



# Law of Property (Miscellaneous Provisions) Act 1994

## 1994 CHAPTER 36

### PART II

#### MATTERS ARISING IN CONNECTION WITH DEATH

#### 14 Vesting of estate in case of intestacy or lack of executors.

- (1) For section 9 of the <sup>M1</sup> Administration of Estates Act 1925 (vesting of estate of intestate between death and grant of administration) substitute—

**“9 Vesting of estate in Public Trustee where intestacy or lack of executors.**

- (1) Where a person dies intestate, his real and personal estate shall vest in the Public Trustee until the grant of administration.
- (2) Where a testator dies and—
- (a) at the time of his death there is no executor with power to obtain probate of the will, or
  - (b) at any time before probate of the will is granted there ceases to be any executor with power to obtain probate,
- the real and personal estate of which he disposes by the will shall vest in the Public Trustee until the grant of representation.
- (3) The vesting of real or personal estate in the Public Trustee by virtue of this section does not confer on him any beneficial interest in, or impose on him any duty, obligation or liability in respect of, the property.”
- (2) Any real or personal estate of a person dying before the commencement of this section shall, if it is property to which this subsection applies, vest in the Public Trustee on the commencement of this section.

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**Changes to legislation:** There are currently no known outstanding effects for the Law of Property (Miscellaneous Provisions) Act 1994, Section 14. (See end of Document for details)

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- (3) Subsection (2) above applies to any property—
- (a) if it was vested in the Probate Judge under section 9 of the <sup>M2</sup>Administration of Estates Act 1925 immediately before the commencement of this section, or
  - (b) if it was not so vested but as at commencement there has been no grant of representation in respect of it and there is no executor with power to obtain such a grant.
- (4) Any property vesting in the Public Trustee by virtue of subsection (2) above shall—
- (a) if the deceased died intestate, be treated as vesting in the Public Trustee under section 9(1) of the <sup>M3</sup>Administration of Estates Act 1925 (as substituted by subsection (1) above); and
  - (b) otherwise be treated as vesting in the Public Trustee under section 9(2) of that Act (as so substituted).
- (5) Anything done by or in relation to the Probate Judge with respect to property vested in him as mentioned in subsection (3)(a) above shall be treated as having been done by or in relation to the Public Trustee.
- (6) So far as may be necessary in consequence of the transfer to the Public Trustee of the functions of the Probate Judge under section 9 of the <sup>M4</sup>Administration of Estates Act 1925, any reference in an enactment or instrument to the Probate Judge shall be construed as a reference to the Public Trustee.

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**Marginal Citations**

- M1** 1925 c. 23.
- M2** 1925 c. 23.
- M3** 1925 c. 23.
- M4** 1925 c. 23.

**Changes to legislation:**

There are currently no known outstanding effects for the Law of Property (Miscellaneous Provisions) Act 1994, Section 14.