

SCHEDULES

SCHEDULE 1

Article 43(1).

TRANSITIONAL AND SAVING PROVISIONS

1. Section 29 of the Interpretation Act (Northern Ireland) 1954 (effect of substituting provisions) shall have effect for the purposes of this Order as if all the enactments repealed by this Order were transferred provisions within the meaning of that Act.

2. All general directions given by the Probate Judge under section 20(2) of the Administration of Estates Act (Northern Ireland) 1955 and in force immediately before the commencement of Article 4(1) shall have effect as if they were contained in rules of court and may be varied or revoked accordingly.

3. The repeal by this Order of section 3 of the Northern Ireland (Miscellaneous Provisions) Act 1928 shall not affect the operation of subsection (2) of that section in relation to real estate of an intestate who died before 1st January 1938.

4. In relation to the estate of a person dying before 1st January 1938, Articles 12(1), 29(1) and 34 shall have effect with the substitution of “personal estate” for “estate”.

5. Article 19(2) shall apply to a grant made in a district probate registry before the commencement of paragraph 9 of Schedule 6 to the Judicature (Northern Ireland) Act 1978 as though the business of that registry were branch office business.

6. Article 22 applies in respect of land comprised or included in the estate of a person dying before 1st January 1956 notwithstanding that no office has been found and no commission issued or executed.

7. In Article 23(1) the first reference to the Probate and Matrimonial Office includes the Probate Registry, and for the purposes of Article 23(2) a district probate registry shall be deemed to have been a branch office of the Probate and Matrimonial Office.

8. In relation to the estate of a person dying before 1st January 1938, the references in paragraph (1)(a) and (b) of Article 35 to the estate of the deceased shall be construed as references to so much of the estate as vested in the personal representative.

9. Any administration bond given before 1st January 1972 under section 86 of the Probates and Letters of Administration Act (Ireland) 1857 may be enforced and assigned as if the Administration of Estates Act (Northern Ireland) 1971 had not been passed.

10. Nothing in this Order affects—

- (a) any unrepealed enactment authorising grants to be dispensed with in special cases;
- (b) any duty payable to the Crown on or in connection with the death of any person; or
- (c) any remedy for the recovery of any such duty.

Changes to legislation:

There are currently no known outstanding effects for the Administration of Estates (Northern Ireland) Order 1979, SCHEDULE 1.