



Administration of Estates Act 1925

CHAPTER 23

ADMINISTRATION OF ESTATES ACT 1925

PART I

DEVOLUTION OF REAL ESTATE

- 1 Devolution of real estate on personal representative
- 2 Application to real estate of law affecting chattels real
- 3 Interpretation of Part I

PART II

EXECUTORS AND ADMINISTRATORS

General Provisions

- 4 Summons to executor to prove or renounce
- 5 Cesser of right of executor to prove
- 6 Withdrawal of renunciation
- 7 Executor of executor represents original testator
- 8 Right of proving executors to exercise powers
- 9 Vesting of estate of intestate between death and grant of administration
- 10 Discretion of court as to persons to whom administration is to be granted
- 11 Administration bonds
- 12 Provisions as to the number of personal representatives
- 13 Power to grant representation of real and personal estate separately or together
- 14 Grant of representation to a trust corporation
- 15 Executor not to act while administration is in force
- 16 Administration pending litigation

- 17 Continuance of legal proceedings after revocation of temporary administration
- 18 Grant of special administration where personal representative is abroad
- 19 Administration with will annexed
- 20 Administration during minority of executor
- 21 Rights and liabilities of administrator

Special Provisions as to Settled Land

- 22 Special executors as respects settled land
- 23 Provisions where, as respects settled land, representation is not granted to the trustees of the settlement
- 24 Power for special personal representatives to dispose of settled land

Duties, Rights, and Obligations

- 25 Duty of personal representative as to inventory
- 26 Rights of action by and against personal representative
- 27 Protection of persons acting on probate or administration
- 28 Liability of person fraudulently obtaining or retaining estate of deceased
- 29 Liability of estate of personal representative
- 30 Provisions applicable where administration granted to nominee of the Crown
- 31 Power to make rules

PART III

ADMINISTRATION OF ASSETS

- 32 Real and personal estate of deceased are assets for payment of debts
- 33 Trust for sale
- 34 Administration of assets
- 35 Charges on property of deceased to be paid primarily, out of the property charged
- 36 Effect of assent or conveyance by personal representative
- 37 Validity of conveyance not affected by revocation of representation
- 38 Right to follow property and powers of the court in relation thereto
- 39 Powers of management
- 40 Powers of personal representative for raising money, &c
- 41 Powers of personal representative as to appropriation
- 42 Power to appoint trustees of infants' property
- 43 Obligations of personal representative as to giving possession of land and powers of the court
- 44 Power to postpone distribution

PART IV

DISTRIBUTION OF RESIDUARY ESTATE

- 45 Abolition of descent to heir, curtesy, dower and escheat
- 46 Succession to real and personal estate on intestacy
- 47 Statutory trusts in favour of issue and other classes of relatives of intestate
- 48 Powers of personal representative in respect of interests of surviving spouse
- 49 Application to cases of partial intestacy

- 50 Construction of documents
- 51 Savings
- 52 Interpretation of Part IV

PART V

SUPPLEMENTAL

- 53 General savings
- 54 Application of Act
- 55 Definitions
- 56 Repeal
- 57 Application to Crown
- 58 Short title, commencement and extent

SCHEDULES.

FIRST SCHEDULE —

PART I — RULES AS TO PAYMENT OF DEBTS WHERE THE ESTATE IS INSOLVENT

- 1 The funeral, testamentary, and administration expenses have priority.
- 2 Subject as aforesaid, the same rules shall prevail and be...

PART II — ORDER OF APPLICATION OF ASSETS WHERE THE ESTATE IS SOLVENT

- 1 Property of the deceased undisposed of by will, subject to...
- 2 Property of the deceased not specifically devised or bequeathed but...
- 3 Property of the deceased specifically appropriated or devised or bequeathed...
- 4 Property of the deceased charged with, or devised or bequeathed...
- 5 The fund, if any, retained to meet pecuniary legacies.
- 6 Property specifically devised or bequeathed, rateably according to value.
- 7 Property appointed by will under a general power, including the...
- 8 The following provisions shall also apply— (a) The order of...

SECOND — Enactments repealed

SCHEDULE

PART I — REPEALS NOT AFFECTING CASES WHERE THE DEATH OCCURRED BEFORE THE COMMENCEMENT OF THIS ACT

PART II — REPEALS APPLYING WHERE THE DEATH OCCURRED BEFORE OR AFTER THE COMMENCEMENT OF THIS ACT