
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

Duty of personal representative

35.—(1) The personal representative of a deceased person shall be under a duty—

- (a) to collect and get in the estate of the deceased and administer it according to law;
- (b) when required to do so by the High Court, to exhibit on oath in that court a full inventory of the estate and when so required render an account of the administration of the estate to that court;
- (c) when required to do so by the High Court, to deliver up the grant of representation to that court.

(2) In paragraph (1) “personal representative”, as regards the duty to exhibit an inventory of the estate of a deceased person or to render an account of its administration, includes an executor in his own wrong.

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.

Changes to legislation: *There are currently no known outstanding effects for the Administration of Estates (Northern Ireland) Order 1979, Cross Heading: Provisions applying to both executors and administrators, and to persons dealing with them. (See end of Document for details)*

Payment of debts by personal representative

37.—(1) A personal representative shall not pay the debt of a creditor (including himself) of the estate of any degree in preference to the debt of any other creditor of the same degree.

(2) Nevertheless a personal representative—

(a) other than one mentioned in sub-paragraph (b) who, in good faith and at a time when he has no reason to believe that the deceased's estate is insolvent, pays the debt of any person (including himself) who is a creditor of the estate; or

(b) to whom administration had been granted solely by reason of his being a creditor and who in good faith and at such a time pays the debt of another person who is a creditor of the estate;

shall not, if it subsequently appears that the estate is insolvent, be liable to account to a creditor of the same degree as the paid creditor for the sum so paid.

(3) This Article has effect only in relation to the estates of persons dying after the end of the year 1971.

Protection of persons acting on invalid or revoked probate or administration

38.—(1) Every person making or permitting to be made any payment or disposition in good faith under any grant shall be indemnified and protected in so doing, notwithstanding any defect or circumstance whatsoever affecting the validity of the grant.

(2) When any grant is revoked, all payments and dispositions made in good faith to a personal representative under it before the revocation are a valid discharge to the person making them; and the personal representative who acted under the revoked grant may retain and reimburse himself in respect of any payments or dispositions made by him which the person to whom a grant is afterwards made might have properly made.

(3) This Article has effect only in relation to the estates of persons dying after the end of the year 1971.

Changes to legislation:

There are currently no known outstanding effects for the Administration of Estates (Northern Ireland) Order 1979, Cross Heading: Provisions applying to both executors and administrators, and to persons dealing with them.