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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**

*Powers of High Court preliminary or incidental to grants of probate or administration*

**Power to require administrators to produce sureties**

**17.**—(1) Where the High Court grants to a person (“the administrator”) administration of the estate of a deceased person, the High Court may—

- (a) as a condition of making the grant, and
- (b) subject to the following provisions of this Article, and subject to and in accordance with rules of court,

require one or more than one surety to guarantee that he will make good, within any limit imposed by the High Court on the total liability of the surety or sureties, any loss which any person interested in the administration of the estate may suffer in consequence of a breach by the administrator of his duties as such.

(2) A guarantee given in pursuance of a requirement under paragraph (1) shall enure for the benefit of every person interested in the administration of the deceased person's estate—

- (a) as if the guarantee were contained in a contract<sup>F1</sup> executed as a deed] made by the surety or sureties with every such person, and
- (b) where there are two or more sureties, as if the sureties had bound themselves jointly and severally.

(3) No action shall be brought on any such guarantee without the leave of the High Court.

(4) Stamp duty shall not be chargeable on any such guarantee.

(5) This Article does not apply—

- (a) where administration is granted—
  - (i) to the Treasury Solicitor;
  - (ii) to the Crown Solicitor for Northern Ireland;
  - (iii) to a consular officer of a foreign state to which section 1 of the Consular Conventions Act 1949 applies; or
- (b) in such other cases as may be prescribed by rules of court.

**Changes to legislation:**

There are currently no known outstanding effects for the Administration of Estates (Northern Ireland) Order 1979, Section 17.