

SCHEDULE 1

The Rules of the Supreme Court (Northern Ireland) 1980 SPECIAL PROVISIONS AS TO PARTICULAR PROCEEDINGS

ORDER 97

NON-CONTENTIOUS PROBATE PROCEEDINGS

Order of priority for grant where deceased left a will

18. Where the deceased died on or after the 1st January 1956 domiciled in Northern Ireland, the person or persons entitled to a grant of probate or administration with the will annexed shall be determined in accordance with the following order of priority, namely : —

- (i) The executor;
- (ii) Any residuary legatee or devisee holding in trust for any other person;
- (iii) Any residuary legatee or devisee for life;
- (iv) The ultimate residuary legatee or devisee, or subject to paragraph (3) of rule 22 the personal representative of any such person; or where the residue is not wholly disposed of by the will, any person (other than a creditor) entitled to a grant in the event of a total intestacy according to the priority set out in rule 20 if such person has an interest in the undisposed of residue (including the nominee of Her Majesty under Article 10 of the Order when claiming bona vacantia on behalf of the Crown)
Provided that where the residue is not in terms wholly disposed of, the Master may, if he is satisfied that, the testator has nevertheless disposed of the whole or substantially the whole of the estate as ascertained at the time of the application for the grant, allow a grant to be made (subject however to rule 37) to any legatee or devisee entitled to, or to a share in, the estate so disposed of, without regard to the persons entitled to share in any residue not disposed of by the will;
- (v) Any specific legatee or devisee or any creditor or, subject to paragraph (3) of rule 22, the personal representative of any such person or, where the estate is not wholly disposed of by will, any person who, notwithstanding that the amount of the estate is such that he has no immediate beneficial interest therein, may have a beneficial interest in the event of an accretion thereto;
- (vi) Any legatee or devisee whether residuary or specific entitled on the happening of any contingency, or any person having no interest under the will of the deceased who would have been entitled to a grant if the deceased had died wholly intestate.