

THE OFFICIAL GAZETTE 10TH NOVEMBER, 2020
LEGAL SUPPLEMENT — C

BILL No. 12 of 2020

Tuesday 10th November, 2020

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

10th November, 2020.

The following Bill which will be introduced in the National Assembly is published for general information.

S.E. Isaacs,
Clerk of the National Assembly.



GUYANA

BILL No. 12 OF 2020

DECEASED PERSONS ESTATES' ADMINISTRATION (AMENDMENT) BILL 2020

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of section 19 of the Principal Act.
3. Amendment of section 20 of the Principal Act.
4. Amendment of section 25 of the Principal Act.

A BILL
Intituled

AN ACT to amend the Deceased Persons Estates' Administration Act.

A.D. 2020 Enacted by the Parliament of Guyana:-

Short title. 1. This Act, which amends the Deceased Persons Estates' Administration
Cap. 12:01 Act, may be cited as the Deceased Persons Estates' Administration (Amendment)
Act 2020.

Amendment of 2. Section 19 of the Principal Act is amended by substituting for the words
section 19 of the "one thousand" the words "seven hundred and fifty thousand".
Principal Act.

Amendment of 3. Section 20 of the Principal Act is amended by substituting for that section
section 20 of the the following section as section 20-
Principal Act.

"Proceeds of
small intestate
estates in
certain banks.

20. (1) Notwithstanding the provisions of this Act, a manager of a bank may pay to a claimant the sum of money in a deceased person's savings bank account where the sum of money in that account together with the interest at the date of the person's death does not exceed seven hundred and fifty thousand dollars –

- (a) in the absence of a grant of letters of administration; and
- (b) upon the application in writing by any person claiming to be the surviving spouse or heir on intestacy of the deceased depositor stating that the deceased depositor died intestate and that the value of the entire estate of the deceased does not exceed seven hundred and fifty thousand dollars.

(2) In any case under subsection (1), the manager may call for any proof as to identity or as to the statements in the application made in accordance with subsection (1) as the manager may think fit.

(3) Where any sum is paid to a claimant under subsection (1), a receipt from the person receiving payment shall be legal, valid and effectual discharge to the bank for the amount in the savings bank account.

(4) The payment of any sum in accordance with subsection (1) shall not affect any remedy which any person claiming to be entitled to the sum may have against the person to whom payment has been made and the bank shall not be liable in respect of any claim by any person in connection with a payment made in accordance with this section.

Cap. 85:03 (5) For the purposes of this section, “bank” has the same meaning assigned to it in section 2 of the Financial Institutions Act.”.

Amendment of
section 25 of the
Principal Act.

4. Section 25(1)(b) is amended by substituting for the words “one thousand” the words “seven hundred and fifty thousand”.

EXPLANATORY MEMORANDUM

The purpose of this Bill is to amend the Deceased Persons Estates' Administration Act, Cap. 12:01.

Currently under the Act, letters of administration are not required for small estates in certain circumstances where the value of the estate does not exceed one thousand dollars. Additionally, proceeds of small intestate estates can be accessed from banks, in the absence of a grant of letters of administration, where the value of the estate of the deceased does not exceed two hundred and fifty dollars.

The stipulated estate values under the Act are inadequate and render the provisions inoperable in light of the current economic times as values of small estates far exceed the nominal sum of one thousand dollars and two hundred and fifty dollars, respectively. The cost for administering small estates is expensive and may sometimes exceed the actual value of the estate and persons who would benefit from the remedy the Act intends to provide are deprived of this benefit due to the nominal values provided for under the Act. This Bill seeks to remedy this deficiency by amending sections 19, 20 and 25 of the Act.

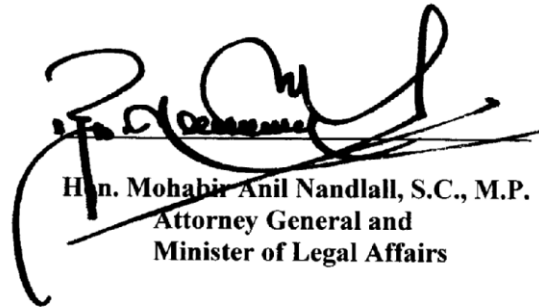
Clause 2 of the Bill amends section 19 of the Principal Act to increase the value of estates for which the registrar may summarily appoint an administrator, those being intestate estates or testate estates where no executor has been appointed or an executor is unable or unwilling to act, from one thousand dollars to seven hundred and fifty thousand dollars.

Clause 3 of the Bill substitutes for section 20, a new section 20 which will now provide that in the absence of letters of administration, a bank manager may pay to a claimant, from a deceased person's savings bank account, a sum not exceeding seven hundred and fifty thousand dollars. This sum may only be withdrawn where the sum of money in a deceased person's savings account does not exceed seven hundred and fifty thousand dollars. A claim can be made in writing by the spouse or heir of the deceased person indicating that the person died intestate and that the value of their estate does not exceed seven hundred and fifty thousand dollars. Presently, under the Act, a

bank may only pay out money under the specified circumstances where the money in the account and the value of the entire estate does not exceed two hundred and fifty dollars.

Additionally, the new section 20 will now provide that a bank shall not be liable in respect of any claim by any person in connection with a payment made under the section.

Finally, **clause 4 of the Bill** amends section 25(1) (b) of the Principal Act to increase the value of estates that are administered by the Public Trustee without the grant of letters of administration from one thousand dollars to seven hundred and fifty thousand dollars.



Hon. Mohabir Anil Nandlall, S.C., M.P.
Attorney General and
Minister of Legal Affairs