
STATUTORY INSTRUMENTS

1979 No. 1575

Administration of Estates (Northern Ireland) Order 1979

PART IV

EXECUTORS AND ADMINISTRATORS

Provisions applying to both executors and administrators, and to persons dealing with them

Debtor who becomes creditor's personal representative to account for debt to estate

36.—(1) Subject to paragraph (2), where a debtor becomes either the executor, by virtue of the chain of representation, or the administrator of his deceased creditor—

- (a) his debt shall thereupon be extinguished; but
- (b) he shall be accountable for the amount of the debt as part of the creditor's estate in any case where he would be so accountable if he had been appointed as an executor by the creditor's will.

(2) Paragraph (1) does not apply where the debtor's authority to act as executor or administrator is limited to part only of the creditor's estate which does not include the debt; and a debtor whose debt is extinguished by virtue of sub-paragraph (a) shall not be accountable for its amount by virtue of sub-paragraph (b) of that paragraph in any case where the period of limitation under^{F1} the Limitation (Northern Ireland) Order 1989] in respect of the debt had expired before the debtor became the creditor's executor or administrator.

(3) In this Article “debt” includes any liability, and “debtor” and “creditor” shall be construed accordingly.

F1 1989 NI 11

Changes to legislation:

There are currently no known outstanding effects for the Administration of Estates (Northern Ireland) Order 1979, Section 36.