
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

Power to appoint substitute for, or to remove, personal representative

35.—(1) Where an application relating to the estate of a deceased person is made to the High Court under this paragraph by or on behalf of a personal representative of the deceased or a beneficiary of the estate, the court may in its discretion—

- (a) appoint a person (in this Article called a substituted personal representative) to act as personal representative of the deceased in place of the existing personal representative or representatives of the deceased or any of them; or
- (b) if there are two or more existing personal representatives of the deceased, terminate the appointment of one or more, but not all, of those persons.

(2) Where the court appoints a person to act as a substituted personal representative of a deceased person, then—

- (a) if that person is appointed to act with an executor or executors the appointment shall (except for the purpose of including him in any chain of representation) constitute him executor of the deceased as from the date of the appointment; and
- (b) in any other case the appointment shall constitute that person administrator of the deceased's estate as from the date of the appointment.

(3) The court may authorise a person appointed as a substituted personal representative to charge remuneration for his services as such, on such terms (whether or not involving the submission of bills of charges for taxation by the court) as the court may think fit.

(4) In this Article “beneficiary”, in relation to the estate of a deceased person, means a person who under the will of the deceased or 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 35 is up to date with all changes known to be in force on or before 28 September 2022. 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\(2\)](#)