REGULATIONS, DATED 1ST AUGUST, 1956, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER ARTICLE 4(*b*) OF PART IV OF THE FIRST SCHEDULE AND ARTICLE 6 OF THE SECOND SCHEDULE TO THE HEALTH SERVICES ACT (NORTHERN IRELAND), 1948.

1956. No. 119 [C]

The Ministry of Health and Local Government, in exercise of the powers conferred by Article 4(*b*) of Part IV of the First Schedule, and Article 6 of the Second Schedule to the Health Services Act (Northern Ireland), 1948, in conjunction with the Ministry of Finance, hereby makes the following regulations:—

1. These Regulations may be cited as the Health Services (Travelling Expenses) (Amendment) (No. 2) Regulations (Northern Ireland), 1956, and shall be deemed to have had effect from the first day of April, 1956.

2. Part II of the Schedule to the Health Services (Travelling Expenses) Regulations (Northern Ireland), 1953(a), as amended by the Health Services (Travelling Expenses) (Amendment) Regulations (Northern Ireland), 1956(b) shall be further amended as follows:—

(*a*) in paragraph 1, for the figure "35s. 6d." there shall be substituted the figure "36s. 6d." and for the figure "42s." there shall be substituted the figure "48s. 6d.";

(*b*) in paragraph 3, for the figure "10s." there shall be substituted the figure "12s.".

Sealed with the Official Seal of the Ministry of Health and Local Government this first day of August, one thousand nine hundred and fifty-six, in the presence of

(L.S.)

Dehra Parker,
Minister of Health and Local Government.

Sealed with the Official Seal of the Ministry of Finance this second day of August, one thousand nine hundred and fifty-six, in the presence of

(L.S.)

George B. Hanna,
Minister of Finance.

HIGH COURT OF JUSTICE IN NORTHERN IRELAND QUEEN'S BENCH DIVISION (PROBATE)

1956. No 29. [NC]

DIRECTIONS, DATED THE 15TH DAY OF FEBRUARY, 1956, OF THE PROBATE JUDGE GIVEN UNDER SECTION 20 OF THE ADMINISTRATION OF ESTATES ACT (NORTHERN IRELAND), 1955.

Whereas section twenty of the Administration of Estates Act (Northern Ireland), 1955, provides, inter alia, that the High Court of Justice in Northern Ireland shall, notwithstanding any existing

(a) S.R. & O. 1953. No. 159. (b) S.R. & O. 1956. No. 38.

enactment or rule of law to the contrary, have power to grant letters of administration (with or without will annexed) of the estate of a deceased person or of any part of such estate, and shall have a discretion as to the person to whom any such letters of administration may be granted, and that such discretion shall be exercised in accordance with any general or special directions given by the Probate Judge:

Now, therefore, I the Right Honourable John Clarke, Baron MacDermott, being the Probate Judge in the said Act referred to, hereby give the following directions as to whom letters of administration (with or without will annexed) shall be granted as respects the estates of persons dying on or after the 1st day of January, 1956, that being the date on which the said Act came into operation.

Dated the 15th day of February, 1956.

MacDermott.

1. These directions shall come into operation forthwith.

2. In these directions unless the context otherwise requires—

"The Principal Act" means the Administration of Estates Act (Northern Ireland), 1955;

"The Principal Probate Registrar" means the Chief Registrar, Assistant Registrar, or in their absence, the Deputy-Assistant Registrar, of the Principal Probate Registry, or such officer as may from time to time be appointed to exercise their powers and functions and perform their duties;

"The Registrar" means the Chief Registrar, Assistant Registrar or Deputy-Assistant Registrar, of the Principal Probate Registry, or the Registrar of the Londonderry District Probate Registry, or such officer as may from time to time be appointed to exercise their powers and functions and perform their duties;

"Trust Corporation" means a Trust Corporation as defined by sub-section (1) of section four of the Probates and Letters of Administration Act (Northern Ireland), 1933, as amended by sub-section (2) of section twenty-eight of the Principal Act;

"Will" includes a nuncupative will and any testamentary document or copy or reconstruction thereof.

Order of priority for a grant in case of intestacy where the deceased died on or after the 1st day of January, 1956, wholly intestate.

3.—(1) Where the deceased died on or after the 1st day of January, 1956, wholly intestate and domiciled in Northern Ireland, the persons having a beneficial interest in the estate of the deceased shall be entitled to a grant of administration in the following order of priority, namely:—

(i) The surviving spouse;

(ii) The child or children of the deceased (including any persons entitled by virtue of any enactment to be treated as if they were the children of the deceased born in lawful wedlock); or the issue (taking per stirpes) of any child who has died during the lifetime of the deceased;

(iii) The father or mother of the deceased or, in the case of an illegitimate person who died without having been legitimated, the mother;

(iv) Brothers and sisters of the deceased (whether of the whole or half-blood); or the issue (taking per stirpes) of any deceased brother or sister (whether of the whole or half-blood) who has died during the lifetime of the deceased.

(2) If the deceased died wholly intestate leaving no spouse and if no person in any of the classes mentioned in the preceding sub-paragraphs (ii) to (iv) of this direction has survived the deceased the persons hereinafter described shall, if they have a beneficial interest in the estate of the deceased, be entitled to a grant in the following order of priority, namely:—

(i) Grandparents;

(ii) Uncles and aunts (whether of the whole or half-blood); or the issue (taking per stirpes) of any uncle or aunt (whether of the whole or half-blood) who has died during the lifetime of the deceased;

(iii) Great-grandparents;

(iv) Grand-uncles and grand-aunts (whether of the whole or half-blood);

(v) Great-great-grandparents;

(vi) Great-grand-uncles and great-grand-aunts (whether of the whole or half-blood); or children of grand-uncles and of grand-aunts (whether of the whole or half-blood);

(vii) Great-great-great-grandparents;

(viii) Children of the children of grand-uncles and of grand-aunts (whether of the whole or half-blood); or children of great-grand-uncles and of great-grand-aunts (whether of the whole or half-blood); or uncles or aunts (whether of the whole or half-blood) of great-grandparents;

(ix) Other next of kin of nearest degree (whether of the whole or half-blood).

(3) The personal representative of any of the persons hereinbefore mentioned shall have the same right to a grant as the person whom he represents, subject to paragraph 2 of direction 7 which provides that live interests be preferred to dead interests.

(4) Where there are conflicting claims for a grant among the members of a class entitled to administration, the nearer in kin to the deceased of that class shall be preferred to the more remote unless the Principal Probate Registrar otherwise directs.

(5) In default of any person having a beneficial interest in the estate of the deceased, the nominee of Her Majesty, under section 3 of the Northern Ireland (Miscellaneous Provisons) Act, 1928, shall be entitled to a grant.

(6) If all persons entitled to a grant under the foregoing provisions of this direction have been cleared off, a grant may be made to a creditor of the deceased, or subject to paragraph 2 of direction 7 the personal representative of a creditor, or if the Registrar so directs, to any person who, notwithstanding that he has no immediate beneficial interest in the estate, may have a beneficial interest in the event of an accretion thereto.

(7) The provisions of the Adoption of Children Act (Northern Ireland), 1950, shall apply in determining the title to a grant as they apply to the devolution of property on intestacy.

Order of priority for a grant where the deceased died on or after the 1st day of January, 1956, leaving a will.

4. Where the deceased died on or after the 1st day of January, 1956, domiciled in Northern Ireland, leaving a will appointing no executor, or appointing an executor or executors who have been cleared off by death, renunciation, citation, or otherwise, the person or persons entitled to a grant of administration with will annexed shall be determined in accordance with the following order of priority, namely:—

(i) Any residuary legatee or devisee holding in trust for any other person;

(ii) any residuary legatee or devisee for life;

(iii) Any other residuary legatee or devisee or, subject to paragraph 2 of direction 7 which provides that live interests be preferred to dead interests, the personal representative of any such residuary legatee or devisee; or where the residue is not wholly disposed of by the will, any person (other than a creditor) entitled to a grant in the event of a total intestacy according to the order of priority set out in direction 3 if such person has an interest in the undisposed of residue:

Provided that where the residue is not in terms wholly disposed of, the Registrar may, if he is satisfied that the testator has nevertheless disposed of the whole or substantially the whole of the estate as ascertained at the time of the application for a grant, allow a grant to be made to any legatee or devisee entitled to, or to a share in, the estate so disposed of, without regard to the persons entitled to share in any residue not disposed of by the will;

Provided also that the Registrar may give a grant to any residuary legatee or devisee for life jointly with any ultimate residuary legatee or devisee on the renunciation or consent of the remaining residuary legatees or devisees for life;