V oblasti občanskoprávní budou podle práva EU pokračovat probíhající řízení a řízení zahájená před koncem přechodného období. Portál e-Justice bude na základě vzájemné dohody se Spojeným královstvím uchovávat příslušné informace týkající se Spojeného království do konce roku 2024.

Succession

Severní Irsko

1 How is the disposition of property upon death (will, joint will, agreement on succession) drawn up?

The disposition of property upon death may be undertaken by process of law (i.e. where there is no will) or in accordance with a will. There is no requirement to draft a will. However, if a will is drafted, it can be drafted by the testator with or without assistance of a legal practitioner. There is no requirement for legal advice or the involvement of a legal practitioner.

2 Should the disposition be registered and if yes, how?

There is no requirement to register the will. However, the High Court in Northern Ireland will, for a fee, store a will.

The will vests the estate of the deceased in the executors (personal representatives) of the deceased on death. It does not dispose of the property.

3 Are there restrictions on the freedom to dispose of property upon death (e.g. reserved share)?

Yes, there may be restrictions attaching to the property. For example, if property is held as Joint Tenants, it will pass automatically to the surviving Joint Tenant(s) (this process is called survivorship).

4 In the absence of a disposition of property upon death, who inherits and how much?

If or to the extent that the deceased does not leave a valid will the estate will be distributed in accordance with the intestacy rules specified in the Administration of Estates Act (Northern Ireland) 1955 (as amended).

5 What type of authority is competent:

5.1 in matters of succession?

5.2 to receive a declaration of waiver or acceptance of the succession?

5.3 to receive a declaration of waiver or acceptance of the legacy?

5.4 to receive a declaration of waiver and acceptance of a reserved share?

The estate of the deceased vests in the personal representatives of the deceased. They may apply to the court for a grant of representation (probate in the case of a will and letters of administration in case of intestacy). The grant will confirm their authority to deal with the estate in accordance with the will or intestacy rules as the case may be. Disputes as to entitlement to succession or the grant can be referred to the court. Proceedings in the court are governed by the County Court Rules (NI) 1981 and the Rules of the Court of Judicature (NI) 1980.

6 Short description of the procedure to settle a succession under national law, including the winding-up of the estate and sharing out of the assets (this includes information whether the succession procedure is initiated by a court or other competent authority on its own motion)

The personal representatives are responsible for identifying and collecting the assets of the deceased in the estate, paying the debts of the deceased (including inheritance tax) and distributing the residue to the beneficiaries in accordance with the will or the intestacy rules.

7 How and when does one become an heir or legatee?

On the death of the deceased or, in the case of beneficiaries who die during the administration of the estate, the death of the person previously entitled.

8 Are the heirs liable for the deceased's debts and, if yes, under which conditions?

No. The estate of the deceased is liable.

9 What are the documents and/or information usually required for the purposes of registration of immovable property?

The personal representatives will transfer immovable property to the beneficiary entitled in the course of the administration of the estate. The beneficiary may have to present evidence of the grant of representation and the transfer to the Land Registry or the Registry of Deeds in accordance with the Land Registration Rules (Northern Ireland) 1994 or the Registration of Deeds Regulations (Northern Ireland) 1997.

9.1 Is the appointment of an administrator mandatory or mandatory upon request? If it is mandatory or mandatory upon request, what are the steps to be taken?

See the answer to question 9.

9.2 Who is entitled to execute the disposition upon death of the deceased and/or to administrate the estate?

See the answer to question 9.

9.3 What powers does an administrator have?

See the answer to question 9.

10 Which documents are typically issued under national law in the course of or at the end of succession proceedings proving the status and rights of the beneficiaries? Do they have specific evidentiary effects?

The personal representatives administer the estate and distribute the net assets. The form of the transfer of the assets will depend on the nature of the assets. Some goods may be delivered by possession. Money may be paid by cheque. See question 9 regarding land.

This web page is part of Your Europe.

We welcome your feedback on the usefulness of the provided information.



Last update: 12/12/2020
The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.