



ORDINANCE No. 22 of 1960.  
CIVIL LAW OF BRITISH GUIANA (AMENDMENT)  
ORDINANCE, 1960.



I assent.

Governor.

// November, 1960.

## BRITISH GUIANA.

Arrangement of Sections.

### Section

1. Short title.
2. Amendment of section 5 of Chapter 2.

AN ORDINANCE to amend the Civil Law of British Guiana Ordinance with respect to property falling to the Crown under an Intestacy.

Enacted by the Legislature of British Guiana:—

1. This Ordinance may be cited as the Civil Law of British Guiana (Amendment) Ordinance, 1960, and shall be construed and read with the Civil Law of British Guiana Ordinance, hereinafter referred to as the Principal Ordinance.

A.D. 1960.

Short title.

Cap. 2.

Amendment  
of section 5  
of Chapter 2.

2.(1) Section 5 of the Principal Ordinance is hereby amended by the repeal of subsection (6) and the substitution therefor of the following subsection—

“(6) (a) In the absence of all blood relations, including all persons entitled to succeed to the estate of a deceased person under the provisions of section 11 of the Legitimacy Ordinance and in the absence of a surviving wife or husband of a deceased person, his residuary estate shall belong to the Crown as *bona vacantia* and in lieu of any right to escheat.

Cap. 165.

(b) The Governor may, at any time, in the name of the Crown, out of the whole or any part of the property devolving on the Crown as aforesaid, provide for —

- (i) dependants, whether kindred or not, of the intestate;
- (ii) persons other than dependants for whom the intestate might reasonably have been expected to make provision; and
- (iii) other persons who would have succeeded to the estate of the deceased but for their own, or their ancestors', or the deceased's illegitimacy.

(c) The personal representative of a deceased person may, before transferring any property to the Crown as *bona vacantia*, publish a notice in the Gazette and in a daily newspaper circulating in the district or county in which the deceased ordinarily resided, calling on all persons desiring to claim any of the property to lodge their claim with the personal representative within three months from the date of the publication of the notice in the Gazette.

(d) The personal representative of a deceased person may, before transferring any property to the Crown as *bona vacantia*, apply to the Court for the opinion, advice or direction of the Court on any question respecting the ascertainment of any claim to any property of the deceased or the transfer of such property to the Crown.

(e) The personal representative of a deceased person who, before transferring any property to the Crown as *bona vacantia*, publishes notices in accordance with the provisions of paragraph (c) of this subsection and acts in accordance with any opinion, advice or direction of the Court, shall be deemed, so far as regards his own responsibility, to have discharged his obligations and his duty as personal representative in the subject matter of the application:

Provided that the provisions of this paragraph shall not extend to indemnify any personal representative in respect of any act done in accordance with the opinion, advice or direction of the Court, if he has been guilty of any fraud or wilful concealment or misrepresentation in obtaining that opinion, advice or direction.

(f) No proceedings may be brought against the Crown in respect of any property disposed of in pursuance of the provisions of paragraph (b) of this subsection.

(g) In this subsection the expression "personal representative of a deceased person" includes the Public Trustee acting in the capacity of a personal representative with respect to any intestacy, and the provisions of section 13 of the Public Trustee Ordinance shall have no application to monies received by the Public Trustee acting as aforesaid."

Cap. 48.

(2) Nothing in this Ordinance shall affect the validity of anything done or omitted to be done prior to its commencement in pursuance of the provisions of subsection (6) of section 5 of the Principal Ordinance then in operation.

*Passed by the Legislative Council this twenty-first day of October, nineteen hundred and sixty.*

*i. d. Spurr*  
Clerk of the Legislature.

(M.P. L. 94/12).

(Leg. Bill 24/1960).