



Administration of Justice Act 1982

1982 CHAPTER 53

PART IV

WILLS

Amendments of Wills Act 1837

19 Gifts to children etc. who predecease testator

The following section shall be substituted for section 33 of the Wills Act 1837—

“33 Gifts to children or other issue who leave issue living at the testator's death shall not lapse.

(1) Where—

- (a) a will contains a devise or bequest to a child or remoter descendant of the testator ; and
- (b) the intended beneficiary dies before the testator, leaving issue; and
- (c) issue of the intended beneficiary are living at the testator's death,

then, unless a contrary intention appears by the will, the devise or bequest shall take effect as a devise or bequest to the issue living at the testator's death.

(2) Where—

- (a) a will contains a devise or bequest to a class of persons consisting of children or remoter descendants of the testator ; and
- (b) a member of the class dies before the testator, leaving issue; and
- (c) issue of that member are living at the testator's death,

then, unless a contrary intention appears by the will, the devise or bequest shall take effect as if the class included the issue of its deceased member living at the testator's death.

(3) Issue shall take under this section through all degrees, according to their stock, in equal shares if more than one, any gift or share which their parent would

Status: This is the original version (as it was originally enacted).

have taken and so that no issue shall take whose parent is living at the testator's death and so capable of taking.

- (4) For the purposes of this section—
- (a) the illegitimacy of any person is to be disregarded ; and
 - (b) a person conceived before the testator's death and born living thereafter is to be taken to have been living at the testator's death.”.