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## STATUTORY INSTRUMENTS

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# 1979 No. 1575

## Administration of Estates (Northern Ireland) Order 1979

### PART II

#### GRANTS OF PROBATE OR ADMINISTRATION

##### *Jurisdiction of High Court*

#### **Grant of representation to trust corporation**

9.—(1) The High Court may—

(a) where a trust corporation is appointed by a will as executor, whether alone or jointly with another person, grant probate to the corporation either solely or jointly with another person, as the case may require; and

(b) grant administration to a trust corporation, either solely or jointly with another person;

and the corporation may act accordingly as executor or administrator, as the case may be.

(2) Representation shall not be granted to a nominee on behalf of a trust corporation.

(3) Any officer authorised for the purpose by a trust corporation or the directors or governing body thereof may, on behalf of the corporation,—

(a) swear affidavits, give security and do any other act or thing which the court may require with a view to the grant to the corporation of representation, or

(b) renounce the corporation's right to a grant,

and the acts of an officer so authorised shall be binding on the corporation

(4) In this Article, “trust corporation” means—

(a) a corporation appointed by the High Court in any particular case to be a trustee; or

(b) a corporation which—

(i) is constituted under the law of the United Kingdom or any part of it, or under the law of any other Member State of the European Economic Community or any part of it; and

(ii) is empowered by its constitution to undertake in Northern Ireland the business of acting as trustee under wills and settlements and as executor and administrator; and

(iii) has one or more places of business in the United Kingdom; and

(iv) is—

(aa) a company incorporated by special Act or Royal Charter, or

(bb) a company registered (with or without limited liability) in the United Kingdom under the<sup>[F1]</sup> Companies (Northern Ireland) Order 1986] or the corresponding law in Great Britain (or under any earlier corresponding Act or law), or in another Member State of the European Economic Community,

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**Changes to legislation:** Administration of Estates (Northern Ireland) Order 1979, Section 9 is up to date with all changes known to be in force on or before 22 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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and having a capital in stock or shares for the time being of not less than £250,000 (or its equivalent in the currency of the State where the company is registered), of which not less than £100,000 (or its equivalent) has been paid up in cash, or

(cc) a company which is registered without limited liability in the United Kingdom under the<sup>F1</sup> Companies (Northern Ireland) Order 1986] or the corresponding law in Great Britain (or under any earlier corresponding Act or law), or in another Member State of the European Economic Community, and of which one of the members is a corporation within any of the previous provisions of this sub-paragraph; or

(c) a corporation which is constituted under the law of the United Kingdom or any part of it, or under the law of any other Member State of the European Economic Community or any part of it, and which satisfies the Lord Chief Justice—

(i) that it undertakes the administration of any charitable, ecclesiastical or public trust without remuneration, or

(ii) that by its constitution it is required to apply the whole of its net income for charitable, ecclesiastical or public purposes and is prohibited from distributing, directly or indirectly, any part thereof by way of profit,

and which is authorised by the Lord Chief Justice to act in relation to any charitable, ecclesiastical or public trust (as the case may be) as a trust corporation.

(5) This Article has effect whether the deceased person died before or after the end of the year 1955.

<b>F1</b> 1986 NI 9
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**Changes and effects yet to be applied to :**

- [art. 9\(4\)\(a\) words inserted by 2008 c. 12 \(N.I.\) Sch. 8 para. 3](#)