

THE PROBATE OF DEEDS ACT

ARRANGEMENT OF SECTIONS

1. Short title.
2. Definitions.
3. [*Repealed by Act 39 of 1999.*]
4. Execution of deeds in Commonwealth countries.
5. Execution of deeds in foreign states.
6. Deeds executed outside the Island may be proved or acknowledged before Notary Public.
7. As to deeds so proved or acknowledged before April, 1886.
8. Declaration in lieu of oath.
9. Deeds executed in this Island.
10. Amendment retrospective.
11. A deed may be executed in any place.
12. One witness sufficient to prove execution of deed.
13. Deed proved previous to 1863.
14. Deed requiring probate before 1863.

THE PROBATE OF DEEDS ACT

[1863.]

Cap. 308.
Law
15 of 1962
S. 35,
Act
39 of 1999.

1. This Act may be cited as the Probate of Deeds Act. Short title.

2. In this Act— Definitions.

“deed” includes power or letter of attorney;

“Diplomatic officer” means an Ambassador, High Commissioner, Envoy, Minister, Chargé d’Affaires, Secretary of Embassy or Legation, Consul-General, Consul, Vice-Consul, Acting Consul or Consular Agent. 39/1999
S. 2 (b).

3. *[Repealed by Act 39 of 1999.]*

4. All deeds executed in any Commonwealth country shall be proved on the oath or affirmation of the subscribing witnesses, or be acknowledged by the parties before— Execution
of deeds in
Common-
wealth
countries.
39/1999
S. 4.
 - (a) any person having authority to attest to such documents in that country; or
 - (b) any Jamaican diplomatic officer exercising his functions in that country,

and certified under the hand and official seal of such person or diplomatic officer, as the case may be, or, if there is no such official seal, certified under the hand and seal of such person or diplomatic officer and stating that no such official seal exists.

5. All deeds executed in any foreign state shall be proved on the oath or affirmation of the subscribing witnesses or be acknowledged by the parties before a Jamaican or British diplomatic officer exercising his functions in that state, and Execution
of deeds in
foreign
states.
39/1999
S. 4.

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certified under the hand and official seal of that diplomatic officer, or, if there is no such official seal, certified under the hand and seal of that diplomatic officer and stating that no such official seal exists.

Deeds
executed
outside the
Island may
be proved
or acknow-
ledged
before
Notary
Public.

6. From and after the twenty-first day of April, 1886, deeds executed in any country outside the limits of this Island may be proved on the oath or affirmation of any subscribing witness thereto, or be acknowledged by any party or parties thereto, before any Notary Public or person exercising the functions of a Notary Public in such country; and every deed so proved or acknowledged in any such country shall be deemed to be sufficiently proved or acknowledged, provided that such probate or acknowledgment purports to be certified under the hand and seal of such Notary Public, and provided that where any deed purports to have been proved or acknowledged before any Notary Public in any foreign state or country there be annexed to such deed a certificate, under the hand and seal of the appropriate officer of such foreign state or country, to the effect that the person before whom such deed is so proved is a Notary Public duly commissioned and practising in such foreign state or country, or some portion thereof, and that full faith and credit can be given to his acts.

As to deeds
so proved
or acknow-
ledged
before
April, 1886.

7. Any deed which previously to the twenty-first day of April, 1886, may have been proved or acknowledged in manner authorized by section 6 shall be as valid and effectual as if such enactment had been then in force.

Declaration
in lieu of
oath.

8. Where by any Statute having the force and effect of law in any part of Great Britain or Northern Ireland a declaration is or shall be substituted for an oath or affirmation, it shall be sufficient for the subscribing witness or witnesses to any such deed to prove the execution thereof by such declaration, in lieu and stead of his oath or affirmation.

9. All deeds executed in this Island shall be proved on the oath or affirmation of the subscribing witness or witnesses, or acknowledged by the party or parties before the Governor-General, or any of the Judges of the Court of Appeal or of the Supreme Court, or any Justice of this Island; and such probate shall bear the true temporal date thereof.

Deeds executed in this Island. 15/1962 S. 35.

10. No deed executed in this Island since the year 1863, shall be deemed to be invalid or insufficiently proved by reason only of the probate thereof not bearing the local date thereof.

Amendment retrospective.

11. A deed may be executed in any place whatsoever and may be proved by the subscribing witness or witnesses, or acknowledged by the party or parties; and such deed shall be as effectual as if proved or acknowledged at the place of the execution thereof.

A deed may be executed in any place.

12. Where more than one witness shall attest the execution of any one party or more, it shall be sufficient to prove the execution of the deed by such party or parties by one of the said subscribing witnesses.

One witness sufficient to prove execution of deed.

13. Any deed which, previous to the year 1863, may have been proved or acknowledged in manner required by sections 3, 4, 5, 8, 9, 11 and 12 shall be as valid and effectual as if this Act had been then in force.

Deed proved previous to 1863.

14. This Act shall not render it imperative or necessary to prove or acknowledge any deed which, previous to the year 1863, was not required to be proved or acknowledged, nor be construed to alter the existing rules of law or equity as to the effect and operation of any deed which, although requiring to be proved or acknowledged, may not be so proved or acknowledged.

Deed requiring probate before 1863.