



# Treasury Solicitor Act 1876

## 1876 CHAPTER 18

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]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

### **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 the 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

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name) and his successors, or, if the warrant so provide, to some person nominated in that behalf by the Treasury Solicitor.

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.

Where administration is granted to the Treasury Solicitor he shall, notwithstanding that he does not give the bond which, if such administration had been granted to him as a private individual, he would be required by law to give, be subject, as regards the administration, to the liabilities and duties imposed by such bond.

### **3 Power 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 money, 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
- (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, or the growing produce thereof.

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.

## **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 within one month after it is made if Parliament be then sitting, or if not, within one month after the then next meeting of Parliament.

## **6 Application of Act to previous administrations, &c**

This Act shall, so far as circumstances admit, apply, in the case of personal estate and property to which Her Majesty or any of Her Majesty's predecessors has become entitled before the passing of this Act, and of warrants given, and grants made, and acts done before the passing of this Act, and the satisfaction of claims under such grants, in like manner as it applies respectively in the case of property to which Her Majesty may become entitled after the passing of this Act, or of grants made or acts done after the passing of this Act, or the satisfaction of claims under such grants.

## **7 Definitions**

In this Act—

The expression " the Treasury " means the Commissioners of Her Majesty's Treasury:

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.

## **8 Saving for existing Queen's Proctor**

Nothing in this Act shall affect the rights, powers, authorities, and duties of the Queen's Proctor holding office at the time of the passing of this Act.

## **9 Repeal of Act**

The Act mentioned in the First Schedule to this Act is hereby repealed:

Provided that—

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- (1) So much of the said Act as is set forth in the Second Schedule to this Act shall be re-enacted in manner therein appearing, and shall be in force as if enacted in the body of this Act; and
- (2) Any administration by or in pursuance of that Act vested in or granted to any person who was Treasury Solicitor shall continue in force as if it had been granted under this Act to the Treasury Solicitor by his official title; and
- (3) Any accounts opened in pursuance of the said Act shall continue until altered by the Treasury in pursuance of this Act, and all money, stocks, and securities standing to the said accounts shall be dealt with accordingly, and any general account opened in pursuance of the said Act shall be deemed, whilst continued, to be the Crown's Nominee Account under this Act; and
- (4) This repeal shall not affect—
  - (a) anything duly done or suffered under the said Act hereby repealed; or
  - (b) any right, privilege, or liability acquired, accrued, or incurred under the said Act; or
  - (c) any legal proceeding or remedy in respect of any such right, privilege, or liability.

## **10 Short title**

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

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## SCHEDULES.

### FIRST SCHEDULE

#### ACT REPEALED

Title and Chapter.	Title.
<a href="#">15 &amp; 16 Vict. c. 3.</a>	An Act to provide for the Administration of Personal Estates of Intestates, and others, to which Her Majesty may be entitled in right of Her Prerogative, or in right of Her Duchy of Lancaster.

### SECOND SCHEDULE

#### PART OF 15 & 16 VICT. C.3 S.2 RE-ENACTED

Where the administration of the personal estate of any deceased person has been granted to the Solicitor for the affairs of Her Majesty's Duchy of Lancaster, for the use of Her Majesty, that solicitor shall, notwithstanding that he does not give the bond which, if such administration had been granted to him as a private individual, he would be required by law to give, be subject, as regards the administration, to the liabilities and duties imposed by such bond.