

**Supreme Court of Judicature**

**SUPREME COURT OF JUDICATURE**  
**(NON-CONTENTIOUS) PROBATE RULES, 1959**

**ARRANGEMENT OF RULES**

RULE

*Preliminary*

1. Citation.
2. Interpretation.

*Application*

3. Where made.
4. How made.
5. Procedure.
6. Administration.

*Advertisement*

7. Notice.
8. Marking by executor or administrator.
9. Reasons for delay.
10. Application by corporation.
11. Enquiries by Registrar.

RULE

*Proof of Due Execution*

12. Compliance with Wills Act.
13. Where subscribing witnesses are dead.
14. Where execution doubtful.
15. Proof of execution where testator blind or illiterate.
16. Subpoena.
17. Remuneration for person subpoenaed.

*Interlineations and Alterations*

18. When interlineations valid.
19. Proof of interlineations.
20. When obliterations valid.
21. Affidavit regarding erasures or obliterations.

*Documents referred to in Will*

22. Probate of document referred to in will.
23. Deed forming part of will.

*Appearance of the Paper*

24. Marks on paper to be accounted for.
25. Appearance of cancellation to be accounted for.

*Notice to other Next-of-Kin*

26. Notice to other Next-of Kin.

RULE

*Limited and Special Administration*

27. Persons entitled to general grant to be cleared off.
28. General grant precludes special grant.

*Grants to an Attorney*

29. Power of attorney to be registered.

*Sureties*

30. Amount of Bond.
31. Surety to justify.

*Renunciation*

32. Renunciation.
33. Effect of renunciation in certain circumstances.

*Affidavits*

34. Affidavits, how taken.

*Caveats*

35. Caveats.
36. Form of caveat.
37. Duration of caveat.
38. Service of copy of caveat.
39. Registrar to have regard to caveat.
40. Warning.

RULE

41.    Withdrawal of caveat.
42.    Entry of appearance.

*Citations*

43.    Affidavit by citor.
44.    Caveat by citor.
45.    Service of citations.
46.    Entry of appearance in citation.
47.    Appearance by person cited.
48.    Citations: further requirements.
49.    Citations to propound a will.

*Resealing of British, Commonwealth and Colonial Probates*

50.    Procedure.
51.    Documents to be filed.
52.    Notice to Registrar.
53.    Administrator to comply with certain of these Rules.
54.    Certain grants not to be sealed without court order.
55.    Notice of sealing in Barbados to be sent to issuing court.
56.    Notice of resealing to be given in certain circumstances.

RULE

*Miscellaneous*

- 57. Record keeping.
- 58. Oaths.
- 59. Fees.

---

APPENDIX

---

SCHEDULE



**Supreme Court of Judicature**

Cap. 117A.

SUPREME COURT OF JUDICATURE  
(NON-CONTENTIOUS) PROBATE RULES, 1959

1956-56.

Made by the Judicial Advisory Council under section 46 of the *Supreme Court of Judicature Act*<sup>1</sup>.

*Preliminary*

**1.** These Rules may be cited as the *Supreme Court (Non-Contentious) Probate Rules, 1959*. Citation.

**2.** (1) The *Interpretation Act* shall apply to these Rules as if they were an Act. Interpretation.

(2) In these Rules, unless the context otherwise requires,

"Registry" means the Supreme Court Registry;

"Registrar" means the Registrar of the Supreme Court, and includes the Deputy Registrar;

"will" has the same meaning as that ascribed to it in the [*Wills Act*]. Cap. 251.

*Application*

**3.** Application for a grant of probate or letters of administration shall be made at the Registry. Where made.

**4.** Application may be through an attorney-at-law or by the propounder of a will or a proposed administrator in person. Application made through an attorney-at-law shall bear the signature of such attorney-at-law or the signature of his firm. How made.

<sup>1</sup> These Rules remain in force, notwithstanding the repeal of this Act by section 96(2) of the *Supreme Court of Judicature Act, 1981*, by virtue of section 30(3)(a) of the *Interpretation Act*.

Procedure. **5.** (1) Applications for probate shall be in writing in the form set out in  
Form No. 1. the Appendix hereto, and there shall be filed therewith

Form No. 2. (a) an affidavit in support of the said application undertaking to get in  
and administer the said estate;

Form No. 3. (b) an affidavit or affidavits by the persons attesting or one of them as  
to the due execution of the will:

Provided that, if the will is a holograph will, there shall be  
filed therewith an affidavit by a person or persons who were  
well acquainted with the deceased and with the character of  
his handwriting;

(c) a certificate of death or burial or a statement in writing to the  
satisfaction of the Registrar for the non-production thereof;

(d) an affidavit by the person applying or by someone on his  
behalf that from search made in the Registry it appears that no  
other application for probate or administration to the same  
estate has been made, and that there is or is not any other will  
filed for probate in the Registry;

Cap. 70. (e) the certificate from the Commissioner in accordance with the  
provisions of [section 31(3) of the *Estate and Succession Duty  
Act*].

(2) The affidavits shall be in the respective forms appearing in the  
Appendix hereto with such variations as the case may require.

Administra- **6.** (1) Application for letters of administration shall be in writing  
tion. and there shall be filed therewith an affidavit by the applicant in  
Form No. 4. support of his application, in which he shall depose that the deceased left  
Form No. 5. no will (or, as the case may be, exhibiting any will of the deceased which the  
applicant desires to be annexed to such administration) and showing the  
relationship or other circumstances entitling him to such administration.

(2) The provisions of rule 5(1)(c) and [(e)] shall apply to  
applications for administration.



*Advertisement*

**7.** Public notice of an application for probate or for letters of administration shall be given by one notice in the *Official Gazette* and two notices in a local daily newspaper. From the date of the notice in the *Official Gazette* and from the date of the second notice in a daily newspaper not less than fourteen days shall elapse before an application is submitted to the Court. Notice.

**8.** Every will to which an executor or administrator with the will annexed is sworn must be marked by such executor or administrator and by the person before whom he is sworn. Marking by executor or administrator.

**9.** In every case where probate or administration is, for the first time, applied for after a lapse of three years from the death of the deceased, the reason for the delay is to be certified to the Registrar. Should the certificate be unsatisfactory, the Registrar is to require such proof of the alleged cause of delay as he may see fit. Reasons for delay.

**10.** Where application is made for probate or administration by a corporation other than the Public Trustee, the officer appointed by the corporation for such purpose shall in every case file in the Registry a sealed copy of the resolution appointing him, and shall depose, in the oath to the grant, that the charter or memorandum of association of such corporation empowers such corporation to make such application. Application by corporation.

**11.** The Registrar is not to allow probate or administration to issue until all the enquiries which he may see fit to institute have been answered to his satisfaction. The Registrar is, notwithstanding, to afford as great facility for the obtaining of grants of probate or administration as is consistent with a due regard to the prevention of error or fraud. Enquiries by Registrar.

*Proof of Due Execution*

**12.** If on perusing the affidavit of the subscribing witness it appears that the requirements of the [*Wills Act*] have not been complied with, the Court or Judge shall refuse probate. Compliance with *Wills Act*.

Where  
subscribing  
witnesses  
are dead.

**13.** If the subscribing witnesses are dead, or refuse to swear to the affidavit of execution, or if from other circumstances no affidavit can be obtained from any of them, resort must be had to other persons (if any) who may have been present at the execution of the will; but if no affidavit of any such other person can be found, evidence on affidavit must be procured of the fact and of the handwriting of the deceased and the subscribing witnesses, and also of any circumstances which may raise a presumption in favour of the due execution; and thereupon it shall be lawful for the Court or Judge to grant probate without the filing of an affidavit [or] due execution.

Where  
execution  
doubtful.

**14.** If on perusing the affidavit setting forth the facts of the case it appears doubtful whether the will has been duly executed, the Registrar may require the parties to bring the matter before a Judge in chambers.

Proof of  
execution  
where  
testator  
blind or  
illiterate.

**15.** If the testator was blind or the will was executed by a testator subscribing his signature by means of a mark, then one of the subscribing witnesses or the person who has appended the name of the testator must by affidavit depose to the fact that the will was read over to the testator and approved by him before its execution.

Subpoena.

**16.** Any applicant for a grant of probate or administration shall be at liberty to request the Registrar to issue a *subpoena ad testificandum* to an attesting witness or to any person who may be required to prove the handwriting or death of any person. The *subpoena* shall be issued under the *teste* of the Chief Justice and shall bear the seal of the Court.

Remunera-  
tion for  
person  
subpoenaed.

**17.** Any person to whom a *subpoena* is issued under the preceding rule shall be entitled to the remuneration and travelling expenses to which a witness is entitled under the rules of practice of the Supreme Court.

*Interlineations and Alterations*

**18.** Interlineations and alterations are invalid unless they existed in the will at the time of its execution or, if made afterwards, unless they have been executed and attested in the mode required by the [*Wills Act*], or unless they have been rendered valid by the re-execution of the will or by the subsequent execution of a codicil thereto.

When interlineations valid. Cap. 251.

**19.** When interlineations or alterations appear in the will (unless duly executed, or recited in, or otherwise identified by the attestation clause), an affidavit or affidavits in proof of their having existed in the will before its execution must be filed, except when the alterations are merely verbal or when they are of but small importance and are evidenced by the initials of the attesting witnesses.

Proof of interlineations.

**20.** Erasures and obliterations are not to prevail unless proved to have existed in the will at the time of its execution, or unless alterations thereby effected in the will are duly executed and attested, or unless they have been rendered valid by the re-execution of the will or by the subsequent execution of a codicil thereto. If no satisfactory evidence can be adduced as to the time when such erasures and obliterations were made and the words erased or obliterated be not entirely effaced but can upon inspection of the paper be ascertained, they must form part of the probate.

When obliterations valid.

**21.** In every case of words having been erased or obliterated which might have been of importance, an affidavit must be required.

Affidavit regarding erasures or obliterations.

*Documents Referred to in Will*

**22.** If a will contains a reference to any deed, paper, memorandum or other document of such a nature as to raise a question whether it ought or ought not to form a constituent part of the will, the production of such deed, paper, memorandum or other document must be required, with a view to ascertaining whether it be entitled to probate; and, if not produced, its non-production must be accounted for.

Probate of document referred to in will.

Deed forming part of will.      **23.** No deed, paper, memorandum or other document can form part of a will unless it was in existence at the time when the will was executed.

*Appearance of the Paper*

Marks on paper to be accounted for.      **24.** If there are any vestiges of sealing-wax or wafers or other marks upon the testamentary papers leading to the inference that a paper, memorandum or other document has been annexed or attached to the same, they must be accounted for, or the production of such paper, memorandum or other document must be required; and, if not produced, its non-production must be accounted for.

Appearance of cancellation to be accounted for.      **25.** Any appearance of an attempted cancellation of a paper by burning, tearing, obliteration or otherwise, and every circumstance leading to a presumption of abandonment or revocation of a paper on the part of the testator, must be accounted for.

*Notice to other Next-of-Kin*

Notice to other Next-of-Kin.      **26.** Where administration is applied for by one or some of the next-of-kin only, there being another next-of-kin equally entitled thereto, the Registrar may require proof by affidavit that notice of such application has been given to such other next-of-kin.

*Limited and Special Administration*

Persons entitled to general grant to be cleared off.      **27.** Limited administrations are not to be granted unless every person entitled to the general grant has consented or renounced, or has been cited and failed to appear, except under the direction of the Court.

General grant precludes special grant.      **28.** No person entitled to a general grant in respect of the estate of a deceased person will be permitted to take a limited grant except under the direction of the Court.

*Grants to an Attorney*

**29.** Probate or administration may be granted to an attorney duly constituted in a case where an executor or administrator is out of the jurisdiction of the Court: the power of attorney is to be duly recorded in the registry.

Power of attorney to be registered.

*Sureties*

**30.** In all cases of administration, except where it is expressly ordered otherwise by the Court, only one surety shall be required to an administration bond, and the bond shall be given in twice the value of the personal estate and twice the annual value of the realty to be placed in the possession of the administrator.

Amount of bond.

**31.** The Registrar is to take care that the sureties to administration bonds are responsible persons and, except where the Registrar otherwise directs, the sureties must justify.

Surety to justify.  
Form No. 6.

*Renunciation*

**32.** Renunciation shall be in such of the forms set out in the Appendix hereto as may be applicable to the case.

Renunciation.  
Forms Nos. 7, 8, 9.

**33.** No person who renounces probate or administration of the estate of a deceased person in one character is allowed to take representation to the same deceased in another character.

Effect of renunciation in certain circumstances.

*Affidavits*

**34.** (1) Affidavits to be used in probate or administration must be taken before the Registrar or Deputy Registrar or any officer of the Registry authorised to administer oaths in civil proceedings.

Affidavits, how taken.

(2) Affidavits to be sworn out of the jurisdiction may be sworn before a notary public in a British Commonwealth territory or before a British Consul or other accredited officer in a foreign territory:

Provided that, where an affidavit is sworn to before a notary public in a foreign territory, the seal of such officer shall be certified by a British Consular Officer.

### *Caveats*

Caveats.      **35.** Any person who wishes to ensure that no grant is issued without notice to himself may enter a *caveat* in the Registry.

Form of *caveat*.  
Form  
No. 10.      **36.** A *caveat* may be in the form set out in the Appendix hereto, but any written document signed by the party objecting or an attorney-at-law on his behalf shall be sufficient.

Duration of *caveat*.      **37.** Except as otherwise provided by these Rules, a *caveat* shall remain in force for six months from the date on which it is entered and shall then cease to have effect, without prejudice to the entry of a further *caveat* or further *caveats*.

Service of copy of *caveat*.      **38.** A person entering a *caveat* (in these Rules called a caveator) shall within seven days serve on the applicant for a grant a certified copy thereof.

Registrar to have regard to *caveat*.      **39.** The Registrar shall not allow any grant to issue if he has knowledge of an effective *caveat* in respect thereof.

Warning.  
Form  
No. 11.      **40.** A caveator may be warned by issue from the Registry of a warning in the form in the Appendix hereto at the instance of any person interested, which shall state his interest and, if he claims under a will, the date of the will. The warning shall be prepared by the person issuing the same or his attorney-at-law and signed by the Registrar. This warning is to be served on the caveator.

**41.** A caveator who has not entered an appearance to a warning may at any time withdraw his *caveat* by giving notice to the Registry, and the *caveat* shall thereupon cease to have effect, and, if [it] has been warned, the caveator shall forthwith give notice of withdrawal of the *caveat* to the person warning.

Withdrawal  
of *caveat*.

**42.** (1) A caveator having an interest contrary to that of the person warning may, within eight days of the service of the warning by him, exclusive of the date of such service, or at any time thereafter if no affidavit has been filed under paragraph (3) of this rule, enter an appearance in the Registry in the form in the Appendix hereto and serve a sealed copy thereof on the person warning. Proceedings subsequent to the entry of appearance shall be deemed contentious business, and the Rules of the Supreme Court shall apply.

Entry of  
appearance.

Form  
No. 12.

(2) A caveator having no interest contrary to the person warning but wishing to show cause against the sealing of the grant to that person may, within eight days of service of the warning upon him exclusive of the day of such service, or at any time thereafter if no affidavit has been filed under paragraph (3) of this rule, issue and serve a summons for directions which shall be returnable before a Judge.

(3) If the time limited for appearance has expired and the caveator has not entered an appearance, the person warning may file in the Registry an affidavit showing that the warning was duly served and that he has not received a summons for directions under the last foregoing paragraph, and thereupon the *caveat* shall cease to have effect.

Effect of  
caveator not  
entering  
appearance.

(4) Unless a Judge by order made on summons otherwise directs—

(a) a *caveat* in respect of which an appearance to a warning has been entered shall remain in force until the commencement of a probate action;

- (b) any *caveat* in force at the commencement of a probate action or of proceedings by way of citation or motion shall (subject to the provisions of rule 42) remain in force until an application for a grant is made by the person shown to be entitled thereto by the decision of the Court in such action or proceedings, and upon such application any *caveat* entered by a party who has notice of the action or proceedings shall cease to have effect.

### *Citations*

Affidavit by  
citor.  
Forms  
Nos. 13,  
14.

**43.** No citation is to issue under the seal of the Court until an affidavit in verification of the averments it contains sworn by the person issuing the citation (hereinafter called "the citor") has been filed in the Registry.

Caveat by  
citor.

**44.** The citor shall enter a *caveat* before entering a citation.

Service of  
citations.

**45.** (1) Citations are to be served in the same manner as writs of summons issued out of the Supreme Court when that can be done.

(2) Where citations cannot be served as required in rule 38, substituted service may be effected by way of advertisement or in such manner as a Judge may direct. Application for substituted service may be made to a Judge by way of affidavit.

Entry of  
appearance  
in citation.

**46.** Every will referred to in a citation shall be lodged in the Registry before the citation is issued, except where the will is not in the citor's possession and the Registrar is satisfied that it is impracticable to require it to be lodged.

Appearance  
by person  
cited.

Form  
No. 12.

**47.** A person who has been cited to appear may, within eight days of service of the citation upon him inclusive of the day of such service, or at any time thereafter if no application has been made by the citor under paragraph (5) of rule 48 or paragraph (2) of rule 49, enter an appearance in the Registry and shall forthwith thereafter serve on the citor a certified copy of his entry of appearance.



**48.** (1) A citation to accept or refuse a grant may be issued at the instance of any person who would himself be entitled to a grant in the event of the person cited renouncing his right thereto.

Citations:  
further  
requirements.

(2) Where power to make a grant to an executor has been reserved, a citation calling on him to accept or refuse a grant may be issued at the instance of the executors who have proved the will or of the executors of the last survivor of deceased executors who have proved.

(3) A citation calling on an executor who has intermeddled in the estate of the deceased to show cause why he should not be ordered to take a grant may be issued at the instance of any person interested in the estate at any time after the expiration of six months from the death of the deceased:

Provided that no citation to take a grant shall issue while proceedings as to the validity of the will are pending.

(4) A person cited who is willing to accept or take a grant may apply *ex parte* to the Registrar for an order for a grant on filing an affidavit showing that he has entered an appearance and that he has not been served by the citor with notice of any application for a grant to himself.

(5) If the time limited for appearance has expired and the person cited has not entered an appearance, the citor may,

- (a) in the case of a citation under paragraph (1) of this rule, apply to the Registrar for an order for a grant to himself;
- (b) in the case of a citation under paragraph (2) of this rule, apply to the Registrar for an order that a note be made on the grant that the executor in respect of whom power was reserved has been duly cited and has not appeared and that all his rights in respect of the executorship have wholly ceased;
- (c) in the case of a citation under paragraph (3) of this rule, apply to the Registrar by summons (which shall be served on the person cited) for an order requiring such person to take a grant within a specified time.

(6) An application under the last foregoing paragraph shall be supported by an affidavit showing that the citation was duly served and that the person has not entered an appearance.

(7) If the person cited has entered an appearance but has not applied for a grant under paragraph (4) of this rule, or has failed to prosecute his applications with reasonable diligence, the citor may,

- (a) in the case of a citation under paragraph (1) of this rule, apply by summons to the Registrar for an order for a grant to himself;
- (b) in the case of a citation under paragraph (2) of this rule, apply by summons to the Registrar for an order striking out the appearance and for the endorsement on the grant of such a note as is mentioned in sub-paragraph (b) of paragraph (5) of this rule;
- (c) in the case of a citation under paragraph (3) of this rule, apply by summons to the Registrar for an order requiring the person cited to take a grant within a specified time;

and the summons shall be served on the person cited.

Citations to  
propound a  
will.

**49.** (1) A citation to propound a will shall be directed to the executors named in the will and to all persons interested thereunder, and may be issued at the instance of any citor having an interest contrary to that of the executors or such other persons.

(2) If the time limited for appearance has expired and no person cited has entered an appearance, or if no person who has appeared proceeds with reasonable diligence to propound the will, the citor may apply on motion for an order for a grant as if the will were invalid.

*Resealing of British, Commonwealth and Colonial Probates.*

Procedure.  
Cap. 242.

**50.** Application under section 39 of the *Administration of Estates (Jurisdiction and Procedure) Act*, to have a grant of probate, administration or confirmation resealed shall be made in the Registry.

Documents  
to be filed.

**51.** On such application being made, the following documents shall be filed in the Registry:

- (a) the original grant or a duplicate or certified or sealed copy thereof;
- (b) an exemplified copy of the will (if any);

- (c) an affidavit by the executor, administrator, attorney or attorney-at-law in the form set out in the Appendix hereto; Form No. 15.
- (d) a copy of the advertisement in a local daily newspaper announcing the intention to reseal: this advertisement must have appeared at least 7 days prior to the lodging of the application for resealing;
- (e) the certificate required by rule [5(1)(e)];
- (f) if the application is made by an attorney, the power of attorney must be first recorded in the Registry, and it must expressly contain authority to make such application.
- 52.** The Registrar is to be satisfied that the notice of such application has been duly advertised. Notice to Registrar.
- 53.** On application to seal letters of administration the administrator shall comply with the provisions of these Rules in regard to the bond and the sureties. Administrator to comply with certain of these Rules.
- 54.** Special or limited or temporary grants are not to be sealed without an order of the Court made on summons in chambers. Certain grants not to be sealed without court order.
- 55.** Notice of the sealing in Barbados of a grant is to be sent to the Court from which the grant [is] issued. Notice of sealing in Barbados to be sent to issuing court.
- 56.** When intimation has been received of the resealing of a grant issued by the courts in this Island, notice of the revocation of, or any alteration in, such grant is to be sent to the court by whose authority such grant was resealed. Notice of resealing to be given in certain circumstances.

*Miscellaneous*

- Record  
keeping.      **57.** All probates, letters of administration or confirmations, when sealed with the seal of the Court, shall be recorded in the Wills Book of the Registration Office, and shall be indexed in the index books to such wills.
- Oaths.      **58.** The Registrar, the Deputy Registrar and all officers of the Registration Office of and above the rank of Senior Clerk shall by virtue of their offices have authority
- (a) to administer oaths and to take oaths and affidavits in probate matters;
  - (b) to sign all documents requiring the seal of the Court except the following, which shall be signed by the Registrar or the Deputy Registrar:
    - (i) grant of probate or administration;
    - (ii) warning of *caveat*.
- Fees.  
Schedule.      **59.** The fees set out in the *Schedule* hereto shall be received and taken by the Registrar in respect of proceedings mentioned therein, and shall be paid by the party requiring any duty to be performed, or any process to be executed, by the Registrar.

APPENDIX

FORM NO. 1

*(Rule 5(1)).*

IN THE SUPREME COURT OF BARBADOS

*Application for Probate*

The undersigned \_\_\_\_\_ of \_\_\_\_\_ applies for a Grant of Probate  
of the last will and testament of the deceased  
dated \_\_\_\_\_ and annexed hereto. The deceased died on the \_\_\_\_\_ day  
of \_\_\_\_\_ 20 \_\_\_\_\_ at \_\_\_\_\_

The applicant \_\_\_\_\_ the person named in the said will as executor  
thereof

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_ .

(Signed)

*The Registrar*

**CAP. 117A**      *Supreme Court of Judicature*      L.R.O. 2007 C22  
*(Non-Contentious) Probate Rules, 1959*

---

*(Rule 5(1)(a)).*

FORM NO. 2

IN THE SUPREME COURT OF BARBADOS

*Affidavit in Support of Application for Probate*

In the estate of \_\_\_\_\_ deceased.

1. I (or We) desire to obtain a grant of probate of the Will of \_\_\_\_\_  
late of \_\_\_\_\_ deceased who died at \_\_\_\_\_ on the \_\_\_\_\_ day of  
20 \_\_\_\_ .

\*Capacity  
of  
applicant.

2. I (or We) am/are\*

3. The paper writing now shown to me and marked in my solemn belief contains the last Will and Testament (and codicil) of the deceased.

4. No application for probate or administration has been made previous to this application and no will of the deceased other than that for which probate is now sought is filed at the Registration Office.

5. I (or We) will duly get in and administer the estate of the deceased and will pay his (or her) just debts and legacies and distribute the rest of his (or her) estate according to law.

6. I (or We) will duly file in the Registration Office within twelve calendar months from the date of the grant a statement and account verified by my/our affidavit of my/ our administration of the estate of the deceased.

7. The statements set out in the application hereto annexed are true to the best of my (or our) knowledge, information and belief.

Sworn to by the abovenamed \_\_\_\_\_  
at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_ .

Before me

FORM NO. 3

(Rule  
5(1)(b)).

IN THE SUPREME COURT OF BARBADOS

*Affidavit as to the Due Execution of Will*

In the estate of \_\_\_\_\_ deceased.

I \_\_\_\_\_ of \_\_\_\_\_ make oath and say as follows:—

1. I was personally present on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_  
together with \_\_\_\_\_ of \_\_\_\_\_ at \_\_\_\_\_ and did then and  
there see and hear the said \_\_\_\_\_ sign and publish his will which will is now  
shown me and is marked with the letter \_\_\_\_\_ Here state  
address.

2. I and the said \_\_\_\_\_ then and there together signed and attested the said will as  
witnesses to the signing and publishing thereof by the said \_\_\_\_\_ in his presence and in  
the presence of each other.

3. The signature \_\_\_\_\_ at the foot of the said will is of the true handwriting  
of the said \_\_\_\_\_ deceased.

4. The signatures \_\_\_\_\_ to the said will subscribed as those of the witnesses  
attesting the signing and publishing thereof by the said \_\_\_\_\_ are of the true handwriting  
of me the deponent and the said \_\_\_\_\_ respectively.

5. The signature of the testator to the said will was then and there written by the hand  
of \_\_\_\_\_ in our presence by the direction of the testator and was acknowledged by the  
said testator in the presence of me the deponent and of the other attesting witness the testator  
being unable to write his own name owing to \_\_\_\_\_ and previously thereto the will  
was read over to the testator in my presence and the testator understood the same and approved it.

Sworn by the said \_\_\_\_\_  
at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.  
Before me.

N.B.—Where the testator himself signed his will, paragraph 5 to be struck out.





FORM NO. 5

(Rule 6(1)).

IN THE SUPREME COURT OF BARBADOS

*Affidavit in Support of Application for Administration*

In the estate of \_\_\_\_\_ late of \_\_\_\_\_

I (or We) \_\_\_\_\_ of \_\_\_\_\_ make oath and say as follows:—

1. I (or We) desire to obtain a grant of administration of the estate of late of \_\_\_\_\_ deceased, who died at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, having a fixed place of abode at \_\_\_\_\_ within the parish of \_\_\_\_\_. I am (or We are) over the age of eighteen years.

2. I (or We)\*

\*(State relationship or circumstances alleged as entitling applicant to grant.)

3. Shortly after the death of the deceased I made (or caused to be made) diligent search among the papers and effects of the deceased and also in the depository for wills of living persons in the Registration Office for a will or other document of a testamentary character of the deceased and found none and verily believe that the deceased died intestate.

4. From search made in the said Registration Office it appears that no application for probate or administration has been made previous to this application.

5. I (or We) will duly get in and administer the estate of the said deceased and pay his (or her) just debts and distribute the rest of his (or her) estate according to law.

6. I (or We) will file in the Registration Office within twelve calendar months from the date of the grant statement and account verified by my affidavit of my administration of the estate of the deceased.

7. The statements set out in the application hereto annexed are true to the best of my (or our) knowledge, information and belief.

Sworn by the abovenamed \_\_\_\_\_  
at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Before me



FORM NO. 8

(*Rule 32*).

IN THE SUPREME COURT OF BARBADOS

*Renunciation of Executorship*

Whereas A.B. late of died on the day of 20 , at having made and duly executed his last will dated the day of 20 , whereby he appointed of his executor.

And Whereas probate of the said will was granted by the Court of Ordinary of this Island to the said on the day of 20 , and the same is recorded in the Registration Office of this Island in Vol. of Wills at folio .

And Whereas the said (executor) died on the day of 20 , without having fully administered the estate of the said (testator). And whereas the said (executor) by his last will dated the day of 20 appointed me (or us) the undersigned together with to be the executors thereof. And Whereas probate of the said will was granted to me (or us) the said by the Court of Ordinary on the day of 20 and the same is registered in Vol. of Wills at folio

(*Signed*)

Witness—

**CAP. 117A**      *Supreme Court of Judicature*      L.R.O. 2007    C28  
*(Non-Contentious) Probate Rules, 1959*

---

(Rule 32).

FORM NO. 9

IN THE SUPREME COURT OF BARBADOS

*Renunciation of Letters of Administration*

Whereas A.B. of \_\_\_\_\_ deceased, died on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, at \_\_\_\_\_ intestate a widower: And Whereas I, C.D. am his lawful son and the only person entitled to his estate.

Now I, the said C.D., do hereby renounce all my right and title to the letters of administration of the estate of the said deceased.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

(Signed)

-----

(Rule 36).

FORM NO. 10

IN THE SUPREME COURT OF BARBADOS

*Caveat*

In the estate of \_\_\_\_\_ late of \_\_\_\_\_ deceased.  
Let no grant be sealed in the estate of \_\_\_\_\_ late of \_\_\_\_\_  
deceased who died on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ at \_\_\_\_\_  
without notice to \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

(Signed) (1)

whose address for service is (2)

- (1) To be signed by the caveator or caveator's attorney-at-law.
- (2) Caveator's address or attorney-at-law's address, as the case may be.

FORM NO. 11

(Rule 40).

IN THE SUPREME COURT OF BARBADOS

*Warning to Caveator*

To \_\_\_\_\_ of \_\_\_\_\_ a party who has entered a caveat in  
the estate of \_\_\_\_\_ deceased.

You are hereby warned within eight days after service hereof upon you, inclusive  
of the day of such service:

- (1) to enter an appearance either in person or by your attorney-at-law at the  
Registration Office setting forth what interest you have in the estate of the  
abovenamed \_\_\_\_\_ of \_\_\_\_\_ deceased contrary  
to that of the party at whose instance this warning is issued; or
- (2) if you have no contrary interest but wish to show cause against the sealing  
of a grant to such party, to issue and serve a summons for directions by a  
Judge of the Supreme Court.

And take notice that in default of your so doing the Court may proceed to issue a  
grant of probate or administration in the said estate notwithstanding your caveat.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 20 .

*Registrar.*

Issued at the instance of [here set out the name and interest including the date  
of the will, if any, under which the interest arises of the party warning, the name  
of his attorney-at-law and the address for service. If the party warning is acting in  
person this must be stated]

**CAP. 117A**      *Supreme Court of Judicature*      L.R.O. 2007 C30  
*(Non-Contentious) Probate Rules, 1959*

---

*(Rule 42).*

FORM NO. 12

IN THE SUPREME COURT OF BARBADOS

*Appearance to Warning or Citation*

- (1) Caveat No.                      dated the                      day of                      20 .
- (1) Citation dated the                      day of                      20 .
- (2) Full name and address of person warning or (citor)
- (3) Full name and address of caveator or (person cited)
- (1) Delete which is inapplicable.
- (2) Here set out the interest of the person warning, or citor, as shown in warning or citation.
- (3) Here set out the interest of the caveator or person cited, stating the date of the will, if any, under which such interest arises.

FORM NO. 13

(Rule 43).

IN THE SUPREME COURT OF BARBADOS

*Affidavit to lead Citation to accept or refuse Administration.*

We C.B. of \_\_\_\_\_ and D.B. of \_\_\_\_\_ make oath and  
say that A.B. of \_\_\_\_\_ deceased, died on the  
day of \_\_\_\_\_ 20 \_\_\_\_ at \_\_\_\_\_ intestate, without issue  
or parent, leaving E.B. of \_\_\_\_\_ his lawful widow surviving;

And we further make oath and say that the said E.B. has not taken upon her as yet  
letters of administration of the estate of the deceased

And we further make oath and say that we are the lawful brothers and two of the  
persons entitled to share in the estate of the said deceased and are desirous of  
obtaining administration of the estate of the said deceased

And we further make oath and say that the estate left by the said deceased consists  
of \_\_\_\_\_ (state the nature and amount of property).

Sworn by the abovenamed

at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_ .

Before me.







1977/51.  
*(Rule 59).*

SCHEDULE

*Fees*

Fees to be taken by the Registrar on application for Probate or Administration, and to seal Commonwealth Probates.

	\$
*1. Where the estate does not exceed \$1, 500    ...    ...    ...    ...	25
*2. Where the estate exceeds \$1, 500 but does not exceed \$10, 000 ...	50
3. Where the estate exceeds \$10, 000—	
(a) fee on application    ...    ...    ...    ...    ...    ...	30
(b) fee on issue of or on resealing grant on gross value of estate—	
(i) exceeding \$10, 000 but not exceeding \$50, 000    ...	150
(ii) exceeding \$50, 000 but not exceeding \$100, 000    ...	250
(iii) exceeding \$100, 000    ...    ..    .    ...    ...    ...	500
4. On each entry of <i>caveat</i> ...    ...    ...    ...    ...    ...	20
5. On renewal of <i>caveat</i> ...    ...    ...    ...    ...    ...	10
6. On issue of warning to caveator    ...    ...    ...    ....    ...    ...	10
7. On issue of citation    ...    ...    ...    ...    ...    ...	20
8. On other document to be filed    ...    ...    ...    ...    ...    ...	3
9. For searching probate file    ...    ...    ...    ...    ...    ...	10

NOTE: On application to reseal Commonwealth Probates the above fees will be taken on the gross value of the estate situate in Barbados.

---

\* The fee is inclusive