
STATUTORY INSTRUMENTS

1979 No. 1575

Administration of Estates (Northern Ireland) Order 1979

PART III

POWERS AND PROCEDURE OF COURTS

Procedure in relation to representation

Applications for grants and revocations

18.—(1) An application for a grant, or for the revocation of a grant, shall be made to the Probate and Matrimonial Office and, where the matter is branch office business, may be made to the appropriate branch office of that Office.

(2) The application may be made either in person or through a solicitor.

Procedure in branch office

19.—(1) Where it appears to the circuit registrar who has supervision of a branch office of the Probate and Matrimonial Office that the making of a grant for which an application has been made to that office is branch office business, he may make the grant in the name of the High Court and under the seal of the branch office.

(2) The validity of a grant shall not be questioned on the ground that the making of it was not branch office business.

(3) A circuit registrar shall not make a grant—

- (a) in a contentious matter, until the contention is disposed of; or
- (b) in any case in which a doubt or question such as is mentioned in paragraph (4) arises, except in accordance with a direction under that paragraph.

(4) Where—

- (a) it appears doubtful to a circuit registrar whether a grant should be made, or
- (b) any question arises in relation to a grant, or an application for a grant,

the circuit registrar shall submit the matter for the directions of the High Court, and the High Court may either—

- (i) direct the circuit registrar to proceed with the matter in accordance with any instructions of the Court, or
- (ii) forbid any further proceedings by the circuit registrar in relation to the matter, leaving the party applying for the grant to apply either to the High Court otherwise than through the branch office or, if the case is within the jurisdiction of the county court, to that court.

(5) The foregoing provisions of this Article shall have effect with the necessary modifications in relation to the revocation of a grant as they have effect in relation to the making of a grant.

Capital transfer tax accounts

20.—^{F1}(1) The High Court shall not make any grant, or reseal any grant made outside the United Kingdom, except—

- (a) on the production of information or documents under regulations under section 256(1)(aa) of the Inheritance Tax Act 1984 (excepted estates); or
- (b) on the production of an account prepared in pursuance of that Act showing by means of such receipt or certification as may be prescribed by the Commissioners of Inland Revenue either—
 - (i) that the inheritance tax payable on the delivery of the account has been paid; or
 - (ii) that no such tax is so payable.]

(2) Arrangements may be made between the^{F2}Lord Chief Justice] and the Commissioners of Inland Revenue providing for the purposes of^{F1} paragraph (1)(b)] that, in such cases as may be specified in the arrangements, the receipt or certification of an account may be dispensed with or that some other document may be substituted for the account required by Part III of the Finance Act 1975 .

^{F3}(2A) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under paragraph (2)—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]
- (3) This Article has effect only in relation to the estates of persons dying after 12th March 1975.

F1 2004 c. 12

F2 Words in art. 20(2) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, Sch. 5 para. 44(2); S.I. 2006/1014, art. 2(a), Sch. 1 para. 12(a)

F3 Art. 20(2A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, Sch. 5 para. 44(3); S.I. 2006/1014, art. 2(a), Sch. 1 para. 12(a)

Changes to legislation:

There are currently no known outstanding effects for the Administration of Estates (Northern Ireland) Order 1979, Cross Heading: Procedure in relation to representation.