



# Treasury Solicitor Act 1876

1876 CHAPTER 18 39 and 40 Vict

An Act to incorporate the Solicitor for the affairs of Her Majesty's Treasury, and make further provision respecting the grant of the administration of the Estates of deceased persons for the use of Her Majesty. [27th June 1876]

**Modifications etc. (not altering text)**

C1 This Act is not necessarily in the form in which it has effect in Northern Ireland

## **1 Treasury Solicitor constituted a corporation sole.**

The person for the time being holding the office of Solicitor for the affairs of Her Majesty's Treasury (in this Act referred to as the Treasury Solicitor) shall be a corporation sole by name of the Solicitor for the affairs of Her Majesty's Treasury, and by that name shall have perpetual succession, with a capacity to acquire and hold in that name lands, Government securities, shares in any public company, securities for money, and real and personal property of every description, to sue and be sued, to execute deeds, using an official seal, to make leases, to enter into engagements binding on himself and his successors in office, and to do all other acts necessary or expedient to be done in the execution of the duties of his office.

Any document purporting to be sealed with the said official seal shall be receivable in evidence of the particulars stated in such document.

## **2 Grant of administration to Solicitor of Treasury.**

Where, by reason of Her Majesty having become entitled in right of Her Crown to the personal estate of an intestate or otherwise, any court has power to grant administration of the personal estate of any deceased person to a nominee of Her Majesty, and Her Majesty, by warrant under Her Royal Sign Manual, is pleased to nominate for that purpose the Treasury Solicitor for the time being, the court may grant such administration for the use of Her Majesty to the Treasury Solicitor (by his official name) and his successors, or, if the warrant so provide, to some person nominated in that behalf by the Treasury Solicitor.

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A royal warrant may nominate the Treasury Solicitor for the purposes of this section, either in any particular case or class of cases, or in all cases, and may limit such nomination to be during Her Majesty's pleasure, or during any limited period or otherwise, as to Her Majesty may seem fit; and may, if to Her Majesty seem fit, authorise the Treasury Solicitor to nominate some other person to take out the administration in any particular case or class of cases.

The administration so granted to the Treasury Solicitor, and the office of administrator under such grant, and all the estate, rights, duties, and liabilities of such administrator, shall, notwithstanding any change in the person who is Treasury Solicitor, be vested in and imposed on the Treasury Solicitor for the time being without any further grant of administration.

Provided that nothing in this section shall affect any limitation, in duration or otherwise, contained in the grant, or any right of any court to revoke such grant.

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#### Textual Amendments

F1 Words repealed by [Administration of Estates Act 1971 \(c. 25\), Sch. 2 Pt. II](#)

#### Modifications etc. (not altering text)

C2 [S. 2](#) extended by [Administration of Estates Act 1925 \(c. 23\), s. 30\(4\)](#)

C3 [Ss. 2, 4](#) extended by [S.I. 1979/1575, art. 10\(3\)](#)

### 3 Powers for Assistant Solicitor to act on behalf of Treasury Solicitor.

An Assistant Solicitor for the affairs of Her Majesty's Treasury may, on behalf of the Treasury Solicitor, take any oath, make any declaration, verify any account, execute any deed, or do any act or thing whatsoever which the Treasury Solicitor is required or authorised under Act of Parliament or otherwise to take, make, verify, execute, or do for the purpose of an administration granted to him or for the purpose of any Act of Parliament, or otherwise in the execution of his duties as the Treasury Solicitor.

### 4 Disposal of money and property received under administration or forfeiture and of unclaimed grants.

All moneys, securities, and property, real or personal, received by or vested in the Treasury Solicitor under any administration, or in consequence of the same having accrued to Her Majesty as part of the personal estate of any deceased person, or under any forfeiture, or otherwise by virtue of her royal prerogative, shall be paid, invested, transferred, sold, and disposed of in such manner as may be directed by rules under this Act, and, so far as such rules do not apply, as the Treasury direct, subject as follows:

- (1) All such money and all money arising from such securities and property, whether as income or as the proceeds of the sale or disposal thereof, or otherwise, shall be carried to the account directed by the rules (in this Act referred to as the Crown's Nominee Account); and
- (2) All money standing to the said account and not required for the purposes thereof shall be paid into the account of Her Majesty's Exchequer; and

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(3) Where any money, securities, or property to which this section applies has been granted by Her Majesty to any person, and has not been claimed within the period fixed by the rules, the Treasury may direct such unclaimed securities and property to be sold, and the proceeds of such sale and the said money to be paid to the Crown's Nominee Account:

Provided, that if any person satisfies the Treasury of his right under the said grant to the whole or any part of such unclaimed money, securities, or property, the Treasury may direct the sum paid to the Crown's Nominee Account in respect of the same or of the part to which such person shows himself to be entitled, to be paid to such person out of the Consolidated Fund, . . . <sup>F2</sup>

The accounts of the receipts and expenditure on the Crown's Nominee Account shall be deemed to be public accounts; and such abstract thereof as may be directed by rules under this Act shall be annually laid before the House of Commons.

**Textual Amendments**

**F2** Words repealed by [Statute Law Revision Act 1963 \(c. 30\)](#)

**Modifications etc. (not altering text)**

**C4** [S. 4](#) extended by [Administration of Estates Act 1925 \(c. 23\), s. 30\(4\)](#)

**C5** [Ss. 2, 4](#) extended by [S.I. 1979/1575, art. 10\(3\)](#)

**5 Rules by Treasury.**

The Treasury may from time to time make, and when made, revoke, alter, and add to, rules for carrying this Act into effect.

Every such rule shall be laid before Parliament . . . <sup>F3</sup>

**Textual Amendments**

**F3** Words repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\), s. 1\(1\), Sch. 1 Pt. XII](#)

**6** . . . . . <sup>F4</sup>

**Textual Amendments**

**F4** [S. 6](#) repealed by [Statute Law \(Repeals\) Act 1981 \(c. 19\), s. 1\(1\), Sch. 1 Pt. I](#)

**7 Definitions.**

In this Act:—

. . . <sup>F5</sup>

The expression “administration” means letters of administration of the personal estate and effects of a deceased person, whether general or limited, or with the will annexed or otherwise, and includes confirmation in Scotland.

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**Textual Amendments**

**F5** Definition of “the Treasury” repealed by [Statute Law Revision Act 1894 \(c. 56\)](#)

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**Modifications etc. (not altering text)**

**C6** [S. 7](#) extended by [Administration of Estates Act 1925 \(c. 23\)](#), **s. 30(4)**

**C7** [S. 7](#) extended by [S.I. 1979/1575](#), **art. 10(3)**

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**Textual Amendments**

**F6** [S. 8](#) repealed by [Statute Law Revision Act 1883 \(c. 39\)](#)

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**Textual Amendments**

**F7** [S. 9](#) repealed by [Statute Law \(Repeals\) Act 1981 \(c. 19\)](#), s. 1(1), **Sch. 1 Pt. I**

**10 Short title.**

This Act may be cited as the Treasury Solicitor Act 1876.

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<sup>F8F8</sup>FIRST SCHEDULE

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**Textual Amendments**

**F8** Sch. 1 repealed by [Statute Law Revision Act 1894 \(c. 56\)](#)

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<sup>F9F9</sup>SECOND SCHEDULE

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**Textual Amendments**

**F9** Sch. 2 repealed by [Duchy of Lancaster Act 1920 \(c. 51\)](#), **Sch.**

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**Changes to legislation:**

There are currently no known outstanding effects for the Treasury Solicitor Act 1876.