

RESEALING GRANTS OF PROBATE AND LETTERS OF ADMINISTRATION.

In the old F.M.S. ⁽¹⁾ a power of attorney given for the purposes of:-

- (a) obtaining resealing
- and (b) thereafter administering the local estate as attorney of the personal representative

should be given in the form and subject to all the formalities required by section 27 of the Trustee Enactment. ⁽²⁾ In particular it should be accompanied by a statutory declaration of the donor.

2., The practice has arisen of not insisting on this, but accepting an ordinary power of attorney in approximately the same form as would be proper, if a person entitled to obtain representation here were authorising an attorney to do so and obtain a grant in the attorney's name "limited to the use and benefit, etc". This latter form of power of attorney is of course not subject to section 27 and after the grant is obtained it ceases to be of importance, as the administrator here acts in his own right.

3. The practical importance of the failure to insist on statutory declarations is that it affects revenue, since they would be stamped here ⁽³⁾ at $\$1/-$ each.

4. As some laxity on the part of the Court may have contributed to establish this incorrect practice, it is proposed to give a short period of time in which persons concerned can remedy their position.

5. The correct practice is to be observed strictly as from 1st January, 1948.

6. This circular will apply mutatis mutandis to other parts of the Malayan Union.

7. The Secretary of the Bar Council has been warned and has been asked to inform the bar generally.