
STATUTORY INSTRUMENTS

1979 No. 924

**Inheritance (Provision for Family and
Dependants) (Northern Ireland) Order 1979**

Miscellaneous and supplementary provisions

Provisions as to personal representatives, etc.

22.—(1) The provisions of this Order shall not render the personal representative of a deceased person liable for having distributed any part of the estate of the deceased, after the end of the period of six months from the date on which representation with respect to the estate of the deceased is first taken out, on the ground that he ought to have taken into account the possibility—

- (a) that the court might permit the making of an application for an order under Article 4 after the end of that period, or
- (b) that, where an order has been made under Article 4 the court might exercise in relation thereto the powers conferred on it by Article 8,

but this paragraph shall not prejudice any power to recover, by reason of the making of an order under this Order, any part of the estate so distributed.

(2) Where the personal representative of a deceased person pays any sum directed by an order under Article 7 to be paid out of the deceased's net estate, he shall not be under any liability by reason of that estate not being sufficient to make the payment, unless at the time of making the payment he has reasonable cause to believe that the estate is not sufficient.

(3) Where a deceased person entered into a contract by which he agreed to leave by his will any sum of money or other property to any person or by which he agreed that a sum of money or other property would be paid or transferred to any person out of his estate, then, if the personal representative of the deceased has reason to believe that the deceased entered into the contract with the intention of defeating an application for financial provision under this Order, he may, notwithstanding anything in that contract, postpone the payment of that sum of money or the transfer of that property until the expiration of the period of six months from the date on which representation with respect to the estate of the deceased is first taken out or, if during that period an application is made for an order under Article 4, until the determination of the proceedings on that application.

(4) For the purposes of this Order, where—

- (a) an assent or transfer by a personal representative relating to a registered land, or
- (b) an application by a surviving joint tenant for his registration as owner of registered land,

is presented to the Registrar of Titles for registration, the Registrar shall, notwithstanding any provision of this Order, be entitled to assume that, as the case may be,—

- (i) the personal representative is acting correctly and within his powers, or
- (ii) the surviving joint tenant is entitled to be registered as owner of the land.

Changes to legislation:

There are currently no known outstanding effects for the Inheritance (Provision for Family and Dependants) (Northern Ireland) Order 1979, Section 22.