
STATUTORY INSTRUMENTS

1980 No. 397

County Courts (Northern Ireland) Order 1980

PART III

ORIGINAL CIVIL JURISDICTION

Recovery of Legacies, Annuities, etc.

Recovery of legacies, annuities, etc.

11.—(1) Without prejudice to Article 10, a county court shall have jurisdiction to hear and determine any such action as is referred to in paragraph (2) or (3).

(2) This paragraph refers to actions—

- (a) where the gross value of the estate of a deceased person does not exceed^[F1] £45,000], brought against the representative of that person by or on behalf of any person claiming to be entitled to any specific or other legacy or gift of residue out of, or a distributive share of, that estate; or
- (b) brought against the representative of a deceased person (irrespective of the value of his estate) by any person—
 - (i) as legatee of a pecuniary legacy not exceeding^[F1] £15,000]; or
 - (ii) claiming to be entitled to arrears not exceeding^[F1] £15,000] of any annuity payable out of that estate; or
- (c) brought by—
 - (i) any person claiming as legatee of a pecuniary legacy not exceeding^[F1] £15,000] charged on or payable out of any land; or
 - (ii) any person claiming to be entitled to arrears not exceeding^[F1] £15,000] in respect of any rent-charge or annuity so charged as aforesaid;against the person entitled to the land so charged, irrespective of the value of the estate or fund or ^[F2]the net annual value or capital value] of any land affected.

(3) In an action brought on foot of any charitable donation or bequest, a county court may award a sum not exceeding^[F1] £45,000] for principal or £2,000 for any annual sum, interest or rent-charge.

(4) In an action against representatives of a deceased person under this Article it shall lie with the plaintiff to prove that the defendants have received or but for their wilful default might have received assets of the deceased person sufficient for the satisfaction wholly or partly in the due course of administration of the plaintiff's claim.

F1 SR 1993/282

F2 Words in art. 11(2)(c) substituted (1.4.2007) by [Rates \(Consequential Provisions\) Order \(Northern Ireland\) 2007 \(S.R. 2007/192\)](#), art. 2(1), [Sch. 1 para. 4\(b\)](#)

Changes to legislation:

County Courts (Northern Ireland) Order 1980, Cross Heading: Recovery of Legacies, Annuities, etc. is up to date with all changes known to be in force on or before 03 July 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) art.3\(5\)Sch.1](#)