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Estate Administration and Bank Compliance in Nigeria: Lessons from Common Law and Hybrid Jurisdictions

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Abstract

Introduction: *The administration of deceased persons' estates lies at a critical intersection between succession law and banking regulation, particularly where financial institutions retain custody of estate assets pending letters of administration or probate grant. In Nigeria, persistent delays in probate processes, fragmented institutional oversight, limited digitisation, and weak coordination between probate registries and banks have generated significant compliance risks, restricted timely access to estate funds, and heightened exposure to fraud and intra-family disputes, leading to considerable financial hardship for beneficiaries and increased litigation.*

Purposes of the Research: *This article aims to analyze the legal and institutional frameworks governing estate administration and bank compliance in Nigeria. It also undertakes a comparative analysis with selected common law and hybrid jurisdictions (England and Wales, Australia, and Singapore) to identify lessons for improving efficiency, legal certainty, and institutional coordination within Nigeria's system.*

Methods of the Research: *The study employs a doctrinal and comparative legal analysis of estate administration and bank compliance frameworks. The focus is on regulatory oversight, digital probate systems, and institutional coordination mechanisms governing banks' post-death obligations.*

Results Main Findings of the Research: *Jurisdictions with centralised or interoperable probate systems, clear statutory articulation of banks' duties upon a customer's death, and robust digital verification infrastructure demonstrate greater procedural efficiency, legal certainty, and compliance integrity than Nigeria's predominantly decentralised and manual framework. Key lessons for Nigeria include the importance of a centralised and digitalised framework. There is a discontinuity between estate administration regulations and banking compliance in Nigeria, leading to fragmentation, procedural inefficiencies, and verification barriers. Reforms, particularly improved inter-institutional coordination, secure digital probate verification platforms, and clearer regulatory guidance on bank obligations, are feasible and necessary. Comparative insights suggest that a hybrid model blending statutory authority with practical exceptions, procedural and technological reforms, and recognition of alternative estate transfer mechanisms can significantly reduce delays and improve access to bank funds for heirs, provided reforms are tailored to Nigeria's specific context.*

Keywords: Estate Administration; Bank Compliance; Probate; Digital Probate; Fiduciary Duties.

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INTRODUCTION

Estate administration within the banking sector arises from the banker–customer relationship and the consequences of its termination upon death. A mismanagement of the estate administration process poses reputational risk, potential fines, and operational inefficiency to a bank. In Nigeria, a bank customer is broadly understood as any individual or entity that maintains a transactional relationship with a bank, whether or not a formal account exists.[1] Judicial authority and regulatory instruments, including the Central Bank of Nigeria's Bank Customers' Bill of Rights, recognise that such relationships may arise through deposits, contracts or the use of banking services, and may involve individuals, corporate entities, trustees, executors, administrators or agents. [2] The banker–customer relationship is grounded in established legal principles and may assume multiple forms: debtor–creditor, trustee–beneficiary, agent–principal, or bailor–bailee, although it is predominantly contractual in nature, with the debtor–creditor model remaining central.[3] Importantly, this relationship may also be inferred from conduct, even in the absence of a formal agreement.[4]

Upon the death of a bank customer, the personal contractual relationship with the bank is extinguished, yet the legal obligations flowing from that relationship continue through the estate of the deceased. While the customer can no longer act, pre-existing debts and credits subsist as estate liabilities and assets.[5] Nigerian law has affirmed that the death of a borrower does not terminate loan obligations until repayment is completed by the estate, just as a bank's obligation to honour deposits and accrue interest persists for the benefit of the estate.[6] In practical terms, banks assume a pivotal gatekeeping role in post-death asset control, as access to estate funds is contingent on compliance with succession law and regulatory requirements.[7] Under the Central Bank of Nigeria Guidelines on the Management of Dormant Accounts and Unclaimed Financial Assets (2024), next-of-kin or legal representatives must notify banks of a customer's death and submit prescribed documentation, including death certificates and proof of legal authority, before any disbursement may occur. [8] Notably, the designation of a next-of-kin confers no proprietary entitlement; only duly appointed executors or administrators acting under a grant of probate, or letters of administration are legally entitled to access the funds.

The aim of this article is to examine the administration of deceased persons' estates at the point of interaction between succession law and banking regulation, with particular emphasis on banks' compliance obligations following a customer's death. Its objectives are to analyse the legal and institutional frameworks governing estate administration and bank compliance in Nigeria, to comparatively assess how selected common law and hybrid jurisdictions manage similar challenges, and to distil reform-oriented lessons capable of improving efficiency, legal certainty and regulatory coordination within Nigeria's existing system. By hybrid jurisdictions is meant a combination of any of the common law jurisdictions discussed in this study. The scope of the article is limited to estate assets held by banks and other regulated financial institutions, and it adopts a comparative focus on

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[1] Chiamaka Ogbonnaya, "An Overview of the Rights of Bank Customers in Nigeria" (Mondaq, February 4, 2023), https://www.mondaq.com/nigeria/financial-services/1315414/an-overview-of-the-rights-of-bank-customers-in-nigeria, accessed July 13, 2025; Koriat & Co., "Fundamental Rights of a Bank's Customers in Nigeria" (Koriatlaw, July 16, 2023), https://koriatlaw.com/fundamental-rights-of-a-banks-customers-in-nigeria/, accessed November 12, 2025.

[2] Ibid, n 3. Section 94, the interpretation section of BOFIA 2020.

[3] *Access Bank Plc v. Ray Okpu* [2021] 6 NWLR (Pt. 1773) 563; *Skymit Motors Limited v. United Bank of Africa Plc* (2021) 5 NWLR (Pt. 1768) 123; James E. Ighoroje and Oshiobugie Omolegie Bruno, "An Evaluation of Banker-Customer Relationship in Nigeria Deposit Money Banks," *Global Journal of Interdisciplinary Social Sciences* 4, no. 5 (2015): 1–8, https://www.walshmedicalmedia.com/open-access/an-evaluation-of-bankercustomer-relationship-in-nigeria-deposit-money-banks.pdf, accessed July 13, 2025.

[4] *United Dominions Trust Ltd v. Kirkwood*, CA, February 24, 1966, per Lord Denning MR.

[5] *United Dominions Trust Ltd v. Kirkwood*, CA, February 24, 1966, per Lord Denning MR.

[6] *Miss Eze Kita Odiete Daura & Anor v Union Bank of Nigeria Plc* (2024) LPELR-62008(SC), 14 NWLR (Pt 1957) 41 (SC).

[7] *Miss Eze Kita Odiete* Daura & Anor v Union Bank of Nigeria Plc (2024) LPELR-62008(SC), 14 NWLR (Pt 1957) 41 (SC).

[8] Victoria Edeme, "Why Next of Kin Can't Access Funds After Account Owners' Death – Lawyer," *PUNCH*, March 31, 2024, https://punchng.com/why-next-of-kin-cant-access-funds-after-account-owners-death-lawyer, accessed July 13, 2025.

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England and Wales, Australia and Singapore. It concentrates on regulatory oversight, digitisation of probate processes and institutional coordination, rather than broader questions of succession law theory or empirical performance measurement. The article proceeds by outlining the relevant conceptual framework, examining Nigeria's current legal and institutional arrangements, undertaking a comparative analysis of the selected jurisdictions and concluding with practical reform pathways for strengthening estate administration and bank compliance in Nigeria.

LITERATURE REVIEW

The difficulties surrounding access to deceased persons' bank funds in Nigeria reflect not only procedural inefficiencies but deeper legal and institutional weaknesses in the regulation of estate administration. Although the banker–customer relationship is relatively settled during a customer's lifetime, death introduces uncertainty around succession rights, the legal significance of next-of-kin designations and the authority required to deal with bank-held assets, resulting in delays, disputes and persistent misconceptions in practice. Against this backdrop, this chapter reviews the legal and scholarly foundations of estate administration in Nigeria by examining the concepts of succession and probate, analysing relevant statutory and regulatory frameworks—including the Wills Act, Administration of Estates Laws, BOFIA and applicable CBN Guidelines—and interrogating the use of quasi-legal mechanisms such as *donatio mortis causa*, secret trusts and informal beneficiary claims. It also considers the bank–customer relationship in the succession context, identifies key procedural and administrative hurdles affecting banks and beneficiaries, and draws attention to comparative best practices such as payable-on-death and beneficiary nomination systems, thereby exposing the strengths and limitations of the current framework and laying the groundwork for proposed reforms.

Estate administration in Nigeria involves the legal process of gathering, managing, and distributing a deceased person's assets, rights, and liabilities to those entitled by law. Fundamentally, succession concerns legal authority and responsibility: it establishes who has the legal power to settle debts, preserve assets, and transfer property to beneficiaries. In practice, this process occurs within Nigeria's complex legal system, where statutory law, customary practices, and Islamic principles coexist, sometimes harmoniously and other times contentiously. While customary and religious norms shape family expectations and social duties, the formal estate administration generally follows statutory procedures overseen by courts and probate registries, especially for bank-held assets. This statutory control ensures legal certainty and enforceability, vital for financial institutions subject to consistent regulatory standards.

Succession mainly includes testate and intestate types. Testate succession occurs when a deceased person leaves a valid will, which must go through probate to confirm its authenticity and authorize the executor. [9] A will is a legal document under the Wills Act 1837 in Nigeria, allocating property to take effect after death. [10] Testate succession involves

[9] Taslim Olawale Elias, *The Nature of African Customary Law* (Manchester: Manchester University Press, 1956); Taslim O. G. Animashaun and Anifat Bolanle Oyeneyin, *Law of Succession, Wills, and Probate in Nigeria* (Lagos: MIJ Professional Publishers, 2002).

[10] Michael Takim Otu and Miebaka Nabiebu, "Succession to, and Inheritance of Property under Nigerian Laws: A Comparative Analysis," *European Journal of Social Sciences* 62, no. 2 (2021): 50.

distributing property through a valid will, governed by different legal systems. [11] A codicil is a supplement to a will that modifies or clarifies rather than disposes of the estate. Probate, under common law, is the court's confirmation of the will and executor's authority.[12] Without it, the executor cannot legally manage the estate. Intestate succession happens when no valid will exists, and the estate is distributed according to statutory rules. Courts issue letters of administration to appoint administrators, who act like executors but follow legal priority. Both roles identify assets, settle debts, and distribute remaining property, relying on official grants. [13] When someone dies without a valid will, intestate succession applies, governed by the deceased's personal law—statutory, customary, or Islamic.[14] Sharon Crosby defines intestate succession as "a situation which occurs where a person dies without leaving a valid will."[15] In Nigeria, this is when someone dies without writing a will,[16] with the Administration of Estates Law providing the legal framework for most southern states.

The difference between testate and intestate succession significantly affects estate outcomes, especially for financial assets. Testate succession, based on the testator's wishes, allows individuals to choose who will manage and distribute their estate. However, requiring formal proof of the will and probate can cause delays and complications, notably in Nigerian courts. The use of letters of administration in intestate succession can lead to family disputes over priority, delaying settlement and creating issues with banks that require clear legal authority before releasing funds.[17] These procedural challenges highlight a core issue in Nigerian estate law: the need for formal legal authority for certainty and accountability, but the associated delays and costs frustrate beneficiaries and complicate banking and legal interactions. [18]

At its core, the Nigerian bank–customer relationship is fundamentally contractual: when a customer deposits funds, the bank owes an obligation to repay either on demand or as agreed. This reflects a debtor–creditor relationship rather than a fiduciary trust. Key English legal cases, such as Foley v Hill, [19] established that deposits create contractual obligations rather than trust relationships, limiting the bank's duties to repayment rather than trust management or discretionary control. Nigerian legal literature reaffirms this position. Agwor and Amadi-Harry[20] note that the banking relationship is primarily contractual,

[11] Michael Takim Otu and Miebaka Nabiebu, "Succession to, and Inheritance of Property under Nigerian Laws: A Comparative Analysis," *European Journal of Social Sciences* 62, no. 2 (2021): 50.

[12] *Black's Law Dictionary*, 8th ed., 275; *Attoe v. Attoe* (2021) LPELR-54143 (CA) 15.

[13] Resolution Law Firm, "Overview of the Administration of Estates Law in Nigeria" (Lawcarenigeria.com, 2024), accessed February 2, 2026; Tolulope Adeyemi, "The Roles and Responsibilities of Personal Representatives in Estate Administration" (Mondaq.com, 2026), accessed February 2, 2026; Grace Eniyandunmo, "Executors' Duties and Responsibilities in Estate Management: Legal Compliance in Nigeria" (Mondaq.com, 2025), accessed February 2, 2026.

[14] Trusted Advisors, "Who Inherits Property When There Is No Will in Nigeria?" (Trusted Advisors Law, November 25, 2024), https://trustedadvisorslaw.com/property-when-there-is-no-will-in-nigeria/, accessed October 20, 2025.

[15] Sharon Crosby, "What Are the Intestacy Rules in England and Wales?," *The Gazette*, November 10, 2025, https://www.thegazette.co.uk/wills-and-probate/content/103523, accessed November 14, 2025.

[16] Taslim O. G. Animashaun and Anifat Bolanle Oyeneyin, *Law of Succession, Wills, and Probate in Nigeria* (Lagos: MIJ Professional Publishers, 2002); Chinwuba Obi, *Family Law in Southern Nigeria* (1966), 880.

[17] Damilola Olufemi, "How Delays, Costly Court Processes Frustrate Families' Access to Deceased's Savings (II)," *Punch* (Lagos), November 18, 2022, https://punchng.com/how-delays-costly-court-processes-frustrate-families-access-to-deceaseds-savings-ii/, accessed November 14, 2025.

[18] Adeife Omolumo, "Welcome to Zscaler Directory Authentication" (Trustedadvisorslaw.com, October 2025), accessed February 2, 2026.

[19] *Foley v. Hill* (1848) 2 HLC 28, 9 ER 1002.

[20] Charles Agwor and Nancy Amadi-Harry, "Bank Liability in Banker-Customer Relationship in Nigeria: A Legal Appraisal" (Madonna University, 2025), accessed September 12, 2025.

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based on debtor-creditor interactions, but also involves specific industry-related agreements.[21]

They observe that modern banking includes mortgage banking, merchant banks, development banks, and various financial services beyond traditional lending.[22] Banks now offer services like bill discounting, foreign exchange trading, stock transactions, financial consulting, and acting as trustees or agents. Ayenakin and Akindejoye argue that although banking services have expanded, the legal framework has lagged, creating complexity in rights, though the succession aspect is only marginally addressed.[23] In GTB v. Ekemezie,[24] the court reaffirmed that the bank-customer relationship remains essentially contractual: the bank is a debtor, with liability arising only upon valid demand. Consequently, the bank must follow valid instructions and exercise reasonable care, while customers retain rights to repayment, confidentiality, and fair treatment. This contractual model underpins standard banking operations and mutual expectations. [25]

The death of a customer disrupts this contractual dynamic and introduces a succession overlay that the traditional creditor–debtor model struggles to accommodate. Upon the death of a customer, the bank does not automatically hold the funds on trust for the heirs or recognises any informal claim that might arise through family arrangements or "next of kin" on account opening forms. Instead, the bank remains a contractual debtor to the deceased's estate, which is represented by legally appointed personal representatives, executors under a will or administrators appointed by a court. The effect of death is therefore to suspend the customer's mandate; the bank no longer deals with the deceased as a contracting party, but with the estate through its authorised representatives.[26]

This succession overlay creates a structural tension. On one hand, the requirement for formal succession documentation protects estate funds from wrongful withdrawal and aligns with the purpose of probate oversight. On the other hand, procedural rigidity and absence of uniform statutory guidance for banks often result in prolonged freezing of accounts, extensive documentation requirements and inconsistent internal policies among banks. Bereaved families, already in a vulnerable period, are frequently compelled to navigate complex and expensive probate processes before accessing funds, often for urgent needs. While the legal position that probate or letters of administration are prerequisites for access to funds is clear, the practical consequences raise questions about proportionality, access to justice, and service standards. The absence of statutory timelines for verification and release compounds these problems, leading to situations where families are unable to access funds for essential needs long after death.[27]

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[21] Charles Agwor and Nancy Amadi-Harry, "Bank Liability in Banker-Customer Relationship in Nigeria: A Legal Appraisal" (Madonna University, 2025), accessed September 12, 2025.

[22] Charles Agwor and Nancy Amadi-Harry, "Bank Liability in Banker-Customer Relationship in Nigeria: A Legal Appraisal" (Madonna University, 2025), accessed September 12, 2025.

[23] Olabanjo Olumide Ayenakin and Temidayo Akindejoye, "An Examination of Bankers'/Customers Relationship under the Nigerian Law," *Global Journal of Politics and Law Research* 11 (2023), accessed September 26, 2025.

[24] *GTB v. Ekemezi* (2016) 2 NWLR (Pt. 1497).

[25] Uche Matthew and Folakemi Ayodele-Davis, "Appraisal of the Rights and Duties of Bank Customers in Nigeria" (Mondaq.com, 2022), accessed February 2, 2026.

[26] Omolara Garuba, "Your Next of Kin Does Not Have Any Automatic Legal Rights to Your Money in the Bank," *Tribune Online*, May 6, 2023, accessed January 15, 2026; Asabe Waziri Justice Advocacy Initiative, "Intestacy and Bank Accounts in Nigeria" (Asabe Waziri Justice Advocacy Initiative, December 16, 2025), accessed February 2, 2026.

[27] ThisDay Live, "Protecting Families of Deceased Bank Customers" (Thisdaylive.com, 2023), accessed February 2, 2026.

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Due to the applicable rules in other jurisdiction, one may expect that the Nigerian jurisprudence recognises informal or quasi-contractual expectations that customers or families may have about "nominated" contacts. For instance, banks often solicit "next of kin" details at account opening, and many customers and their families mistakenly believe these designations carry succession rights. However, Nigerian law does not automatically elevate such nominations to proprietary entitlement. In *Ironbar v. Federal Mortgage Finance Ltd* (2024),[28] the Court of Appeal held that "next of kin" does not confer legal authority to manage or inherit a deceased's estate; rather, probate or letters of administration remain indispensable.[29] Thus it remains strictly a procedural or administrative reference point. This disconnect between practical expectations and legal provisions contributes to confusion, disputes and litigation, and reveals a deeper conceptual gap in the way the bank–customer relationship is understood in a succession setting.[30]

Notably, the contractual basis of the bank–customer relationship ensures legal certainty under ordinary operations, however, it inadequately addresses the transitional phase post-death where succession norms intersect with banking compliance. The strict insistence on formal authority in succession makes sense from a risk-management standpoint but can lead to outcomes that frustrate legitimate heirs and create inefficiencies in estate administration. The absence of statutory recognition for mechanisms such as Payable-on-Death (POD) or beneficiary nomination in Nigerian law further constrains banks from adopting more flexible but legally secure practices that exist in other jurisdictions.[31]

In sum, the bank–customer relationship, while fundamentally contractual, must be viewed through a succession lens in the context of death. Nigerian law's emphasis on formal probate instruments, though protective in principle, has not been matched by regulatory clarity or procedural efficiency, thereby amplifying the compliance burdens on banks and the hardship experienced by heirs, this dynamic underscores the need for legal reform that bridges the contractual foundations of banking with the succession realities of estate administration.

METHODS OF THE RESEARCH

The paper adopted doctrinal and comparative legal analysis of estate administration and bank compliance frameworks in the following common law and hybrid jurisdictions: England and Wales, Australia and Singapore, focusing on regulatory oversight, digital probate systems and institutional coordination mechanisms governing banks' post-death obligations. Understanding the theoretical underpinnings of estate administration and bank compliance is not just academic; it directly shapes how legal duties are allocated, how institutions behave, and where reform might be most effective. At the core of this discourse are competing yet complementary theories that explain why certain actors (like executors or banks) do what they do and what duties the law expects of them.

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[28] (2024) 12 NWLR (Pt. 1952) 275; (2024) LPELR-62186 (SC); *Joseph v. Fajemilehin O.O. & Anor* (2012) LPELR-9849 (CA).

[29] 1st Attorneys, "Next of Kin, POD and Probate: Clarifying Access to Deceased Bank Accounts under Nigerian Law" (1st Attorneys, August 22, 2025), accessed August 31, 2025.

[30] Omolara Garuba, "Your Next of Kin Does Not Have Any Automatic Legal Rights to Your Money in the Bank," *Tribune Online*, May 6, 2023, accessed January 15, 2026; Adebayo Adekola, "Preference for Next of Kin in Estate Claims Can Be Successfully Challenged in Court," *Businessday NG*, September 26, 2023, accessed January 15, 2026.

[31] Philip Shimnom Clement, "Why Next of Kin Cannot Access Deceased's Inheritance," *Daily Trust*, December 9, 2023, accessed February 2, 2026.

RESULTS AND DISCUSSION

A. Fiduciary Theory and Duties of Executors

Fiduciary theory explains the high standard of conduct imposed on persons entrusted with managing another's assets. Executors and administrators are classic fiduciaries: once appointed through probate or letters of administration, they are legally obliged to act loyally, with integrity and in the best interests of all beneficiaries. This means safeguarding estate assets (including bank accounts), settling debts, and distributing the estate according to the law or will, while avoiding conflicts of interest or self-dealing.[32] Nigerian practice reflects this: executors and administrators must apply for probate or letters of administration before undertaking administration acts, and acting prematurely can be treated as unlawful intermeddling, exposing them to personal liability. Nigerian courts have enforced these fiduciary principles, and commentators emphasise that the executor's role carries significant ethical and legal obligations to beneficiaries.[33] In *Omni Products (Nig) Ltd v. UBN Plc*, the Supreme Court emphasised the fiduciary duty of banks to its customers. Executors and trustees are required to marshal and value assets, pay debts, preserve estate property, distribute assets according to the will or law and account to beneficiaries.[34] Breaches of these duties may attract judicial removal, liability for losses, or disgorgement of wrongly gained profits, especially in cases of self-dealing or neglect.[35]

There is however, meaningful debate about how fiduciary theory applies in the context of banks. Banks are not automatically fiduciaries to a deceased's estate simply because they hold customer funds; their traditional relationship with customers is contractual. This distinction matters: while executors owe duties that bind them to act for beneficiaries' benefit, banks generally owe duties to repay under their contracts and to exercise reasonable care and skill in doing so.[36] This theory affords Nigerian banks, therefore, to carry the obligation to repay estate funds with utmost care.

B. Banker–Customer Contractual and Tortious Obligations

Under Nigerian banking law, the foundational relationship between a bank and a depositor is contractual and debtor–creditor in character: the bank promises to repay amounts standing to a customer's credit upon demand. This basic framework is recognised in local practice and affirmed in decisions delineating banks' duty to exercise reasonable care and skill in executing customer instructions.[37] Where the bank's actions fall short—for example, failing to verify instructions or mismanagement of customer funds—it may be liable in tort or for breach of contract. [38] In addition to contract, there is a tortious overlay: Nigerian courts recognise that banks owe a duty of care to customers, such that negligence

[32] Richard P. Breed III, "Fiduciary Duties of Executors and Trustees" (Tbhr-law.com, 2024), accessed September 25, 2025; Grainne Feeney, "Trustee Duties, Obligations and Breaches of Trust: A Guide" (Anthony Gold, 2021), accessed September 25, 2025; Jean Olaje, "Fiduciary Duties Explained: Types, Importance and Examples" (Convene, September 12, 2025), accessed September 25, 2025.

[33] Grace Eniyandunmo, "Executors' Duties and Responsibilities in Estate Management: Legal Compliance in Nigeria" (Trustedadvisorslaw.com, August 25, 2025), accessed February 2, 2026.

[34] Richard P. Breed III, "Fiduciary Duties of Executors and Trustees" (Tbhr-law.com, 2024), accessed September 25, 2025.

[35] Richard P. Breed III, "Fiduciary Duties of Executors and Trustees" (Tbhr-law.com, 2024), accessed September 25, 2025; Grainne Feeney, "Trustee Duties, Obligations and Breaches of Trust: A Guide" (Anthony Gold, 2021), accessed September 25, 2025.

[36] Felix Terungwa Ayem and Godwin Essah, "Banker-Customer Relationship in Nigeria: A Case Study of the Currency Scarcity and Its Legal Implications" (Mondaq.com, 2023), accessed February 2, 2026.

[37] Felix Terungwa Ayem and Godwin Essah, "Banker-Customer Relationship in Nigeria: A Case Study of the Currency Scarcity and Its Legal Implications" (Mondaq.com, 2023), accessed February 2, 2026.

[38] Charles Agwor and Nancy Amadi-Harry, "Bank Liability in Banker-Customer Relationship in Nigeria: A Legal Appraisal" (Madonna University, 2025), accessed September 12, 2025.

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in handling funds, misplacing investments, or failing to act in accordance with standard banking practice can give rise to civil liability (*Zenith Bank v. Ato Properties Ltd*[39]; *Access Bank v. Mann*[40]). These duties are imposed by law and cannot be entirely excluded by contract.

This duty of care persists even after the customer's death in a limited sense: until lawful authority is shown, the bank must abstain from paying out and must safeguard the estate's assets. What is less clear, however, is the extent to which banks owe a broader fiduciary duty simply by virtue of holding estate funds.[41] Some legal scholarship and common law jurisdictions suggest that trust-like duties may arise in specific contexts (for instance, where banks act as trustees or investment agents), but courts are generally cautious about imposing full fiduciary obligations without clear statutory or contractual basis.[42]

C. Agency and Representative Theory

This theory focuses on the role of personal representatives, such as executors and administrators who act as legal agents of the deceased's estate. Their authority to manage estate assets (including instructing banks) arises only upon valid legal appointment. Banks, therefore, require incontrovertible proof of this authority, typically through probate or letters of administration, before they may lawfully act upon the estate's behalf.[43] This requirement reflects a core principle of agency theory: persons cannot validly act for another in legal and financial matters without properly conferred authority.[44] In the absence of such authority, banks risk processing wrongful payments or breaching legal duties.[45] This perspective underscores why banks insist on formal succession documentation and why "next of kin" expressions in account forms do not suffice to trigger entitlement to funds. [46]

D. Nomination and Beneficiary Designation Theory.

In comparative jurisdictions, beneficiary nomination systems (such as Payable-on-Death or Transfer-on-Death designations) represent a contractual mechanism through which customers can specify who should receive certain assets upon death.[47] These systems function outside traditional probate, providing efficiency and reducing administrative burden, but they require statutory recognition and safeguards to manage fraud risk and competing claims. [48] In Nigeria, the absence of clear statutory endorsement for such

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[39] *Zenith Bank v. Ato Properties Ltd* (2019) LPELR-47783 (CA).

[40] *Access Bank v. Mann* [2021] 13 NWLR [Pt. 1792] 160

[41] Osita Enwe, "When a Customer Dies, What about Bank Accounts and Loans?" (SRJ Legal, October 20, 2024), accessed September 26, 2025.

[42] Philip Shimnom Clement, "Why Next of Kin Cannot Access Deceased's Inheritance," *Daily Trust*, December 9, 2023, accessed February 2, 2026.

[43] Oludayo Ayeni, "Issuance of Letters of Administration in Nigeria – A Practical Approach" (Mondaq.com, 2024), accessed September 26, 2025; Aarndale Solicitors, "Obtaining Letters of Administration in Nigeria – A Review of the Lagos State Procedure" (Mondaq.com, 2024), accessed September 26, 2025.

[44] Oludayo Ayeni, "Issuance of Letters of Administration in Nigeria – A Practical Approach" (Mondaq.com, 2024), accessed September 26, 2025; Aarndale Solicitors, "Obtaining Letters of Administration in Nigeria – A Review of the Lagos State Procedure" (Mondaq.com, 2024), accessed September 26, 2025.

[45] Osita Enwe, "When a Customer Dies, What about Bank Accounts and Loans?" (SRJ Legal, October 20, 2024), accessed September 26, 2025.

[46] 1st Attorneys, "Next of Kin, POD and Probate: Clarifying Access to Deceased Bank Accounts under Nigerian Law" (1st Attorneys, August 22, 2025), accessed August 31, 2025; Shawn Kerendian, "How to Claim a Deceased Person's Bank Accounts" (Keystone Law, March 3, 2023), accessed September 26, 2025.

[47] Bashir Turawa, "Policy Solutions for Accessing Funds of Deceased Bank Customers" (Cheetahs Policy Institute, February 10, 2025), accessed September 26, 2025; Kotak Mahindra Bank, "Nominee and Beneficiary in Banking: Meaning, Difference, & Types" (Kotak.com, March 3, 2025), accessed September 26, 2025.

[48] Andreas Cahn and David C. Donald, *Comparative Company Law: Text and Cases on the Laws Governing Corporations in Germany, the UK and the USA* (Cambridge: Cambridge University Press, 2018).

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mechanisms means that nomination remains largely administrative and does not automatically confer legal rights to estate assets.[49] This theoretical insight exposes a normative tension: while contractual autonomy and efficiency are attractive, they must be balanced against the need for legal certainty and protection of competing interests, which the current statutory framework seeks to achieve. [50]

E. Discontinuities Between Regulations of Estate Administration and Bank Compliance

As earlier noted, Nigeria's estate management laws are dispersed across multiple federal and state Acts, not consolidated in a single document. In banking, these laws collectively form a comprehensive yet complex system, requiring strict procedural compliance before releasing funds of a deceased customer. Nigeria's statutory framework for estate administration begins with testamentary and intestate succession laws, which are fundamental to how banks interact with deceased customers' accounts. At the federal level, the Wills Act 1837 (as applied in Nigeria) and corresponding state Wills Laws govern the validity, formal requirements and execution of wills. A will is a legal document expressing how a person's property is to be distributed on death and appoints one or more executors to administer the estate in accordance with the testator's wishes. The formal requirements are thus: writing, signature, and witness attestation, all to ensure legal certainty and protect against fraud,[51] but strict compliance can also delay probate issuance, especially when wills are contested or poorly drafted.[52] The Act is crucial for banks because it mandates a court-issued probate before executors can access funds in the deceased's accounts. Section 4 of the Lagos State Wills Law, 1990, details the steps for execution, while Sections 2–3 empower the High Court to issue probate.[53] Abayomi[54] praises the Act for bringing clarity and predictability to asset distribution. However, Sawyer[55] warns that without explicit legislation, creating a will could leave dependents financially vulnerable while waiting for probate finalization.

Complementary to the Wills framework are the Administration of Estates Laws enacted by individual states, which regulate how estates are administered where there is no valid will (intestacy) or where executors are unable or unwilling to act. These state laws outline how administrators are appointed through letters of administration—a court-issued document authorising an administrator to collect assets, pay debts and distribute the remainder of the estate. The Probate Registry of the High Court in each state has exclusive jurisdiction to grant probate or letters of administration, and the relevant Civil Procedure Rules guide procedural steps such as filing, notice and caveats. This statutory architecture provides the legal authority banks require before they can recognise personal

[49] Michael Otu and Miebaka Nabiebu, "Succession to and Inheritance of Property Under Nigerian Laws: A Comparative Analysis," *European Journal of Social Sciences* 62, no. 2 (2021): 50-63. accessed September 26, 2025.

[50] Leo Okafor and Olubukola Olugasa, "Conceptual and Theoretical Framework of Inheritance Rights of Women and Children in South-Eastern Nigeria," *Journal of Jurisprudence & International Law* 3 (2023), accessed September 20, 2025; Oluwasileola Akinsete, "Understanding the Legal Framework of Probate & Administration of Estate Disputes in Nigeria" (Trustedadvisorslaw.com, July 27, 2025), accessed September 26, 2025; British Columbia Law Institute, "Wills, Estates and Succession: A Modern Legal Framework" (British Columbia Law Institute, 2006).

[51] *Wills Law of Lagos State*, ss 2–3.

[52] Mani Ojeah, "Wills Act and the Requirements under the Nigerian Law" (Manifield Solicitors, January 15, 2019), accessed February 2, 2026.

[53] *Wills Act*, Cap. W4 LFN 2004, s 9.

[54] Kole Abayomi, *Wills: Law and Practice* (Lagos: Mbeyi & Associates, 2004), 45.

[55] Caroline Sawyer, *Succession, Wills & Probate* (London: Cavendish Publishing, 1999), 74.

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representatives and release funds from a deceased customer's account.[56] While this statutory interplay forms a coherent legal basis, its practical implementation reveals significant inefficiencies. The requirement for formal grants before banks can act often results in prolonged freezing of funds, and the lack of uniform national probate rules means that similar petitions in different states can follow divergent timelines and procedural expectations, contributing to administrative bottlenecks in estate settlements.[57] Judicial interpretation, as seen in *Olora v. Adegbite,*[58] emphasises that until letters of administration are granted, any attempts to manage estate assets, including bank withdrawals, even by the partner to a deceased person, are considered unlawful. Banks in Nigeria have complied with this position. This is commendable for scholars focused on safeguarding estates against fraudulent claims. However, it has faced criticism from advocates who support the provisional access options for verified dependents.

The Banks and Other Financial Institutions Act (BOFIA) 2020 is the cornerstone of Nigeria's banking regulatory regime. Although BOFIA is primarily prudential in nature—addressing licensing, capital requirements and bank governance—it contains provisions that indirectly influence estate administration by shaping how banks manage dormant and unclaimed funds. Section 56 of BOFIA expressly mandates the Central Bank of Nigeria (CBN) to issue guidelines on the administration of unclaimed funds in financial institutions, supporting regulatory oversight of assets that have remained inactive for extended periods.[59] This provision is significant for estate administration because it places responsibility on the CBN to standardise how dormant accounts and unclaimed balances, including those stemming from deceased customers, are handled within the financial system.[60] This authority supports the CBN Guidelines on dormant and unclaimed accounts, last updated in July 2024, which outline procedural rules regarding inactivity thresholds, dormancy classifications, transfers to a CBN-managed trust, and claims processes. These guidelines directly impact estates, as they determine how funds can be reclaimed after a customer's death.[61] However, BOFIA itself does not explicitly address the complexities involved in succession cases, such as timelines for releasing funds, beneficiary authentication, or simplified procedures for small estates.

This gap leads to two main issues. First, by granting authority to the CBN, BOFIA emphasizes the bank's role as custodian and gatekeeper of customer assets, encouraging institutions to conduct thorough checks before releasing estate funds. While this helps prevent fraud, it can also create administrative hurdles for legitimate heirs. Second, the law does not specify processing timelines. Although Section 56 allows for regulatory guidance, neither BOFIA nor the CBN Guidelines set binding deadlines for verifying succession documents or releasing funds once authentication is complete. This lack of statutory

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[56] Resolution Law Firm, "Overview of Probate Laws and Probate Registry in Nigeria" (Mondaq.com, 2021), accessed February 2, 2026; Aarndale Solicitors, "Obtaining Letters of Administration in Nigeria: A Review of the Lagos State Procedure" (Aarndale Solicitors, April 30, 2024), accessed February 2, 2026.

[57] Resolution Law Firm, "Overview of Probate Laws and Probate Registry in Nigeria" (Mondaq.com, 2021), accessed February 2, 2026.

[58] *Olora v. Adegbite* (2013) 1 NWLR (Pt. 1334) 40, 53 (CA).

[59] BOFIA, s 72; Simmons Cooper Partners, "CBN's New Guidelines for Dormant Accounts and Unclaimed Balances: What You Need to Know" (SimmonsCooper Partners, August 31, 2024), accessed August 21, 2025.

[60] Osita Enwe, "Dormant Accounts, Unclaimed Balances, and Other Financial Assets in Nigeria" (SRJ Legal, August 15, 2024), accessed January 20, 2026; Ogaga Ariemu, "CBN Announces Fresh Guidelines on Dormant Accounts, Unclaimed Balances in Nigerian Banks," *Daily Post Nigeria*, July 20, 2024, accessed February 2, 2026.

[61] BOFIA, s 72; Simmons Cooper Partners, "CBN's New Guidelines for Dormant Accounts and Unclaimed Balances: What You Need to Know" (SimmonsCooper Partners, August 31, 2024), accessed August 21, 2025.

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timelines can cause procedural delays, burdening beneficiaries and potentially delaying access to estate funds indefinitely.

Building on BOFIA's regulatory authority, the Central Bank of Nigeria issued updated Guidelines on the Management of Dormant Accounts, Unclaimed Balances and Other Financial Assets in 2024 to operationalise Section 72 and standardise dormant account management across banks and other financial institutions. These guidelines set a clear 10-year dormancy threshold, require timely customer notification, mandate the transfer of dormant balances to a centralized Unclaimed Balances Trust Fund (UBTF) pool account for warehousing dormant funds and to invest these balances in government securities while preserving claim rights for beneficial.[62] Despite these improvements, critics argue that the Guidelines do not sufficiently address the nexus between dormant and unclaimed balances and estate succession law. While they streamline the identification and custody of funds, they do not expressly integrate succession document verification procedures (such as probate or letters of administration) into a harmonised framework that would expedite access for heirs in estate administration contexts.[63] In practice, banks remain subject to traditional probate verification obligations, even as dormant funds are transferred to CBN custody, leaving beneficiaries to navigate a dual regulatory compliance and succession framework.[64]

Collectively, the statutory and regulatory framework provides the essential legal architecture for estate administration in banking contexts, but reveals clear areas of fragmentation and procedural disconnect. The absence of explicit statutory timelines for action, the procedural gap between succession law and banking regulation, and the partial integration of dormant account management into estate processes illustrate why reform—particularly one that more closely aligns probate requirements with financial regulatory standards—is crucial for reducing uncertainty and enhancing efficiency.[65]

Nigeria's legal and institutional framework for estate administration and bank compliance faces deep-rooted challenges that undermine efficiency, predictability and equitable access to the funds of deceased customers. These challenges span fragmented jurisdiction, procedural inefficiencies, documentation verification hurdles, multiple claimants and fraud risks, and the influence of customary norms and family disputes. Together, they create systemic bottlenecks that affect banks' compliance practices and beneficiaries' access to lawful entitlements.

Estate administration in Nigeria is highly decentralised, with each state High Court operating its own Probate Registry under state-specific Civil Procedure Rules, leading to significant jurisdictional uncertainty.[66] When an estate spans multiple states or when conflicting grants are obtained, confusion often arises over which registry has proper authority. This fragmentation has practical consequences, including litigation and repeated

[62] Central Bank of Nigeria, *Guidelines on Management of Dormant Accounts, Unclaimed Balances and Other Financial Assets in Banks and Other Financial Institutions in Nigeria* (Financial Policy & Regulations Department, July 2024), sec. 6, https://www.channelstv.com/2024/07/20/cbn-issues-directives-to-banks-over-unclaimed-balances-dormant-accounts/.

[63] Vanessa Kelechi, "Understanding CBN Guidelines on Dormant Accounts and Unclaimed Assets," *TheCable*, August 7, 2024, accessed August 20, 2025.

[64] Ogaga Ariemu, "CBN Announces Fresh Guidelines on Dormant Accounts, Unclaimed Balances in Nigerian Banks," *Daily Post Nigeria*, July 20, 2024, accessed February 2, 2026.

[65] Resolution Law Firm, "Overview of Probate Laws and Probate Registry in Nigeria" (Mondaq.com, 2021), accessed February 2, 2026.

[66] Idorenyin Ekpenyong, "Resealing of Grant of Probates or Letters of Administration in Nigeria" (S.P.A. Ajibade & Co, April 11, 2023), accessed August 22, 2025.

applications for probate or letters of administration, delaying access to estate assets and complicating banks' compliance assessments.[67] Moreover, without uniform standards or a central database to share information, banks must navigate divergent procedural requirements and documentary thresholds across jurisdictions, increasing risk and operational complexity. [68] In *Ajibaye v. Ajibaye*,[69] the Court of Appeal upheld the Islamic limitation on testamentary freedom to one-third of the estate despite the testator's contrary declaration, demonstrating that personal laws remain determinative in succession matters. For banks, this pluralism translates into uncertainty, as officers processing requests for release of deceased customers' funds must navigate divergent state laws and personal law regimes. This tension shows that procedural harmonization may improve access—such as enabling faster bank release of funds—but substantive harmonization risks eroding constitutionally protected pluralism and federal autonomy, particularly where state laws diverge.

The probate process in Nigeria continues to rely heavily on paper-based procedures, manual filings and analogue archives, contributing to lengthy delays in the issuance of grants. Applicants regularly report waiting months or even years for a grant of probate or letters of administration to be issued, owing to bureaucratic bottlenecks, backlogs and inconsistent adherence to timelines. These delays are compounded by high costs, multiple layers of paperwork and cumbersome verification requirements, which deter direct engagement by beneficiaries and disproportionately favour those who can afford professional legal assistance. Although some states (e.g. Lagos) have introduced e-Probate systems to enable online filing, cashless payments and digital tracking of applications, these initiatives remain unevenly implemented and do not yet eliminate delays or backlogs system-wide.[70] The lack of robust digital infrastructure impedes real-time coordination between courts, banks and other institutions, eroding efficiency and transparency in estate administration.

Banks are expected to verify the authenticity and validity of probate grants or letters of administration before releasing funds, but the absence of interoperable verification systems significantly complicates this duty. In practice, banks depend on manual review of documents, which can be error-prone, inconsistent and susceptible to fraud. The verification challenge is heightened when documents are old, poorly preserved, or subject to competing claims from different probate registries. In the absence of a centralised or integrated registry accessible to financial institutions, banks often face operational uncertainty about whether documents are genuine or have been legitimately challenged, leading to overly cautious compliance behaviour and further delays for beneficiaries.

F. Comparative Analysis: Estate Administration and Bank Compliance in Selected Jurisdictions.

An examination of global best practices in estate administration reveals that the effectiveness, clarity and reliability often stem from a well-defined framework, a robust

[67] Aarndale Solicitors, "Obtaining Letters of Administration in Nigeria – A Review of the Lagos State Procedure" (Aarndale Solicitors, April 30, 2024), accessed August 22, 2025.

[68] Adebayo Adekola, "A Case for Uniform Probate and Estate Administration in Nigeria," *Businessday NG*, May 4, 2023, accessed August 22, 2025.

[69] *Ajibaye v. Ajibaye* [2007] All FWLR (Pt. 359) 1321.

[70] Anthony Nlebem, "Lagos CJ Commissions E-Filing Probate Registry," *Businessday NG*, April 4, 2019, accessed August 22, 2025.

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technological foundation supported by established institutions and a commitment to service-oriented processes. Countries including England and Wales, Australia and Singapore offer significant frameworks for evaluating the Nigerian system.

The estate administration system in England and Wales provides a useful comparison for understanding how legal rules, institutions, and banking practices can support quick access to funds in deceased individuals' accounts. The legal framework is mainly based on the Administration of Estates Act 1925 and the Non-Contentious Probate Rules 1987. These establish who can apply for a grant of representation and under what conditions executors or administrators can manage a deceased person's assets. These laws form the core legal and procedural basis that guides how banks, courts, and personal representatives work together in estate administration. Besides formal laws, estate administration is also influenced by coordinated standards in the financial and legal sectors. Notably, the Banking Protocol: Estate Administration—a collaboration between the Law Society of England and Wales, the British Bankers' Association, and the Society of Trust and Estate Practitioners (STEP)—helps standardize communication between banks and estate practitioners. The Protocol clarifies common requirements, timelines, and procedures for handling accounts, liabilities, and claims after a customer's death. Its practical focus reduces uncertainty and friction where probate law intersects with banking compliance.[71]

A key aspect of the modern system is the digitisation of probate applications via HM Courts & Tribunals Service (HMCTS). This digital reform has drastically shortened processing times for grants of representation. By late 2024, the average wait had decreased to just over four weeks, down from up to twelve weeks at the end of 2023, with about 80% of applications submitted online. Data from June 2025 shows that digital applications average around 4.9 weeks, while paper applications take about 12.3 weeks.[72] Applications with complete documentation can be processed in a few weeks, and in simple cases, grants may be issued in under a week.[73] This change is especially important in practice, as banks usually require sight of a grant of representation before releasing estate funds; thus, shorter probate timelines mean earlier access for executors and beneficiaries.

UK banking practices show a pragmatic approach to small estates. Although there is no legal cutoff for when probate can be avoided, many banks and building societies have internal limits—typically between £5,000 and £50,000—that allow the release of funds without a formal grant, provided other documentation and indemnities are in place.[74] These thresholds differ among institutions but help reduce the financial and emotional stress involved in handling smaller estates.

In England and Wales, the procedure for managing bank accounts of deceased individuals functions smoothly, thanks to clear laws, uniform procedures across banks,

[71] Law Society, British Bankers' Association & Society of Trust & Estate Practitioners, *Banking Practices Protocol: Estate Administration* (2012), https://www.lawsociety.org.uk/topics/private-client/tools/banking-practices-protocol-estate-administration, accessed September 18, 2025.

[72] Co-op Legal Services, "Pardon Our Interruption" (Co-oplegalservices.co.uk, 2024), accessed September 18, 2025; Baird Holm, "Dealing with Estates: Using Small-Estate Affidavits in Banking" (Baird Holm LLP, April 2013), accessed September 18, 2025; HM Courts & Tribunals Service (HMCTS), "HMCTS Updates for Probate Practitioners: June 2025" (Icaew.com, 2025), accessed September 18, 2025; Tom Barnes and others, "Small Estates Exemption under the Administration Act" (DLA Piper, 2025), accessed September 18, 2025.

[73] UK Ministry of Justice, "Probate Waiting Times Halved Thanks to Government Push" (GOV.UK, February 14, 2025), accessed September 12, 2025.

[74] Kings Court Trust, "How Much Money Can You Have in the Bank Before Probate Is Required?," https://www.kctrust.co.uk/help/how-much-money-can-you-have-in-the-bank-before-probate-2/, accessed September 18, 2025.

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advanced digital probate tools, and adaptable agreements between institutions. This results in a predictable and efficient process. Nonetheless, challenges persist, such as reliance on paper forms, sluggish probate approvals, and inconsistencies in bank practices. Recent efforts aim to standardize rules, digitize probate, and enhance protections for beneficiaries. Nigeria can benefit from this model when reassessing or upgrading its own estate management systems.[75] In learning from there, however, due consideration must be given to the challenge UK still faces. The UK has not done away with paper deeds in spite of its digitised registry and old but extant laws have also retard digitisation.

Estate administration in Australia features a decentralized legal system where each state and territory manages probate, letters of administration, and the distribution of estate assets, including access to deceased persons' bank accounts. Each jurisdiction has its own statutes, such as the Probate and Administration Act 1898 (NSW) and the Succession Act 2006 (NSW), which form the legal basis for handling testamentary and intestate estates. This federated approach leads to generally similar procedural principles across Australia, with some variations in specific practices and administration procedures depending on the jurisdiction.[76]

A notable recent change in Australian probate practice is the increasing move towards digital processes. In New South Wales, for instance, since August 1, 2023, most straightforward applications for grants of representation must be submitted online via the Supreme Court's registry. This change aligns with broader policy aims to improve procedural transparency, allow real-time application tracking, and make processing timelines more predictable.[77] Reports from NSW indicate that, when documentation is complete and there are no disputes, the probate process—from the publication of a notice of intention to apply to the grant—can often be completed within a few weeks.[78] However, more complex or contested estates still tend to take significantly longer.[79] In Australia, the speed at which probate or letters of administration are obtained is especially important because access to a deceased's bank funds usually depends on having a valid grant. Financial institutions often refuse to release funds until legal authority is confirmed, with some exceptions like jointly held accounts or small balances below bank thresholds. Even after receiving a grant, additional statutory steps—such as publishing a notice of intended distribution and waiting periods for creditors—can delay the final release and distribution of estate assets.[80]

Despite increasing digitalisation, there are still significant differences in how banks handle small estates, especially regarding documentation and monetary thresholds, which creates uncertainty for personal representatives and beneficiaries. Academic discussions recognize that digital probate reforms can improve efficiency, but scholars like Dal Pont[81] warn about risks related to cybersecurity, data integrity, and safeguarding original testamentary documents. In this context, Australia's experience offers a valuable

[75] See https://www.lawsociety.org.uk/topics/private-client/banking-practices-protocol-estate-administration, accessed January 31, 2026.

[76] Supreme Court of New South Wales, "Probate" (Supreme Court of NSW, September 15, 2025), accessed September 18, 2025.

[77] Supreme Court of New South Wales, "Probate" (Supreme Court of NSW, September 15, 2025), accessed September 18, 2025.

[78] JJ Lawyers, 'How Long Can Probate Last in NSW?' (*JJ Lawyers* 6 December 2024) <https://jjlawyers.com.au/how-long-can-probate-last-nsw/> accessed 18 September 2025.

[79] JJ Lawyers, "How Long Can Probate Last in NSW?" (JJ Lawyers, December 6, 2024), accessed September 18, 2025.

[80] Overlaw Legal Services, "How Long Does Probate Take?" (Overlaw, November 2023), accessed September 18, 2025.

[81] Gino Dal Pont, *Law of Succession* (LexisNexis Butterworths, 2022).

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perspective for comparing how probate processes, banking practices, and technological changes interact in estate management. However, Australia's successful digitisation is inundated by cybersecurity apart from statutory complications that delay the digitisation, which Nigeria needs to be on the look out for as part of lessons to be learnt from the jurisdiction.

Singapore provides a relatively structured, efficiency-focused model of estate management, offering valuable lessons for jurisdictions aiming to balance procedural certainty with prompt access to deceased individuals' funds. Estate administration in Singapore is mainly regulated by the Probate and Administration Act 1934, the Intestate Succession Act 1967, and the Wills Act 1838, along with subsidiary laws and Practice Directions issued by the Family Justice Courts. Probate-related cases are handled by the Family Courts and the Family Division of the High Court, which process requests for Grants of Probate and Letters of Administration and ensure compliance with procedural standards. [82]

Singapore's probate framework is marked by clear procedures and coordinated institutions. Applications for grants rely on affidavits, asset schedules, and other required documents. Recent reforms, especially the 2024 Practice Directions, aim to standardize filing procedures and decrease uncertainty in probate matters. These efforts align with policies promoting efficiency, predictability, and judicial oversight.[83] A notable aspect of Singapore's estate system is the recognition of specific exceptions where a formal grant of representation isn't necessary. In certain cases—such as small estates under SGD 50,000 or when assets pass by law or contractual nomination—access may be granted without formal probate. Some asset types also bypass the grant process; jointly held assets, like joint bank accounts with rights of survivorship, pass directly to the survivor, and CPF savings or insurance proceeds with valid nominations are paid directly to nominees without probate. This streamlined approach minimizes delays and costs in simple cases and reduces the hardship caused by lengthy asset freezes.[84]

These exceptions have significant implications for how banks access the funds of deceased customers. In Singapore, banks and other financial institutions usually freeze accounts in the deceased's name immediately after being notified of their death. They typically only release the funds when presented with a valid court grant or equivalent authority. [85] If ownership is joint and the surviving account holder's rights are clear, banks often release funds automatically, reflecting both legal survivorship rights and internal policies that recognize these rights without needing a court order.[86] If ownership is joint and the surviving account holder's rights are clear, banks often release funds automatically,

[82] IRB Law LLP, "Latest Developments in Letters of Administration in Singapore (2024)" (IRB Law Singapore, July 25, 2025), accessed September 18, 2025; Singapore Government Courts, "Apply for Probate" (SG Courts, 2023), accessed September 18, 2025; Singapore Government Courts, "Probate and Administration" (SG Courts, 2025), accessed September 18, 2025; Singapore Government Courts, "Family Justice Courts Practice Directions 2024" (Judiciary.gov.sg, January 2, 2025), accessed September 18, 2025; Singapore Government Courts, "File the Supporting Documents (Probate or Administration)" (SG Courts, 2024), accessed September 18, 2025.

[83] Singapore Government Courts, "Probate and Administration" (SG Courts, 2025), accessed September 18, 2025; Singapore Ministry of Law, "Estate (Other Assets)" (Mlaw.gov.sg, 2018), accessed September 18, 2025.

[84] Singapore Government Courts, "Probate and Administration" (SG Courts, 2025), accessed September 18, 2025; Singapore Ministry of Law, "Estate (Other Assets)" (Mlaw.gov.sg, 2018), accessed September 18, 2025.

[85] Singapore Government Courts, "Probate and Administration" (SG Courts, 2025), accessed September 18, 2025; Singapore Ministry of Law, "Estate (Other Assets)" (Mlaw.gov.sg, 2018), accessed September 18, 2025.

[86] Singapore Government Courts, "Probate and Administration" (SG Courts, 2025), accessed September 18, 2025; Singapore Ministry of Law, "Estate (Other Assets)" (Mlaw.gov.sg, 2018), accessed September 18, 2025.

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reflecting both legal survivorship rights and internal policies that recognize these rights without needing a court order.[87]

For estates requiring a grant, the probate process in straightforward, uncontested cases typically completes within a few months, depending on the complexity of assets and completeness of documentation. Once the Grant of Probate or Letters of Administration is issued, personal representatives must present a certified true copy of the grant to financial institutions, along with identity documents and the death certificate, before banks will release or transfer funds to an estate account or directly to beneficiaries.[88] While these requirements serve as important safeguards against fraud or errors, their application can differ among institutions. Some banks have additional internal conditions that are not mandated by law, which can cause delays.

Despite known exceptions and procedural options, challenges in gaining prompt access continue. Variability in how banks interpret joint account rights, the absence of binding timelines for fund release after granting, and complexities from mixed ownership or foreign elements mean that even simple estates can face administrative hurdles. These issues show that, although Singapore's legal framework offers innovative ways to facilitate access to funds in certain cases, practical implementation still demands careful navigation of both legal and institutional procedures. Singapore has made good progress now being hampered by banks adoption of different models of estate administration notwithstanding its central bank's (Monetary Authority of Singapore) oversight.

G. Comparative Insights for Nigeria

Estate administration systems in countries like the UK, Singapore, and Australia balance legal authority, efficiency, and access to assets, especially bank funds in the deceased's name. They offer lessons on how clear laws, procedural innovation, and measured exceptions can reduce delays, protect vulnerable parties, and build public trust—areas Nigeria's system struggles with. However, copying foreign models without considering local capacity, culture, and technology can worsen issues. In the UK, estate administration follows the Non-Contentious Probate Rules, involving grants to empower representatives. Banks usually freeze accounts after notification of death and release funds only with proof of authority, like a grant. Many banks allow small balances to be released without a full grant, and jointly held accounts automatically pass to survivors. These informal practices reduce reliance on full probate, speeding access to assets while preventing fraud. UK reforms focusing on digitalization and statements of truth show how innovation speeds up uncontested cases without losing due process.

Singapore's estate system relies on court grants to manage deceased estates, including bank accounts, using structured procedures like Practice Directions and digital platforms such as Probate eService and MyLegacy@LifeSG to streamline filing and promote proactive data storage. Smaller estates or assets passing outside the estate, like joint accounts with survivorship rights, may bypass court grants under certain conditions. These measures reduce friction and support efficiency within a legal framework. Australia's estate system

[87] Singapore Probate, "How to Withdraw a Deceased Person's Savings in Singapore without Letters of Administration or Grant of Probate" (Singaporeprobate.com, 2026), accessed January 16, 2026.
[88] Tamia Cleofas, "What Assets Require Probate in Singapore?" (YY Lee & Associates, December 16, 2025), accessed January 16, 2026; Singapore Government Courts, "Issuance of the Probate or Administration Grant" (SG Courts, 2024), accessed January 16, 2026.

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also depends on court authority: a Grant of Probate or Letters of Administration is needed before banks release funds, with some allowing limited access for funeral expenses or small balances without probate. Thresholds vary by bank, and jointly held accounts pass directly to survivors. The approach emphasizes court authority for significant assets but includes practical exceptions for smaller estates. Nigeria's probate system is highly court-centric and decentralized, requiring grants or court orders before banks release funds—often slow and costly. No formal thresholds exist for accessing small balances without probate, leading to delays, especially with unclear joint account mandates, as banks adopt cautious positions.

The comparative evidence from the UK, Singapore, and Australia suggests several broad lessons for Nigeria: First, a *hybrid model* that blends statutory authority with practical exceptions, from a combination of the merits of the common law jurisdictions discussed herein, can reduce the administrative burden associated with probate without compromising legal certainty. Both the UK and Australian banking practices illustrate that allowing banks to release small balances or recognise survivorship rights without full court authority can expedite access to funds for heirs, provided appropriate safeguards (such as indemnities or audit trails) are in place. Nigeria could explore statutory recognition of similar thresholds or streamlined mechanisms for routine estates to reduce dependence on formal grants for every case.

Second, procedural and technological reform is essential for efficiency. Singapore's use of electronic filing systems, standardised forms, and centralised portals demonstrates how digital tools can simplify compliance and reduce error. Nigeria's probate registries, which largely operate manually and are subject to varied procedures across states, would benefit from unified rules and e-filing platforms that enable applicants to track progress and ensure compliance with minimum documentation standards.

Third, legal frameworks should recognise and support alternative estate transfer mechanisms beyond traditional probate. International experience shows that devices such as joint ownership with survivorship rights, beneficiary designation mechanisms for financial accounts- such as the 'Payable on Death' designation/arrangement, deathbed gift (*donatio mortis causa*), and structured *inter vivos* transfers can reduce reliance on courts and provide beneficiaries with more predictable access to assets. Nigeria's legal regime currently does not formally endorse such instruments in the context of estate distribution, leaving a gap that could be addressed through statutory reform and regulatory guidance.

Finally, comparisons underscore that legal reform alone is not sufficient; institutional alignment and operational capacity are critical. For example, in Australia, although probate requirements are uniform in principle, banks' internal policies and thresholds vary, meaning that beneficiaries may still face inconsistent experiences. Reforms must therefore be accompanied by clear regulatory guidance for financial institutions and mechanisms to ensure conformity, such as codes of conduct or supervisory oversight tailored to estate contexts — something Nigeria's regulatory and banking frameworks have yet to articulate comprehensively.

While Nigeria's challenges in estate administration stem in part from procedural fragmentation and technological under-adoption, international models suggest that reform strategies oriented toward procedural alignment, calibrated exceptions, digital integration, and regulatory coherence can significantly reduce delays and improve access to bank funds for heirs and dependants. However, these lessons must be adapted with careful regard to Nigeria's institutional capacities, socio-legal dynamics, and resource constraints. Overseas models are informative, but successful reform hinges on designing solutions that are legally sound, operationally viable, and socially responsive to Nigeria's context.

The UK, Singapore, and Australia offer lessons for Nigeria: combining statutory authority with practical exceptions can ease probate administration without losing legal certainty, such as allowing banks to release small balances or recognize survivorship rights with safeguards. Procedural and technological reforms, like Singapore's electronic filing and standard forms, could improve efficiency in Nigeria's manual registries. Legal frameworks should also recognize alternative estate transfer methods, such as joint ownership, beneficiary designations, and inter vivos transfers, to reduce court reliance. Moreover, institutional alignment and operational capacity are crucial; reforms should include clear regulatory guidance and oversight mechanisms. While challenges exist, international models suggest procedural harmonization, digital integration, and regulatory coherence can improve access to bank funds for heirs, but reforms must be tailored to Nigeria's unique context.

CONCLUSION

Nigeria relies heavily on formal probate grants, faces fragmented oversight, limited digitisation, and cautious bank compliance driven by fraud risk and regulatory uncertainty. These safeguards often cause delays, high costs, and limited access to funds for beneficiaries. The experience of England, Wales, Singapore, and Australia shows that challenges are due to institutional design rather than common-law systems. Their approaches including digital processes, small balance releases, survivorship rights, and standardized verification, offer models for efficient reform. However, foreign model adoption must consider local context. Policy implications for Nigeria include clarifying banks' estate duties, harmonizing probate procedures, and leveraging technology to reduce delays and costs. Reforms like recognizing small estates, clear rules on joint accounts, and regulatory guidance could improve access to justice and increase financial system trust. Future research should explore beneficiaries' and bank officers' experiences and examine constitutional and operational aspects of harmonizing probate law, to inform effective estate administration reforms that suit Nigeria's evolving financial landscape.

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