



# Administration of Estates Act 1971

## 1971 CHAPTER 25

### *Rights and duties of personal representatives in England and Wales*

8 .....<sup>F1</sup>

#### **Textual Amendments**

**F1** S. 8 repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

#### **9 Duties of personal representatives.**

For section 25 of the <sup>M1</sup> Administration of Estates Act 1925 (duty of personal representatives as to inventory and account) there shall be substituted the following section:—

“Duty of personal representatives.

The personal representative of a deceased person shall be under a duty to—

- (a) collect and get in the real and personal estate of the deceased and administer it according to law;
- (b) when required to do so by the court, exhibit on oath in the court a full inventory of the estate and when so required render an account of the administration of the estate to the court;
- (c) when required to do so by the High Court, deliver up the grant of probate or administration to that court.”

#### **Modifications etc. (not altering text)**

**C1** The text of ss. 7, 9, and 12(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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*Changes to legislation:* There are currently no known outstanding effects for the Administration of Estates Act 1971,  
*Cross Heading: Rights and duties of personal representatives in England and Wales. (See end of Document for details)*

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**Marginal Citations****M1** 1925 c. 23.**10 Retainer, preference and the payment of debts by personal representatives.**

- (1) The right of retainer of a personal representative and his right to prefer creditors are hereby abolished.
- (2) Nevertheless a personal representative—
  - (a) other than one mentioned in paragraph (b) below, who, in good faith and at a time when he has no reason to believe that the deceased's estate is insolvent, pays the debt of any person (including himself) who is a creditor of the estate;  
or
  - (b) to whom letters of administration had been granted solely by reason of his being a creditor and who, in good faith and at such a time pays the debt of another person who is a creditor of the estate;shall not, if it subsequently appears that the estate is insolvent, be liable to account to a creditor of the same degree as the paid creditor for the sum so paid.

**Changes to legislation:**

There are currently no known outstanding effects for the Administration of Estates Act 1971,  
Cross Heading: Rights and duties of personal representatives in England and Wales.