
STATUTORY INSTRUMENTS

1994 No. 1899

The Wills and Administration Proceedings (Northern Ireland) Order 1994

PART III

ADMINISTRATION OF ESTATES AND TRUSTS

Powers of High Court in proceedings relating to estates of deceased persons and trusts

Powers on compromise of probate action

34.—(1) Where on a compromise of a probate action in the High Court—

- (a) the court is invited to pronounce for the validity of one or more wills, or against the validity of one or more wills, or for the validity of one or more wills and against the validity of one or more other wills; and
- (b) the court is satisfied that consent to the making of the pronouncement or, as the case may be, each of the pronouncements in question has been given by or on behalf of every relevant beneficiary,

the court may without more pronounce accordingly.

(2) In this Article—

“probate action” means an action for the grant of probate of the will, or letters of administration of the estate, of a deceased person or for the revocation of such a grant or for a decree pronouncing for or against the validity of an alleged will, not being an action which is non-contentious or common form probate business; and

“relevant beneficiary”, in relation to a pronouncement relating to any will or wills of a deceased person, means—

- (a) a person who under any such will is beneficially interested in the deceased's estate, and
- (b) where the effect of the pronouncement would be to cause the estate to devolve as on an intestacy (or partial intestacy), or to prevent it from so devolving, a person who under the law relating to intestacy is beneficially interested in the estate.

Changes to legislation:

The Wills and Administration Proceedings (Northern Ireland) Order 1994, Section 34 is up to date with all changes known to be in force on or before 26 May 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 the whole Order associated Parts and Chapters:

- Order modified by [2016 c. 18 \(N.I.\) Sch. 5 para. 4\(2\)](#)