



# Administration of Estates Act 1925

1925 CHAPTER 23 15 and 16 Geo 5

## PART III

### ADMINISTRATION OF ASSETS

#### **43 Obligations of personal representative as to giving possession of land and powers of the court.**

- (1) A personal representative, before giving an assent or making a conveyance in favour of any person entitled, may permit that person to take possession of the land, and such possession shall not prejudicially affect the right of the personal representative to take or resume possession nor his power to convey the land as if he were in possession thereof, but subject to the interest of any lessee, tenant or occupier in possession or in actual occupation of the land.
- (2) Any person who as against the personal representative claims possession of real estate, or the appointment of a receiver thereof, or a conveyance thereof, or an assent to the vesting thereof, or to be registered as proprietor thereof under the [<sup>F1</sup>Land Registration Act 2002], may apply to the court for directions with reference thereto, and the court may make such vesting or other order as may be deemed proper, and the provisions of the <sup>M1</sup>Trustee Act, 1925, relating to vesting orders and to the appointment of a person to convey, shall apply.
- (3) This section applies whether the testator or intestate died before or after the commencement of this Act.
- [<sup>F2</sup>(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.]

#### **Textual Amendments**

- F1** Words in s. 43(2) substituted (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 3](#) (with s. 129); [S.I. 2003/1725](#), art. 2(1)
- F2** S. 43(4) added by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(1), [Sch. 2 Pt. III para. 14](#)

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*Changes to legislation: There are currently no known outstanding effects for the Administration of Estates Act 1925, Section 43. (See end of Document for details)*

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**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](#).

**Changes to legislation:**

There are currently no known outstanding effects for the Administration of Estates Act 1925, Section 43.