



Administration of Estates Act 1925

1925 CHAPTER 23 15 and 16 Geo 5

PART III

ADMINISTRATION OF ASSETS

38 Right to follow property and powers of the court in relation thereto.

- (1) An assent or conveyance by a personal representative to a person other than a purchaser does not prejudice the rights of any person to follow the property to which the assent or conveyance relates, or any property representing the same, into the hands of the person in whom it is vested by the assent or conveyance, or of any other person (not being a purchaser) who may have received the same or in whom it may be vested.
 - (2) Notwithstanding any such assent or conveyance the court may, on the application of any creditor or other person interested,—
 - (a) order a sale, exchange, mortgage, charge, lease, payment, transfer or other transaction to be carried out which the court considers requisite for the purpose of giving effect to the rights of the persons interested;
 - (b) declare that the person, not being a purchaser, in whom the property is vested is a trustee for those purposes;
 - (c) give directions respecting the preparation and execution of any conveyance or other instrument or as to any other matter required for giving effect to the order;
 - (d) make any vesting order, or appoint a person to convey in accordance with the provisions of the ^{M1}Trustee Act, 1925.
 - (3) This section does not prejudice the rights of a purchaser or a person deriving title under him, but applies whether the testator or intestate died before or after the commencement of this Act.
- [^{F1}(4) The county court has jurisdiction under this section where the estate in respect of which the application is made does not exceed in amount or value the county court limit.]

Changes to legislation: There are currently no known outstanding effects for the Administration of Estates Act 1925, Section 38. (See end of Document for details)

Textual Amendments

F1 S. 38(4) added by County Courts Act 1984 (c. 28, SIF 34), s. 148(1), **Sch. 2 Pt. III para. 12**

Modifications etc. (not altering text)

C1 Ss. 17(2), 38(4), 41(1A), 43(4) modified by County Courts Act 1984 (c. 28, SIF 34), s. 24(2)(d)

Marginal Citations

M1 1925 c. 19.

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