

## **Land Registry Circular Memorandum No. 2/23**

**6 December 2023**

### **Registration of Probate/Letters of Administration without the Will and/or Schedule of Assets and Liabilities annexed**

#### **Purpose**

This circular memorandum provides information on the revised practice of the Land Registry (“Registry”) on registration of probate/letters of administration (“probate/LA”) without the will and/or schedule of assets and liabilities annexed.

#### **Background**

2. To facilitate administration of the estate of a deceased person, the Registry has a long standing practice of accepting for registration a sealed copy of probate/LA with the will and/or schedule of assets and liabilities annexed (“probate/LA with will/schedule”) or a copy thereof certified by the Registrar of the High Court or a person authorized in writing by him (collectively “High Court Registrar”). It is readily ascertainable from the probate/LA with will/schedule the property being affected by the instrument.

3. We notice that the Probate Registry may provide an applicant with a copy of the sealed copy of the probate/LA without the will and/or schedule of assets and liabilities annexed certified by the High Court Registrar (“certified copy probate/LA without will/schedule”) and some executors/administrators of the estate would like to register such a certified copy probate/LA without will/schedule instead of the probate/LA with will/schedule at the Registry.

#### **Revised practice**

4. Upon review, registration of the certified copy probate/LA without will/schedule may be accepted by the Registry if:

- (a) the grant of probate/LA covers administration of all the estate and effects of the deceased (so there is no need to refer to the Schedule to see if the property stated in the memorial is covered by the probate/LA);
- (b) upon cross-checking with the land records, the Registry is satisfied that the deceased was the owner or one of the co-owners of the property stated in the memorial at the time of death; and
- (c) the provisions of the Land Registration Ordinance (Cap.128) and its regulations are complied with.

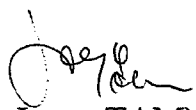
5. For the avoidance of doubt, a copy of the sealed copy of the probate/LA without the will and/or schedule of assets and liabilities annexed which was certified by a party otherwise than the High Court Registrar will not be accepted for registration.

### **Limited grant**

6. The Registry may refuse registration of the certified copy probate/LA without will/schedule against a property stated in the memorial if the grant is limited to certain (but not all) of the deceased's properties unless there is evidence to prove to the Registry's satisfaction that the property concerned is covered by the limited grant.

### **Enquiries**

7. For enquiries, please contact our Customer Service Manager, Miss Cherie CHOW, on 3105 0000 or by e-mail ([csa@landreg.gov.hk](mailto:csa@landreg.gov.hk)).

  
(Ms Joyce TAM)  
Land Registrar