



# Law of Property Act 1922

## 1922 CHAPTER 16

### PART VIII

#### AMENDMENT OF THE LAW OF INTESTACY.

##### *Miscellaneous Provisions.*

#### **153 Death duties not affected.**

Nothing in this Part of this Act shall render real estate liable to legacy duty or exempt it from succession duty.

#### **154 Construction and as to a lunatic's and an infant's real estate.**

(1) In this Part of this Act—

- (i) " Real and personal estate " mean and include every beneficial interest (including rights of entry and reverter) of the intestate in real and personal estate which (otherwise than in right of a power of appointment or of the testamentary power conferred by this Act to dispose of entailed interests) he could, if of full age and capacity, have disposed of by his will;
- (ii) " Real estate " where the context admits includes chattels real;
- (iii) " Intestate " includes a person who leaves a will, but dies intestate as to some beneficial interest in his real or personal estate;
- (iv) " Personal chattels " mean carriages, horses, stable furniture and effects (not used for business purposes), motor cars and accessories (not used for business purposes), garden live and dead stock and effects, domestic animals, plate, plated articles, linen, china, glass, books, pictures, prints, furniture, jewellery, articles of household or personal use or ornament, wines, liquors and consumable stores, but do not include any chattels acquired for business purposes nor money or securities for money.

(2) The foregoing provisions of this Part of this Act shall not apply to any beneficial interest in real estate (not including chattels real) to which a lunatic (whether so found

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or not) or defective living and of full age at the commencement of this Act, and unable, by reason of his incapacity, to make a will, who thereafter dies intestate without having recovered his testamentary capacity, was entitled at his death; and such beneficial interest (not being an interest ceasing on his death) shall, without prejudice to any will of the deceased, devolve in accordance with the law in force before the commencement of this Act applicable to freehold land.

- (3) Where an infant dies after the commencement of this Act without having been married, and independently of this subsection he would, at his death, have been equitably entitled under a settlement (including a will or an intestacy) to an estate in fee simple or absolute interest in freehold land, or in any property settled to devolve therewith or as freehold land, such infant shall be deemed to have had an estate tail or entailed interest, and the settlement shall be construed accordingly