



# Administration of Estates Act 1971

## 1971 CHAPTER 25

### *Reciprocal recognition of grants*

#### **1 Recognition in England and Wales of Scottish confirmations and Northern Irish grants of representation.**

- (1) Where a person dies domiciled in Scotland—
  - (a) a confirmation granted in respect of all or part of his estate and noting his Scottish domicile, and
  - (b) a certificate of confirmation noting his Scottish domicile and relating to one or more items of his estate,shall, without being resealed, be treated for the purposes of the law of England and Wales as a grant of representation (in accordance with subsection (2) below) to the executors named in the confirmation or certificate in respect of the property of the deceased of which according to the terms of the confirmation they are executors or, as the case may be, in respect of the item or items of property specified in the certificate of confirmation.
- (2) Where by virtue of subsection (1) above a confirmation or certificate of confirmation is treated for the purposes of the law of England and Wales as a grant of representation to the executors named therein then, subject to subsections (3) and (5) below, the grant shall be treated—
  - (a) as a grant of probate where it appears from the confirmation or certificate that the executors so named are executors nominate; and
  - (b) in any other case, as a grant of letters of administration.
- (3) Section 7 of the <sup>M1</sup>Administration of Estates Act 1925 (executor of executor represents original testator) shall not, by virtue of subsection (2)(a) above, apply on the death of an executor named in a confirmation or certificate of confirmation.
- (4) Subject to subsection (5) below, where a person dies domiciled in Northern Ireland a grant of probate of his will or letters of administration in respect of his estate (or any part of it) made by the High Court in Northern Ireland and noting his domicile there shall, without being resealed, be treated for the purposes of the law of England and Wales as if it had been originally made by the High Court in England and Wales.

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*Changes to legislation: There are currently no known outstanding effects for the Administration of Estates Act 1971, Section 1. (See end of Document for details)*

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- (5) Notwithstanding anything in the preceding provisions of this section, a person who is a personal representative according to the law of England and Wales by virtue only of those provisions may not be required, under section 25 of the <sup>M2</sup>Administration of Estates Act 1925, to deliver up his grant to the High Court.
- (6) This section applies in relation to confirmations, probates and letters of administration granted before as well as after the commencement of this Act, and in relation to a confirmation, probate or letters of administration granted before the commencement of this Act, this section shall have effect as if it had come into force immediately before the grant was made.
- (7) In this section “confirmation” includes an additional confirmation, and the term “executors”, where used in relation to a confirmation or certificate of confirmation, shall be construed according to the law of Scotland.

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**Marginal Citations**

**M1** 1925 c. 23.

**M2** 1925 c. 23.

**Changes to legislation:**

There are currently no known outstanding effects for the Administration of Estates Act 1971, Section 1.