REGULATIONS GOVERNING INTESTATE ESTATES

Table of Contents

Page

Principal

Regulations Governing Intestate Estates 1938

Table of Provisions 800,201
Table of Amendments 800,401
Regulations Governing Intestate Estates 1938 800,601

[The next page is 800,201]

Regulations Governing Intestate Estates 1938

TABLE OF PROVISIONS

Section	*Title*
1	Chief of District to make list of property of deceased
2	Distribution of property shall be decided by family
3	Procedure if family unable to agree
4	No distribution of land final unless ownership of deceased previously determined
5	Rights of parent or guardian of minor beneficiary

[The next page is 800,401]

Regulations Governing Intestate Estates 1938

TABLE OF AMENDMENTS

The Regulations Governing Intestate Estates 1938 (Administration Order No 3 of 1938) were made and commenced on 19 March 1938. These Regulations remain in force despite the repeal of the Native Administration Ordinance 1922 under which they were made (see Statute Law Revision Act 2011 No 8 s 13(c)).

Amending Legislation	Notified	Date of Commencement
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021
Constitution (Amendment) (No 2) Act 2026 No 21	12 May 2026	s 5: 12 May 2026

[The next page is 800,601]

Regulations Governing Intestate Estates 1938

Regulations made under Section 4 of the *Native Administration Ordinance 1922*.

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 Chief of District to make list of property of deceased

The Chief of the District shall make a list of all property of the deceased.

2 Distribution of property shall be decided by family

(1) The distribution of the property shall be decided by the family of the deceased person, assembled for that purpose.

(2) The distribution of property agreed to by the family of the deceased shall be reviewed by the Government Surveyor to ensure that there is no apparent irregularity, who will refer any doubtful matter to the Administrator.

3 Procedure if family unable to agree

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 final unless ownership of deceased previously determined

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 Naoero Lands Committee or other authority authorised by the Administrator and published in the Gazette with the usual opportunity given for protest.

[s 4 am Act 21 of 2026 s 5, opn 12 May 2026]

5 Rights of parent or guardian of minor beneficiary

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.

[The next page is 830,001]