letters of administration;

“personal representative.”

“the Court” means the Grand Court of the Cayman Islands;

“the Court.”



"Rules of Court."

"Rules of Court" means Rules of Court made by the Judge of the Grand Court;

"prescribed."

"prescribed" means prescribed by Rules of Court made by the Judge of the Grand Court;

"proper officer."

"proper officer" means any person appointed by the Commissioner to be the proper officer for the purposes of section 3 of this Law;

"registered land."

"registered land" means land registered under An Act for Land Registration, No. VII of 1850.

E. O. PANTON,

*President*

Passed the Assembly this 7th day of September, 1955.

D. V. WATLER,

*Actg. Clerk of Vestry*