



Administration of Estates Act 1925

1925 CHAPTER 23 15 and 16 Geo 5

PART I

DEVOLUTION OF REAL ESTATE

2 Application to real estate of law affecting chattels real.

- (1) Subject to the provisions of this Act, all enactments and rules of law, and all jurisdiction of any court with respect to the appointment of administrators or to probate or letters of administration, or to dealings before probate in the case of chattels real, and with respect to costs and other matters in the administration of personal estate, in force before the commencement of this Act, and all powers, duties, rights, equities, obligations, and liabilities of a personal representative in force at the commencement of this Act with respect to chattels real, shall apply and attach to the personal representative and shall have effect with respect to real estate vested in him, and in particular all such powers of disposition and dealing as were before the commencement of this Act exercisable as respects chattels real by the survivor or survivors of two or more personal representatives, as well as by a single personal representative, or by all the personal representatives together, shall be exercisable by the personal representatives or representative of the deceased with respect to his real estate.
- (2) Where as respects real estate there are two or more personal representatives, a conveyance of real estate devolving under this Part of this Act [^{F1}or a contract for such a conveyance] shall not, ^{F2}. . . be made without the concurrence therein of all such representatives or an order of the court, but where probate is granted to one or some of two or more persons named as executors, whether or not power is reserved to the other or others to prove, any conveyance of the real estate [^{F1}or contract for such a conveyance] may be made by the proving executor or executors for the time being, without an order of the court, and shall be as effectual as if all the persons named as executors had concurred therein.
- (3) Without prejudice to the rights and powers of a personal representative, the appointment of a personal representative in regard to real estate shall not, save as hereinafter provided, affect—

Changes to legislation: There are currently no known outstanding effects for the Administration of Estates Act 1925, Section 2. (See end of Document for details)

- (a) any rule as to marshalling or as to administration of assets;
- (b) the beneficial interest in real estate under any testamentary disposition;
- (c) any mode of dealing with any beneficial interest in real estate, or the proceeds of sale thereof;
- (d) the right of any person claiming to be interested in the real estate to take proceedings for the protection or recovery thereof against any person other than the personal representative.

Textual Amendments

- F1** Words in s. 2(2) inserted (1.7.1995) by 1994 c. 36, s. 16(1)(a)(c)(3) (with s. 20); S.I. 1995/1317, art. 2
- F2** Words in s. 2(2) repealed (1.7.1995) by 1994 c. 36, ss. 16(1)(b)(3), 21(2), Sch. 2 (with s. 20); S.I. 1995/1317, art. 2

Modifications etc. (not altering text)

- C1** S. 2(2) extended (1.7.1995) by 1994 c. 36, s. 16(2)(3) (with s. 20); S.I. 1995/1317, art. 2

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