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## STATUTORY INSTRUMENTS

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# 1979 No. 1575

## Administration of Estates (Northern Ireland) Order 1979

### PART III

#### POWERS AND PROCEDURE OF COURTS

##### *Documents and records*

##### **Keeping and inspection of wills and other documents**

**23.**—(1) Subject to paragraph (2), all original wills of which representation has been granted in the Probate and Matrimonial Office and such other documents as the Lord Chancellor may direct shall be kept in that Office or at such other place as the<sup>[F1]</sup>Lord Chief Justice] may direct.

(2) Where representation of a will has been granted in a branch office of the Probate and Matrimonial Office, the original will shall be kept in that branch office or at such other place as the<sup>[F2]</sup>Lord Chief Justice] may direct.

(3) The wills and documents mentioned in paragraph (1) and the wills mentioned in paragraph (2) may be inspected in accordance with rules of court.

(4) Paragraphs (1) and (2) shall have effect subject to the provisions of the Public Records Act (Northern Ireland) 1923 (which provides for the establishment of a Public Record Office of Northern Ireland and for the removal to that Office of certain public records, including court records, appertaining to Northern Ireland).

<sup>[F3]</sup>(5) The Lord Chief Justice may nominate any of the following to exercise his functions under this Article—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

**F1** Words in art. 23(1) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, Sch. 5 para. 45(2); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 12(a)

**F2** Words in art. 23(2) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, Sch. 5 para. 45(3); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 12(a)

**F3** Art. 23(5) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, Sch. 5 para. 45(4); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para 12(a)

##### **Records of grants**

**24.**—(1) Records shall be kept of all grants issued or resealed by the Probate and Matrimonial Office.

(2) The records shall be in such form and contain such particulars as the<sup>[F4]</sup>Lord Chief Justice] may direct.

[<sup>F5</sup>(3) The Lord Chief Justice may nominate any of the following to exercise his functions under this Article—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

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| <p><b>F4</b> Words in art. 24(2) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, Sch. 5 para. 46(2); S.I. 2006/1014, art. 2(a), Sch. 1 para. 12(a)</p> <p><b>F5</b> Art. 24(3) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, Sch. 5 para. 46(3); S.I. 2006/1014, art. 2(a), Sch. 1</p> |
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### Official copies of wills and certificates of grants

**25.**—(1) An official copy of a will, or a certificate of a grant, may be obtained from the Probate and Matrimonial Office.

(2) Without prejudice to the provisions of section 4(2)( b) of the Administration of Estates Act 1971 (evidence of Northern Ireland grants in England and Wales and in Scotland), an official copy of a will shall be sufficient evidence of the will, and a certificate of a grant shall be sufficient evidence of the grant.

### Copies of wills, etc., to be delivered to Inland Revenue Commissioners

**26.**—(1) Subject to any arrangements which may from time to time be made between the [<sup>F6</sup>Lord Chief Justice] and the Commissioners of Inland Revenue, the Probate and Matrimonial Office shall, within such period after a grant as the [<sup>F6</sup>Lord Chief Justice] may direct, deliver to the Commissioners or their proper officer the following documents—

- (a) in the case of a probate or of administration with a will annexed, a copy of the will (if required) and, where the deceased died before 13th March 1975, the Inland Revenue affidavit;
- (b) in the case of administration without a will annexed of the estate of a person dying before 13th March 1975, the Inland Revenue affidavit;
- (c) in every case of administration where the Commissioners so require, a copy or extract of the letters of administration;
- (d) in every case, such certificate or note of the grant as the Commissioners may require.

[<sup>F7</sup>(1A) The Lord Chief Justice may nominate any of the following to exercise his functions under this Article—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

(2) In this Article “Inland Revenue affidavit” has the same meaning as in Part I of the Finance Act 1894 .

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| <p><b>F6</b> Words in art. 26(1) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, Sch. 5 para. 47(2); S.I. 2006/1014, art. 2(a), Sch. 1 para. 12(a)</p> <p><b>F7</b> Art. 26(1A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, Sch. 5 para. 47(3); S.I. 2006/1014, art. 2(a), Sch. 1 para. 12(a)</p> |
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## Depositories of wills of living persons

27.—<sup>[F8]</sup>(1) Safe and convenient depositories for the custody of wills of living persons shall be provided and managed in accordance with <sup>[F9]</sup>directions given by the Lord Chief Justice with the concurrence of the Lord Chancellor].

<sup>[F10]</sup>(2) The Lord Chief Justice may nominate any of the following to exercise his functions under this Article—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

**F8** Art. 27 renumbered as art. 27(1) (temp. from 3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 131, 148, Sch. 5 para. 133(2)(5); S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 12(a)

**F9** Words in art. 27(1) substituted (temp. from 3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 131, 148, Sch. 5 para. 133(3)(5); S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 12(a)

**F10** Art. 27(2) inserted (temp. from 3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 131, 148, Sch. 5 para. 133(4)(5); S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 12(a)

**Changes to legislation:**

There are currently no known outstanding effects for the Administration of Estates (Northern Ireland) Order 1979, Cross Heading: Documents and records.