
STATUTORY INSTRUMENTS

1979 No. 1575

Administration of Estates (Northern Ireland) Order 1979

PART II

GRANTS OF PROBATE OR ADMINISTRATION

Jurisdiction of High Court

Administration of intestates' estates devolving on the Crown

10.—(1) Where Her Majesty is entitled in right of the Crown to any estate in Northern Ireland of an intestate, the High Court shall, on application being made in that behalf, grant administration of the estate to a nominee of Her Majesty.

(2) If Her Majesty is pleased, in accordance with the Treasury Solicitor Act 1876, by warrant under Her Royal Sign Manual to nominate the Treasury Solicitor for the purpose of a grant under paragraph (1), the nominee shall be—

- (a) the Treasury Solicitor; or
- (b) if the warrant so provides, some person (who may be the Crown Solicitor for Northern Ireland (“the Crown Solicitor”)) nominated in that behalf by the Treasury Solicitor.

(3) Where administration is granted to the Treasury Solicitor, the Treasury Solicitor Act 1876 shall apply and sections 2, 4, 6 and 7 of that Act shall be deemed to extend to real as well as to personal estate.

(4) Where administration is granted to a person nominated by the Treasury Solicitor, that person shall, in his administration of the estate, act in accordance with any directions in writing given to him by the Treasury Solicitor.

(5) For the purposes of this Article the Crown Solicitor shall be deemed to be a corporation sole and—

- (a) any nomination of him by the Treasury Solicitor shall, until revoked, apply also to his successors;
- (b) a grant of administration may be made for the use of Her Majesty to him (by his official name) and his successors; and
- (c) without prejudice to any limitation contained in the grant or the power of the Court to revoke it, administration so granted, the office of administrator under such a grant, the estate of the intestate and the rights, duties and liabilities of an administrator shall, notwithstanding any change in the person who is Crown Solicitor, be vested in and imposed on the Crown Solicitor for the time being without any further grant of administration.

(6) Paragraph (1) shall not prevent the grant of administration of the intestate's estate to any other person, where the Treasury Solicitor or other nominee has not made, and has signified his intention not to make, an application under that paragraph.

(7) Neither the Treasury Solicitor nor the Crown Solicitor acting on the nomination of the Treasury Solicitor shall, when applying for or obtaining administration for the use or benefit of Her Majesty under this Article, be required to deliver, nor shall the High Court or the Commissioners of Inland Revenue be entitled to receive, in connection with any such application or grant of administration, any affidavit, statutory declaration, account, certificate or other statement verified on oath; but he shall deliver, and the Court and the Commissioners respectively shall accept, in lieu thereof, an account or particulars of the estate of the intestate signed by him or on his behalf.

(8) This Article has effect whether the intestate died before or after the end of the year 1955.

Changes to legislation:

There are currently no known outstanding effects for the Administration of Estates (Northern Ireland) Order 1979, Section 10.