



# Administration of Estates Act (Northern Ireland) 1955

## 1955 CHAPTER 24

### PART V

#### MISCELLANEOUS AND GENERAL

#### **42 Prescribed forms for reference in wills.**

The Lord Chief Justice may by order prescribe and publish forms to which a testator may refer in his will and give directions as to the manner in which such forms may be referred to, but, unless so referred to, such forms shall not be deemed to be incorporated in a will.

#### **43 Provisions as to jurisdiction.**

(1) References in this Act to the court shall be construed as references to the High Court so, however, that where, by virtue of any provision of this Act or of any enactment relating to the jurisdiction of the county court, the county court has jurisdiction under any section of this Act, references in that section to the court shall include references to the county court.

(2) <sup>F1</sup> Without prejudice to the operation of sub-section (1) a county court shall have jurisdiction (including power to receive payment of moneys or securities into court) in all applications and proceedings under section thirty-seven or section thirty-eight [<sup>F2</sup> where, at the date of the death of the deceased person, the property included in his net estate (that is to say, all property of which he had power to dispose by his will, otherwise than by virtue of a special power of appointment, less the amount of his funeral testamentary and administration expenses, debts and liabilities, including any capital transfer tax or estate duty payable out of his estate on his death) did not exceed[<sup>F3</sup> £30,000] in value] and in the case of applications or proceedings under section thirty-eight county court rules may provide that where the value of the estate or share to which the infant is entitled does not exceed[<sup>F3</sup> £4,000] the powers of the court

---

*Changes to legislation:* There are currently no known outstanding effects for the Administration of Estates Act (Northern Ireland) 1955, PART V. (See end of Document for details)

---

under that section may be exercised, in accordance with such rules, by [<sup>F4</sup> a circuit registrar].

- |           |             |
|-----------|-------------|
| <b>F1</b> | 1980 NI 3   |
| <b>F2</b> | 1979 NI 14  |
| <b>F3</b> | SR 1992/372 |
| <b>F4</b> | SR 1979/103 |

#### 44 Meaning of “real estate”, etc.

For the purposes of this Act—

- (a) the expression “real estate” includes chattels real, and land in possession, remainder, or reversion, and every estate or interest in or over land (including real estate held on trust or by way of mortgage or security, but not money to arise under a trust for sale of land, nor money secured or charged on land) to which a deceased person was entitled at the time of his death;
- (b) an estate or interest vested on any trust in any deceased person solely shall be deemed not to be an estate or interest as to which that person dies intestate;
- (c) the estate or interest of a deceased person in an estate tail shall be deemed to be an estate or interest ceasing on his death, but any further or other estate or interest of the deceased person in remainder or reversion which is capable of being disposed of by his will shall not be deemed to be an estate or interest so ceasing;
- (d) the estate or interest of a deceased person under a joint tenancy where any tenant survives the deceased person shall be deemed to be an estate or interest ceasing on his death;
- (e) on the death of a corporator sole his estate or interest in the corporation's real estate shall be deemed to be an estate or interest ceasing on his death.

#### 45 Interpretation.

(1) In this Act the expression—

“enactment” includes any provision in any Act whether public general, local or private, and any provision in any Order in Council, order or regulation made under any Act;

“infant” means a person under the age of [<sup>F5</sup> eighteen];

“pecuniary legacy” includes an annuity, a general legacy, a demonstrative legacy so far as it is not discharged out of the designated property, and any other general direction by a testator for the payment of money, including all death duties free from which any devise, bequest, or payment is made to take effect;

“personal chattels” means carriages, horses, stable furniture and effects, motor cars and accessories, garden effects, domestic animals, plate, plated articles, linen, china, glass, books, pictures, prints, furniture, jewellery, articles of household or personal use or ornament, musical and scientific instruments and apparatus, wines, liquors and consumable stores, but does not include any chattels used at the death of the intestate for business or professional purposes nor money or security for money;

“personal representatives” means the executors or executor, original or by representation, or the administrators or administrator for the time being of a deceased person;

**Changes to legislation:** There are currently no known outstanding effects for the Administration of Estates Act (Northern Ireland) 1955, PART V. (See end of Document for details)

“possession” includes the receipt of, or the right to receive, rents and profits, if any;

“property” includes all property both real and personal.

- (2) Where one of two or more proving executors has died, references in sub-section (2) of section thirty-two and in sub-section (5) of section thirty-four to a proving executor or executors shall be construed as references to the survivor or survivors (as the case may be) of the proving executors.

**F5** 1969 c. 28 (NI)

*S. 46(a), with Second Schedule, effects amendments; para. (b), with Third Schedule, effects repeals*

#### **47 Savings.**

- (1) Nothing in this Act shall affect any unrepealed enactment dispensing with probate or administration as respects personal estate not including chattels real.

- (2) Nothing in this Act shall—

*Para. (a) rep. by 1975 c. 7*

- (b) alter the incidence of any death duty;  
(c) affect any remedy of the Ministry of Finance<sup>F6</sup> for the recovery of any death duty.

- (3) Except to the extent to which any provision of this Act expressly provides to the contrary the provisions of this Act shall not apply to the estate of any person dying before the commencement of this Act.

- (4) Nothing in this Act in any manner affects or alters the descent or devolution of any property for the time being vested in Her Majesty either in right of the Crown or of the Duchy of Lancaster or of any property for the time being belonging to the Duchy of Cornwall.

- (5) Nothing in this Act shall affect the operation of any rule of law [<sup>F7</sup> whereby a person may by reason of his own criminal act be precluded] from taking any benefit either under the will or on the intestacy of [<sup>F7</sup> another].

**F6** Functions transf. to Commrs. of Inland Revenue, SI 1973/2163

**F7** 1967 c. 18 (NI)

#### **48 Commencement.**

This Act shall come into operation on the first day of January, nineteen hundred and fifty-six.

#### **49 Short title.**

This Act may be cited as the Administration of Estates Act (Northern Ireland), 1955.

**Changes to legislation:**

There are currently no known outstanding effects for the Administration of Estates Act (Northern Ireland) 1955, PART V.