



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Status: This is the original version (as it was originally enacted).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