

THE PROBATE OF DEEDS ACT

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THE PROBATE OF DEEDS ACT

[1863.]

Cap. 308.
Law
15 of 1962
S. 35,
Acts
39 of 1999,
11 of 2015
Sch.

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

Short title.

2.—(1) In this Part—

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 [Repealed by Act 39 of 1999.]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.

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.
11/2015
Sch.

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.

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.

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

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.

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
retrospect-
tive.

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.