



Domicile Act 1861

1861 CHAPTER 121 24 and 25 Vict

An Act to amend the Law in relation to the Wills and Domicile of British Subjects dying whilst resident abroad, and of Foreign Subjects dying whilst resident within Her Majesty's Dominions. [6th August 1861]

Modifications etc. (not altering text)

- C1 Short title "The Domicile Act 1861" given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Preamble omitted under authority of [Statute Law Revision Act 1892 \(c. 19\)](#)
- C3 Words of enactment repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)
- C4 This Act is not necessarily in the form in which it has effect in Northern Ireland

1—3^{F1}

Textual Amendments

- F1 Ss. 1—3 repealed by [Statute Law \(Repeals\) Act 1971 \(c. 52\)](#), Pt. IX

[^{F2} **When subjects of foreign states shall die in Her Majesty's dominions, and there shall be no persons to administer to their estates, the consuls of such foreign states may administer.**

Whenever a convention shall be made between Her Majesty and any foreign state, whereby Her Majesty's consuls or vice-consuls in such foreign state shall receive the same or the like powers and authorities as are herein-after expressed, it shall be lawful for Her Majesty by Order in Council to direct, and from and after the publication of such Order in the London Gazette it shall be and is hereby enacted, that whenever any subject of such foreign state shall die within the dominions of Her Majesty, and there shall be no person present at the time of such death who shall be rightfully entitled to administer to the estate of such deceased person, it shall be lawful for the consul, vice-consul, or consular agent of such foreign state within that part of Her Majesty's dominions where such foreign subject shall die, to take possession and have

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Changes to legislation: There are currently no known outstanding effects for the Domicile Act 1861. (See end of Document for details)

the custody of the personal property of the deceased, and to apply the same in payment of his or her debts and funeral expenses, and to retain the surplus for the benefit of the persons entitled thereto; but such consul, vice-consul, or consular agent shall immediately apply for and shall be entitled to obtain from the proper court letters of administration of the effects of such deceased person, limited in such manner and for such time as to such court shall seem fit.]

Textual Amendments

- F2** S. 4 repealed with saving for Orders in Council in force under that section by [Consular Conventions Act 1949 \(c. 29\), s. 8](#)

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