

PRACTICE DIRECTION 3 OF 2012

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND CHANCERY DIVISION (PROBATE)

PRACTICE GUIDANCE NOTE OATHS FOR ADMINISTRATORS OF INTESTATE ESTATES

- A. The principles of priority for entitlement to a grant in case of intestacy are set out in Order 97 rule 20 of the Rules of the Court of Judicature (Northern Ireland) 1980 as varied by other rules of that Order. While the sequence of examples of wording in this Note follows rules 20 and 20(2), the Rules and not this Note should be relied upon to determine questions of priority.
- B. The following are examples of wording (to be adapted to the particular circumstances) appropriate for use in Oaths for cases where the deceased died on or after 1 January 1956, wholly intestate and domiciled in Northern Ireland.

1.C. Spouse/Civil Partner

A.B. died intestate;

I am the surviving spouse/civil partner of the said Deceased

and the only person now entitled to [or one of the persons entitled to share in] his (her) estate.

1.1 Son/Daughter

A.B. died intestate without spouse or civil partner him (her) surviving;

I am the lawful son (daughter) and next of kind of the said Deceased

and the only person entitled to [or one of the persons entitled to share in] his (her) estate.

1.2 Grandson/Granddaughter

(being a child of a predeceased son/daughter of the deceased).

A.B. died intestate without spouse or civil partner him (her) surviving;

I am the lawful grandson (granddaughter) and next of kin of the said Deceased

being the lawful son (daughter) of C.D. who died during the lifetime of the said Deceased,

and am the only person entitled to [or one of the persons entitled to share in] his (her) estate.

1.2 Great Grandson/Great Granddaughter

(being a child of a predeceased grandchild who was a predeceased child of the deceased)

A.B. died intestate without spouse or civil partner him (her) surviving;

I am the lawful great grandson (granddaughter) and next of kin of the said Deceased, being the lawful son (daughter) of C.D., a lawful grandson (granddaughter) who died during the lifetime of the Deceased and who was a lawful son (daughter) of E.F. a lawful son (daughter) of the Deceased, both the said C.D. and E.F. having died during the lifetime of the Deceased and the only person entitled to [or one of the persons entitled to share in] his (her) estate.

1.3 **Father/Mother**

A.B. died intestate without spouse or civil partner or issue him (her) surviving;

I am the lawful father (mother) and next of kin of the said Deceased and the only person entitled to [or one of the persons entitled to share in] his (her) estate.

1.4 **Brother/Sister**

A.B. died intestate without spouse or civil partner or issue or parent him (her) surviving;

I am the lawful brother (sister) and next of kin of the said Deceased and the only person entitled to [or one of the persons entitled to share in] his (her) estate.

1.4 **Nephew/Niece**

(being a child of a predeceased brother/sister of the deceased)

A.B. died intestate without spouse or civil partner or issue or parent him (her) surviving;

I am the lawful nephew (niece) and next of kin of the said Intestate being the lawful son (daughter) of C.D. a lawful brother (sister) of the said Intestate who died during the lifetime of the said Deceased and am the only person entitled to [or one of the persons entitled to share in] his (her) estate.

C. The following are examples of wording (to be adapted to the particular circumstances) appropriate for use in Oaths where (i) the deceased died wholly intestate leaving no spouse or civil partner, and (ii) no person in any of the classes in sub-paragraphs 1.2 to 1.4 above has survived the deceased, and (iii) one of the following **persons** has a beneficial interest in the estate of the deceased.

2.1 **Grandfather/Grandmother**

A.B. died intestate without spouse or civil partner or issue or parent or brother or sister or their issue him (her) surviving;

I am the lawful grandfather (grandmother) of the said Deceased and the only person entitled to [or one of the persons entitled to share in] his (her) estate.

2.2 **Uncle/Aunt**

A.B. died intestate without spouse or civil partner or issue or parent or brother or sister or their issue or grandparent him (her) surviving;
I am the lawful uncle (aunt) of the said Deceased
and the only person entitled to [or one of the persons entitled to share in] his (her) estate.

2.2 First Cousin

(being a child of a predeceased uncle/aunt of the deceased)

A.B. died intestate without spouse or civil partner or issue or parent or brother or sister or their issue or grandparent him (her) surviving;

I am the lawful first cousin of the said Intestate being the lawful son (daughter) of C.D.

a lawful uncle (aunt) of the said Intestate who died during the lifetime of the said Deceased

and am the only person entitled to [or one of the persons entitled to share in] his (her) estate.

2.2 First Cousin Once Removed

(being a child of a predeceased first cousin who was a child of a predeceased uncle/aunt of the deceased)

A.B. died intestate without spouse or civil partner or issue or parent or brother or sister or their issue or grandparent him (her) surviving;

I am the lawful first cousin once removed of the said Intestate being the lawful son (daughter) of C.D. a lawful first cousin of the said Intestate who was the lawful son (daughter) of E.F. a lawful uncle (aunt) of the said Intestate, both the said C.D. and E.F. having died during the lifetime of the said Deceased,

and am the only person entitled to [or one of the persons entitled to share in] his (her) estate.

2.3 Great-Grandparent

A.B. died intestate without spouse or civil partner or issue or parent or brother or sister or their issue or grandparent or uncle or aunt or their issue him (her) surviving;

I am the lawful great-grandfather (great-grandmother) of the said Deceased
and the only person entitled to [or one of the persons entitled to share in] his (her) estate.

2.4 Grand-Uncle/Grand-Aunt

A.B. died intestate without spouse or civil partner or issue or parent or brother or sister or their issue or grandparent or uncle or aunt or their issue or great-grandparent him (her) surviving;

I am the lawful grand-uncle (grand-aunt) of the said Deceased

and the only person entitled to [or one of the persons entitled to share in] his (her) estate.

2.5 Great-Great-Grandparent

No example of wording is provided as this entitlement is unlikely to arise in practice.

2.6 Great-Grand-Uncle/Great-Grand Aunt

A.B. died intestate without spouse or civil partner or issue or parent or brother or sister or their issue or grandparent or uncle or aunt or their issue or great-grandparent or grand-uncle or grand-aunt or great-great-grandparent him (her) surviving;

I am the lawful great-grand-uncle (great-grand-aunt) of the said Deceased and the only person entitled to [or one of the persons entitled to share in] his (her) estate.

2.6 First Cousin Once Removed

(being a child of a predeceased grand-uncle or grand-aunt of the deceased)

A.B. died intestate without spouse or civil partner or issue or parent or brother or sister or their issue or grandparent or uncle or aunt or their issue or great-grandparent or grand-uncle or grand-aunt or great-great-grandparent him (her) surviving;

I am the lawful first cousin once removed of the said Intestate being the lawful son (daughter) of C.D. a lawful first cousin of the said Intestate who was the lawful son (daughter) of E.F. a lawful uncle (aunt) of the said Deceased

and am the only person entitled to [or one of the persons entitled to share in] his (her) estate.

2.7 Great-Great-Great-Grandparent

No example of wording is provided as this entitlement is unlikely to arise in practice.

2.8 Second Cousin

(being a child of a predeceased child of a predeceased grand-uncle or grand-aunt of the deceased)

A.B. died intestate without spouse or civil partner or issue or parent or other lineal ancestor or brother or sister or their issue or uncle or aunt or their issue or grand-uncle or grand-aunt or great-grand-uncle or great-grand-aunt or child of grand-uncle or grand-aunt him (her) surviving;

I am the lawful second cousin of the said Intestate being the son (daughter) of C.D. a lawful son (daughter) of E.F. a lawful grand-uncle (grand-aunt) of the said Deceased and am the only person entitled to (or one of the persons entitled to share in] her (her) estate.

2.8 First Cousin Twice Removed

(being a child of a predeceased great-grand-uncle or great-grand-aunt of the deceased)

A.B. died intestate without spouse or civil partner or issue or parent or other lineal ancestor or brother or sister or their issue or uncle or aunt or their issue or grant-uncle or grand-aunt or great-grand-uncle or great-grand-aunt or child of grant-uncle or grant-aunt him (her) surviving;

I am the lawful first cousin twice removed of the said Intestate, being the son (daughter) of C.D. a lawful great-grand-uncle (great-grand-aunt) of the said Deceased

and am the only person entitled to [or one of the persons entitled to share in] her (her) estate.

2.9 Other next of kin of nearest degree

A.B. died intestate without spouse or civil partner or issue or parent or other lineal ancestor or brother or sister or their issue or uncle or aunt or their issue or grand-uncle or grand-aunt or great-grand-uncle or great-grand-aunt or child of grand-uncle or grand-aunt

or child of child of grand-uncle or grand-aunt or child of great-grand-uncle or great-grand-aunt him (her) surviving;

I am the next of kin of nearest degree, being [*describe precisely the blood relationship between the applicant and the Deceased*]

and the only person entitled to [or one of the persons entitled to share in] his (her) estate.

Dated 11th June 2012

Signed R A Ellison
Master (Chancery)