



Administration of Estates Act (Northern Ireland) 1971

1971 CHAPTER 31

An Act to amend the law with respect to the grant of administration by the High Court and resealing by that Court of administration granted outside the United Kingdom and to exempt from stamp duty guarantees given under the law so amended; to make provision with respect to the duties and rights of personal representatives; to amend the law relating to the protection of persons acting on probate or administration; and for related purposes. [7th December 1971]

Ss.1#3 rep. by 1979 NI 14

4 Sealing of Commonwealth and Colonial grants.

(1) The following provisions of section 2 of the Colonial Probates Act 1892, ^{M1} that is to say—

- (a) subsection (2)(*b*) (which makes it a condition precedent to sealing in the United Kingdom letters of administration granted in certain overseas countries and territories that a sufficient security has been given to cover property in the United Kingdom); and
- (b) subsection (3) (power of the court in the United Kingdom to require that adequate security is given for the payment of debts due to creditors residing in the United Kingdom);

shall not apply to the sealing of letters of administration by the High Court under that section, and the following provisions of this section shall apply instead.

(2) A person to whom letters of administration have been granted in a country or territory to which the said Act of 1892 applies shall on their being sealed by the High Court under the said section 2 have the like duties with respect to the estate of the deceased which is situated in Northern Ireland and the debts of the deceased which fall to be paid there as are imposed by [^{F1} Article 35(1)(*a*) and (*b*) of the Administration of Estates (Northern Ireland) Order 1979] on a person to whom a grant of administration has been made by that court.

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

- (3) As a condition of sealing letters of administration granted in any such country or territory, the High Court may, in cases to which [^{F1} Article 17 of the Administration of Estates (Northern Ireland) Order 1979] (power to require administrators to produce sureties) applies and subject to the following provisions of this section and subject to and in accordance with rules of court, require one or more sureties, in such amount as the court thinks fit, to guarantee that they will make good, within any limit imposed by the court on the total liability of the surety or sureties, any loss which any person interested in the administration of the estate of the deceased in Northern Ireland may suffer in consequence of a breach by the administrator of his duties in administering it there.
- (4) A guarantee given in pursuance of any such requirement shall enure for the benefit of every person interested in the administration of the estate in Northern Ireland as if contained in a contract under seal made by the surety or sureties with every such person and, where there are two or more sureties, as if they had bound themselves jointly or severally.
- (5) No action shall be brought on any such guarantee without the leave of the High Court.
- (6) Stamp duty shall not be chargeable on any such guarantee.
- (7) Subsections (2) to (6) above apply to the sealing by the High Court of letters of administration granted by a British court in a foreign country as they apply to the sealing of letters of administration granted in a country or territory to which the Colonial Probates Act 1892 applies.
- (8) In this section “letters of administration” and “British court in a foreign country” have the same meaning as in the Colonial Probates Act 1892.

F1 1979 NI 14

Marginal Citations

M1 1892 c. 6

Ss.5,6 rep. by 1979 NI 14

7 Interpretation.

In this Act—

“administration” means letters of administration, whether general or limited, or with the will annexed or otherwise;

Definition rep. by 1979 NI 14

8 Repeals and savings.

Subs.(1) rep. by 1979 NI 14

(2) *Para.(a) rep. by 1979 NI 14*

(b) section 4 (other than subsection (2)); ...

F2 Para.(c) rep. by 1979 NI 14

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

shall not apply in relation to [^{F3} sealing by the High Court] before the commencement of this Act of administration granted in any country or territory outside the United Kingdom.

Subs.(3) rep. by 1979 NI 14

- (4) ...^{F2} the repeals specified in Part III of the Schedule shall not apply in relation to the estates of persons dying before the commencement of this Act.
- (5) Any administration bond given before the commencement of this Act ...^{F2} under the Colonial Probates Act 1892 may be enforced and assigned as if this Act had not been passed.
- (6) Nothing in this Act shall affect the operation of sections 28 and 29 of the Interpretation Act (Northern Ireland) 1954 (which relate to the effect of repeals and of substituting provisions).

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| F2 | 1979 NI 14 |
| F3 | 1979 NI 14 |

9 Short title and commencement.

- (1) This Act may be cited as the Administration of Estates Act (Northern Ireland) 1971.
- (2) *Commencement*

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

Schedule — Repeals

Changes to legislation:

There are currently no known outstanding effects for the Administration of Estates Act (Northern Ireland) 1971.