



REPUBLIC OF NAURU

Regulations Governing Intestate Estates 1938

Administration Order No. 3 of 1938¹

Regulations made under section 4 of the *Native Administration Ordinance 1922*²

Made on 19 March 1938

On the death of a person who dies intestate, the division of the property of the deceased shall be decided in the following manner. Such division shall include all real and personal property.

- (1) The Chief of the District will make a list of all property of the deceased.
- (2) The distribution of the property shall be decided by the family of the deceased person, assembled for that purpose.

The distribution of property agreed to by the family of the deceased shall be reviewed by the Government Surveyor to ensure that there is

¹ These Regulations were published in the Gazette with the figure '(26)' in the left margin immediately before the first words of the Regulations. This figure was not a reference to a section number in the parent Act, a Gazette Notice number, an Administration Order number or regulation number. As it appears to have had no legal significance, that figure has been omitted from this publication.

² The parent Ordinance under which these Regulations were made, the *Native Administration Ordinance 1922*, was repealed by the *Statute Law Revision Act 2011* (Act No. 8 of 2011), however, under section 22 of the *Interpretation Act 1971* and section 13(c) of the *Statute Law Revision Act 2011*, these Regulations remain in force.

no apparent irregularity, who will refer any doubtful matter to the Administrator.³

- (3) If the family is unable to agree, the following procedure shall be followed:
 - (a) In the case of an unmarried person the property to be returned to the people from whom it was received, or if they are dead, to the nearest relatives in the same tribe;
 - (b) Married - No issue, - the property to be returned to the family or nearest relatives of the deceased. The widower or widow to have the use of the land during his or her lifetime if required by him or her;
 - (c) Married - with children - the land to be divided equally between the children, and the surviving parent to have the right to use the land during his or her lifetime. When an estate comprises only a small area of land the eldest daughter to receive the whole estate and other children to have the right to use the land during their lifetime.
- (4) No distribution of land of a deceased estate, whether published in the Gazette or otherwise shall be final unless the ownership of the deceased has been determined previously by the Lands Committee or other authority authorised by the Administrator and published in the Gazette with the usual opportunity given for protest.
- (5) A parent or guardian of a minor who is beneficiary of a deceased estate, shall have the right to live on the property and to collect fruit therefrom but shall not be entitled to sign any document relating to the estate or receive any money accruing from the estate except with the written authority of the Administrator.

GIVEN under my hand at Administration Headquarters, NAURU, Central Pacific, this 19th day of March, one thousand nine hundred and thirty-eight.

Rupert C. Garsia, Administrator of the Island of Nauru

³ In relation to the expression '**Administrator**', clause 86(2) of the *Constitution of Nauru* provides:

'Subject to this Constitution, a reference in a law continued in force by clause (1) or (2) of Article 85 to the Administrator of the Territory of Nauru shall, unless the context otherwise requires, be read as a reference to the President or where responsibility for the administration of that law is assigned to a Minister under Article 23, to that Minister.'