



Administration of Justice Act 1977

1977 CHAPTER 38

PART II

ENGLAND AND WALES

Estates of deceased persons

27 Proceedings against estates

- (1) In section 2 of the Proceedings Against Estates Act 1970 (power to treat proceedings purporting to be commenced against a deceased person as having been commenced against his estate)—
- (a) for paragraph (b) there shall be substituted the following paragraph:—
 - “(b) for enabling proceedings purporting to have been commenced against a person to be treated, if he was dead at their commencement, as having been commenced against his estate, whether or not a grant of probate or administration was made before their commencement;”;
 - (b) in paragraph (c), for the words " is made " there shall be substituted the words " is or has been made ".

28 Distribution of estate of intestate leaving surviving spouse

- (1) In section 46 of the Administration of Estates Act 1925—
- (a) in paragraph (i) of subsection (1) (distribution of estate of intestate leaving surviving spouse)—
 - (i) as it has effect as respects persons dying before 1953, for the words "five pounds per cent, per annum ", and
 - (ii) as it has effect as respects persons dying after 1952, for the words "four pounds per cent, per annum ", wherever they occur,there shall be substituted the words " at such rate as the Lord Chancellor may specify by order " , and

Status: This is the original version (as it was originally enacted).

(b) the following subsection shall be inserted after subsection (1) and shall have effect both as respects persons dying before 1953 and after 1952:—

“(1A) The power to make orders under subsection (1) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and any such order may be varied or revoked by a subsequent order made under the power.”.

(2) Subsections (2) and (4) of section 47A of that Act (method of calculation of value of life interest of surviving spouse) shall cease to have effect.

(3) The following subsections shall be inserted after subsection (3) of that section:—

“(3A) The capital value shall be reckoned in such manner as the Lord Chancellor may by order direct, and an order under this subsection may include transitional provisions.

(3B) The power to make orders under subsection (3A) above shall- be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and any such order may be varied or revoked by a subsequent order made under the power.”.