
STATUTORY INSTRUMENTS

1979 No. 1575

Administration of Estates (Northern Ireland) Order 1979

PART III

POWERS AND PROCEDURE OF COURTS

Powers of High Court preliminary or incidental to grants of probate or administration

Citation to prove will or renounce probate

13. The High Court may cite any person appointed executor by a will to prove or renounce probate of the will.

Caveat against grant

14.—(1) Subject to rules of court under section 55(1)(e) of the Judicature (Northern Ireland) Act 1978 (rules as to practice and procedure in non-contentious probate business)—

- (a) a caveat against a grant may be entered in the Probate and Matrimonial Office; and
- (b) no grant shall be made while a caveat so entered has effect.

(2) Such rules shall make provision about the warning of caveators and the circumstances in which caveats cease to have effect.

Production of instruments purporting to be testamentary

15. The High Court may, whether or not any legal proceeding is pending with respect to the administration of the estate of a deceased person, require (by order or otherwise) any person to lodge in the Probate and Matrimonial Office any paper or writing, being or purporting to be testamentary, which may be shown to be in his possession or under his control.

Examination of witnesses and production of documents

16. In any proceedings for purposes of this Order the High Court may—

- (a) cause any person it thinks fit to be examined upon interrogatories;
- (b) require the personal attendance of any such person to enable him to be examined on oath;
- (c) require the production by any such person of any document in his possession or under his control which the High Court considers is or may be relevant to the proceedings.

Power to require administrators to produce sureties

17.—(1) Where the High Court grants to a person (“the administrator”) administration of the estate of a deceased person, the High Court may—

- (a) as a condition of making the grant, and

Changes to legislation: *There are currently no known outstanding effects for the Administration of Estates (Northern Ireland) Order 1979, Cross Heading: Powers of High Court preliminary or incidental to grants of probate or administration. (See end of Document for details)*

- (b) subject to the following provisions of this Article, and subject to and in accordance with rules of court,

require one or more than one surety to guarantee that he will make good, within any limit imposed by the High Court on the total liability of the surety or sureties, any loss which any person interested in the administration of the estate may suffer in consequence of a breach by the administrator of his duties as such.

(2) A guarantee given in pursuance of a requirement under paragraph (1) shall enure for the benefit of every person interested in the administration of the deceased person's estate—

- (a) as if the guarantee were contained in a contract^{F1} executed as a deed] made by the surety or sureties with every such person, and
- (b) where there are two or more sureties, as if the sureties had bound themselves jointly and severally.
- (3) No action shall be brought on any such guarantee without the leave of the High Court.
- (4) Stamp duty shall not be chargeable on any such guarantee.
- (5) This Article does not apply—
- (a) where administration is granted—
- (i) to the Treasury Solicitor;
- (ii) to the Crown Solicitor for Northern Ireland;
- (iii) to a consular officer of a foreign state to which section 1 of the Consular Conventions Act 1949 applies; or
- (b) in such other cases as may be prescribed by rules of court.

F1 2005 NI 7

Changes to legislation:

There are currently no known outstanding effects for the Administration of Estates (Northern Ireland) Order 1979, Cross Heading: Powers of High Court preliminary or incidental to grants of probate or administration.