



Administration of Justice Act 1985

1985 CHAPTER 61

PART IV

THE SUPREME COURT AND COUNTY COURTS

Proceedings relating to estates of deceased persons and trusts

50 Power of High Court to appoint substitute for, or to remove, personal representative

- (1) Where an application relating to the estate of a deceased person is made to the High Court under this subsection by or on behalf of a personal representative of the deceased or a beneficiary of the estate, the court may in its discretion—
 - (a) appoint a person (in this section called a substituted personal representative) to act as personal representative of the deceased in place of the existing personal representative or representatives of the deceased or any of them; or
 - (b) if there are two or more existing personal representatives of the deceased, terminate the appointment of one or more, but not all, of those persons.
- (2) Where the court appoints a person to act as a substituted personal representative of a deceased person, then—
 - (a) if that person is appointed to act with an executor or executors the appointment shall (except for the purpose of including him in any chain of representation) constitute him executor of the deceased as from the date of the appointment; and
 - (b) in any other case the appointment shall constitute that person administrator of the deceased's estate as from the date of the appointment.
- (3) The court may authorise a person appointed as a substituted personal representative to charge remuneration for his services as such, on such terms (whether or not involving the submission of bills of charges for taxation by the court) as the court may think fit.
- (4) Where an application relating to the estate of a deceased person is made to the court under subsection (1), the court may if it thinks fit, proceed as if the application were,

Status: This is the original version (as it was originally enacted).

or included, an application for the appointment under the Judicial Trustees Act 1896 of a judicial trustee in relation to that estate.

(5) In this section "beneficiary", in relation to the estate of a deceased person, means a person who under the will of the deceased or under the law relating to intestacy is beneficially interested in the estate.

(6) In section 1 of the Judicial Trustees Act 1896, after subsection (6) there shall be added—

“(7) Where an application relating to the estate of a deceased person is made to the court under this section, the court may, if it thinks fit, proceed as if the application were, or included, an application under section 50 of the Administration of Justice Act 1985 (power of High Court to appoint substitute for, or to remove, personal representative).”.