



# Northern Ireland (Miscellaneous Provisions) Act 1928

## 1928 CHAPTER 24

### **3 Administration of intestates estates devolving on the Crown.**

- (1) Where His Majesty becomes, or has before the commencement of this Act become, entitled in right of His Crown to any real or personal estate in Northern Ireland of an intestate, the court shall on application being made on that behalf grant administration of that estate to a nominee of His Majesty, and if His Majesty is pleased in accordance with the Treasury Solicitor Act, 1876, by warrant under His Royal Sign Manual to nominate for that purpose the Treasury Solicitor, the nominee shall be the Treasury Solicitor, or if the warrant so provides, some person nominated in that behalf by the Treasury Solicitor, and the person so nominated by the Treasury Solicitor may be the Chief Crown Solicitor for Northern Ireland, and the Treasury Solicitor Act, 1876, shall apply accordingly and shall be deemed to extend to real as well as to personal estate :

Provided that this provision shall not prevent the grant of administration of such personal estate to any other person in any case where the Treasury Solicitor or other nominee has not made and has signified his intention not to make such an application.

- (2) In so far as the estate of the intestate to which His Majesty becomes, or has become, entitled as aforesaid consists of or comprises real estate to which the intestate was entitled for an interest not ceasing on his death, it shall, upon the grant to such a nominee of such administration as aforesaid, devolve upon and vest in the administrator in like manner as if it were a chattel real, and all powers, duties, rights, equities, obligations and liabilities of a personal representative with respect to chattels real shall attach to such administrator and shall have effect with respect to the real estate so vested in him:

Provided that nothing herein contained shall alter or affect the order in which real and personal estates respectively are applicable in or towards the payment of funeral or testamentary expenses, debts or legacies.

- (3) Neither the Treasury Solicitor nor the Chief Crown Solicitor for Northern Ireland acting on the nomination of the Treasury Solicitor shall, when applying for or obtaining administration for the use or benefit of His Majesty under this section,

be required to give an administration bond, nor shall he be required to deliver, nor shall the court or the Ministry of Finance for Northern Ireland be entitled to receive, in connection with any such application or grant of administration, any affidavit, statutory declaration, account, certificate or other statement verified on oath; but he shall deliver, and the court and the said Ministry respectively shall accept, in lieu thereof, an account or particulars of the estate of the intestate, signed by him or on his behalf.

(4) Any grant of administration of the personal estate of an intestate to the Chief Crown Solicitor for Northern Ireland made before the passing of this Act is hereby confirmed, and where such a grant has been made and the estate of the intestate included real as well as personal estate to which His Majesty became entitled in right of His Crown, the court shall on application being made for the purpose extend the grant so as to cover such real estate.

(5) In this section, unless the context otherwise requires—

" Intestate " includes a person who leaves a will but dies intestate as to some beneficial interest in his real estate, or, if probate of the will is not granted to an executor, in Ms personal estate :

" Administration " means letters of administration of a deceased person, whether general or limited :

" The court " means the High Court of Justice in Northern Ireland:

The interest of a deceased person under a joint tenancy shall be deemed an interest ceasing on his death.