

- (a) all existing modes, rules and canons of descent, and of devolution by special occupancy or otherwise, of real estate, or of a personal inheritance, whether operating by the general law, or otherwise howsoever; and
- (b) tenancy by the curtesy and every other estate and interest of a husband in real estate as to which his wife dies intestate, whether arising under the general law or otherwise howsoever; and
- (c) dower and every other estate and interest of a wife in real estate as to which her husband dies intestate, whether arising under the general law or otherwise howsoever; and
- (d) escheat to the Crown.

(2) Nothing in this section affects the descent or devolution of an entailed interest.

4.—(1) The residuary estate of an intestate shall be distributed in the manner or held on the trusts specified in the following Table of Distribution—

Succession to real and personal estate on intestacy. 3/1988 S. 3.

Table of Distribution

Item 1. *The Surviving Spouse:*

The surviving spouse of the intestate shall take—

- (a) the personal chattels absolutely;
- (b) ten thousand dollars or a sum equal to ten per cent of the net value of the estate (excluding personal chattels), whichever is greater, free of death duties and costs;
- (c) interest at the rate of ten per cent per annum, or such other rate as may be fixed pursuant to subsection (4), on the sum payable under paragraph (b) until the sum is paid or appropriated; and

- (d) the whole or a proportion of the residue of the residuary estate (after making provisions pursuant to paragraphs (a), (b) and (c) apportioned on the following principles—
- (i) if there is no child or other issue and no parent surviving the intestate, the whole of the residue aforesaid, absolutely;
 - (ii) subject to subsection (5)—
 - (A) if there is only one child of the intestate, two-thirds of such residue, absolutely;
 - (B) if there is more than one child of the intestate, one-half of such residue, absolutely;
 - (iii) if there is no child or other issue surviving the intestate but a surviving parent or parents, as the case may be, two-thirds of such residue, absolutely.

Item 2. *The Issue* :

There shall be held upon the statutory trusts for the issue of the intestate—

- (a) if the intestate leaves no surviving spouse, the residuary estate;
- (b) if the intestate leaves a surviving spouse, the residuary estate after taking account of all entitlements of the surviving spouse under Item 1.

Item 3. *Parents* :

If the intestate leaves a parent or parents and—

- (a) leaves no surviving spouse or issue, the parents or surviving parent, as the case may be, shall take (where more than one survive the intestate, in equal shares) the residuary estate, absolutely;

- (b) leaves a surviving spouse but no issue, the parents or surviving parent, as the case may be, shall take (where more than one survive the intestate, in equal shares) the residue of the residuary estate after payment or appropriation of all entitlements of the surviving spouse under Item 1. absolutely.

Item 4. Other Eligible Relatives:

(1) If the intestate leaves no surviving spouse, issue or parents, the residuary estate shall devolve on the other relatives entitled under this Item who survive the intestate, in the following order and manner, namely—

- (a) firstly, be held under the statutory trusts for the brothers and sisters of the whole blood of the intestate: but if no person takes an absolutely vested interest under such trusts; then
- (b) secondly, be held under the statutory trusts for the brothers and sisters of the half blood of the intestate: but if no person takes an absolutely vested interest under such trusts; then
- (c) thirdly, on the grandparents of the intestate and, if more than one survive the intestate, in equal shares; but if there is no member of this class; then
- (d) fourthly, be held under the statutory trusts for the uncles and aunts of the intestate (being brothers and sisters of the whole blood of a parent of the intestate): but if no person takes an absolutely vested interest under such trusts; then
- (e) fifthly, be held under the statutory trusts for the uncles and aunts of the intestate (being brothers and sisters of the half blood of a parent of the intestate).

(2) Any persons who are eligible, pursuant to this Item or under the statutory trusts, to qualify for any interest in the residuary estate are hereinafter referred to as "other eligible relatives".

Item 5. *Bona Vacantia*:

If—

- (a) the intestate leaves no surviving spouse, issue, parents or other eligible relatives; or
- (b) for any other reason there is default of any person taking an absolute interest under the preceding Items of this Table,

then, subject to subsection (2) the residuary estate of the intestate shall devolve on the Crown as *bona vacantia*.

(2) The Crown, in accordance with existing practice, may provide for dependants, whether kindred or not, of the intestate, and other persons for whom the intestate might reasonably have been expected to make provision out of the whole or any part of the property devolving to the Crown under Item 5 of the Table of Distribution.

(3) A husband and wife shall for all purposes of distribution or division under this section be treated as two persons.

(4) The Minister may by order published in the *Gazette* vary the rate of interest specified in Item 1 (c) of subsection (1), so, however, that such order shall be subject to negative resolution.

(5) Where a child of an intestate predeceases the intestate and is survived by issue who survives the intestate the issue shall take the share to which that child would have been entitled, so, however, that the apportionment of the estate between the spouse and issue shall be on such basis as would apply if the child of the intestate had survived the intestate.