

**GOVERNMENT OF BAYELSA STATE OF NIGERIA
BAYELSA STATE ADMINISTRATION OF ESTATES
(SMALL ESTATES PAYMENT EXEMPTION)
LAW, 2011**

**ARRANGEMENT OF SECTIONS
PART I**

SECTIONS

1. Small Estates
2. Exclusion of other Laws and Rules

PART II

ISSUANCE OF CERTIFICATE, POWER OF CHIEF JUDGE TO REVIEW

1. Power of Probate Registrar to issue Certificate
2. Persons with real estate not eligible
3. Power of Chief Judge to review value of small estates.

PART III

MISCELLANEOUS

1. Application
2. Interpretation
3. Short Title and Commencement

**GOVERNMENT OF BAYELSA STATE OF NIGERIA
BAYELSA STATE ADMINISTRATION OF ESTATE (SMALL ESTATE PAYMENT
EXEMPTION) LAW, 2011**

A LAW to provide for the grant of certificate to small estate, exempt such from payment of estate duty and the grant of full letters of administration and other matters connected therewith.

Commencement ()

BE IT ENACTED by the House of Assembly of Bayelsa State of Nigeria and by the Authority of same as follows:

**PART I
SMALL ESTATES**

Small
Estate

Where a person who is living in the State dies, leaving personal estate comprising money with any person(s) or in any Bank or other institution not exceeding in value the sum of **Two Million Naira** (N2,000,000) such estate shall be regarded as a small estate and this Law shall apply.

1.

Provided that the provisions of this Law shall not apply where the estate comprises of real property in addition to the sum of **Two Million Naira**(N2,000,000).

Exclusion
of other
Laws and
Rules

The Administration of Estate Law, Probate rules, or any other law or rules of court under which grant of Letters of Administration is required for payment of money from the estate of deceased persons shall cease to apply to small estates except as provided in this Law.

2.

PART II

ISSUANCE OF CERTIFICATE, POWER OF CHIEF JUDGE TO REVIEW

(1) Upon receipt by the Probate Registrar of satisfactory evidence of the death of the deceased and of the requisite statutory declaration, a Certificate may be issued to the applicant as the person who appears to the Probate Registrar as being entitled to receive it under the law for the time being in force with respect to the distribution of the estate of persons dying intestate.

(2) Without prejudice to the provision of the Administration of Estates Law on the number of personal representatives, the Probate Registrar shall, upon being satisfied that the conditions prescribed in this Law have been fulfilled, issue to the applicant a Certificate under seal of the court authorizing the payment of the money in the small estate to the applicant.

(3) Nothing in this Law or any other law shall be construed as requiring that an applicant for the grant of a Certificate to administer a small estate shall pay estate duty.

Power of
Probate
Registrar to
issue
Certificate

(4) The surviving spouse(s) and children of the deceased (including adopted children) are entitled to apply for the issuance of a Certificate under this Law and in the absence of any of the aforementioned persons; the following are

3.

entitled to apply for the issuance of a certificate under this Law in order to priority:

- (a) Parents;
- (b) Brothers and sisters of whole blood;
- (c) Brothers and sisters of half blood; and
- (d) Uncles and aunts.

(5) Where no application is made by any of the persons entitled to do so in respect of a small estate, the estate shall revert to the state as bona vacantia.

Persons will
Real Estate
not eligible

4.

Where the deceased left real estate either as owner or by inheritance this Law shall not apply and nothing in this law shall affect the duty of the applicant to pay estate fees on any landed property in or outside the State.

Power of
Chief Judge
to review
value of
Small Estate

5.

The Chief Judge may by Statutory Instrument review the maximum value of estates to be regarded as small estate from time to time.

PART III MISCELLANEOUS

This Law shall not apply to applications for grants of Letters of Administration filed before the commencement of this Law.

Application

6.

In this law unless the context otherwise requires-

“**Chief Judge**” means the Chief Judge of Bayelsa State

Interpretation

7.

“**Probate Registrar**” means the Probate Registrar of the High Court of Bayelsa State.

“Small Estate” means any estate where the deceased left money in the bank or other institution or with any person in a sum not exceeding **Two Million Naira** excluding real property.

“State” means Bayelsa State of Nigeria.

“Statutory Declaration” means a declaration under oath that the person deceased died intestate without any real property in or outside the State and that the person claiming money is entitled to receive it.

Short Title and Commencement

This Law may be cited the Administration of Estate (Small Estate Payments Exemption) Law and shall come into force on the day of

8. 2012

This printed impression has been carefully compared by me with the Bill which has passed the Bayelsa State House of Assembly and found by me to be a true and correctly printed copy of the said Bill.

.....

Mr. AARON NICODEMUS TIMIYE
Clerk of the House

Assented the day of 2012

.....

HON. HENRY SERIAKE DICKSON
Governor of Bayelsa State