



Law of Property Act 1922

1922 CHAPTER 16

PART IX

REPEAL AND RE-ENACTMENT, WITH AMENDMENTS, OF PART I. OF THE LAND TRANSFER ACT, 1897, RELATING TO PERSONAL REPRESENTATIVES.

158 Effect of assent or conveyance by personal representative.

- (1) A personal representative may assent to the vesting in any person who may be interested, either beneficially or as a trustee or personal representative, of any real estate to which the testator or intestate was entitled, and which devolved upon the personal representative ; and the assent shall operate to vest in that person the estate or interest to which the assent relates, and, unless a contrary intention appears, the assent shall relate back to the death of the deceased; and the statutory covenants referred to in subsection (1) (F) of section seven of the Conveyancing Act, 1881, may be implied in an assent in like manner as in a conveyance by deed.
- (2) An assent to the vesting of a legal estate shall be in writing, signed by the personal representative, and shall name the person in whose favour it is given and shall operate to vest in that person the legal estate to which it relates; and an assent not in writing or not in favour of a named person shall not be effectual to pass a legal estate.
- (3) A statement in writing by a personal representative that he has not given or made an assent or conveyance of a legal estate, shall, in favour of a purchaser (but without prejudice to any previous disposition made in favour of another purchaser deriving title mediately or immediately under the personal representative), be sufficient evidence that an assent or conveyance has not been given or made in respect of the legal estate to which the statement relates, and a personal representative making a false statement, in regard to any such matter, shall be liable in like manner as if the statement had been contained in a statutory declaration, and a conveyance by him of a legal estate to a purchaser made on the faith of such a statement shall (without prejudice as aforesaid) operate to transfer or create the legal estate expressed to be conveyed in like manner as if no previous assent or conveyance had been made by the personal representative.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (4) An assent or conveyance by a personal representative of a legal estate shall, in favour of a purchaser, be taken as sufficient evidence that the person in whose favour the assent or conveyance is given or made is the person entitled to have the legal estate conveyed to him, and upon the proper trusts (if any), but shall not otherwise prejudicially affect the claim of any person rightfully entitled to the estate vested or conveyed or any charge thereon.
- (5) A conveyance of a legal estate by a personal representative to a purchaser shall not be invalidated by reason only that the purchaser may have notice that all the debts, liabilities, funeral and testamentary or administration expenses, duties, and legacies of the deceased have been discharged or provided for.
- (6) An assent or conveyance given or made by a personal representative shall not, except in favour of a purchaser of a legal estate, prejudice the right of the personal representative or any other person to recover the estate or interest to which the assent or conveyance relates, or to be indemnified by such estate or interest against any duties, debt, or liability to which such estate or interest would have been subject if there had not been any assent or conveyance.
- (7) A personal representative may, as a condition of giving an assent or making a conveyance, require security for the discharge of any such duties, debt, or liability.
- (8) An assent may, in the case of land registered under the Land Transfer Acts, be in the form prescribed under those Acts, and the production of the assent in the prescribed form shall authorise the Land Registrar to register the person named in the assent as proprietor of the land.
- (9) This section shall not operate to impose any stamp duty in respect of an assent.
- (10) Where the personal representatives of the deceased are registered as proprietors of the land on his death, a fee shall not be chargeable for registering any disposition of the land by them unless the disposition is for valuable consideration.