



# Administration of Estates Act 1925

1925 CHAPTER 23 15 and 16 Geo 5

## PART IV

### DISTRIBUTION OF RESIDUARY ESTATE

#### 51 Savings.

- (1) Nothing in this Part of this Act affects the right of any person to take beneficially, by purchase, as heir either general or special.
- (2) The foregoing provisions of this Part of this Act do not apply to any beneficial interest in real estate (not including chattels real) to which a <sup>F1</sup>person of unsound mind] or defective living and of full age at the commencement of this Act, and unable, by reason of his incapacity, to make a will, who thereafter dies intestate in respect of such interest without having recovered his testamentary capacity, was entitled at his death, and any such beneficial interest (not being an interest ceasing on his death), shall, without prejudice to any will of the deceased, devolve in accordance with the general law in force before the commencement of this Act applicable to freehold land, and that law shall, notwithstanding any repeal, apply to the case.

For the purposes of this subsection, a <sup>F1</sup>person of unsound mind] or defective who dies intestate as respects any beneficial interest in real estate shall not be deemed to have recovered his testamentary capacity unless his . . . <sup>F2</sup> receiver has been discharged.

- (3) Where an infant dies after the commencement of this Act without having been married<sup>F3</sup> or having formed a civil partnership,<sup>F4</sup> and without issue], and independently of this sub-section he would, at his death, have been equitably entitled under a <sup>F5</sup>trust or] settlement (including a will) to a vested estate in fee simple or absolute interest in freehold land, or in any property <sup>F6</sup>. . . to devolve therewith or as freehold land, such infant shall be deemed to have had <sup>F7</sup>a life interest], and the <sup>F5</sup>trust or] settlement shall be construed accordingly.

<sup>F8</sup>(4) . . . . .

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*Changes to legislation: There are currently no known outstanding effects for the Administration of Estates Act 1925, Section 51. (See end of Document for details)*

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### Textual Amendments

- F1** Words substituted by [Mental Treatment Act 1930 \(c. 23\)](#), [s. 20\(5\)](#) and [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 148, [Sch. 5 para. 29](#)
- F2** Words repealed by [Mental Health Act 1959 \(c. 72\)](#), [Sch. 8 Pt. I](#)
- F3** Words in s. 51(3) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), [Sch. 4 para. 11](#); S.I. 2005/3175, art. 2(1), Sch. 1
- F4** Words in s. 51(3) inserted (1.1.1997) by 1996 c. 47, s. 25(1), [Sch. 3 para. 6\(4\)\(a\)](#) (with ss. 24(2), 25(4)); S.I. 1996/2974, [art. 2](#)
- F5** Words in s. 51(3) inserted (1.1.1997) by 1996 c. 47, s. 25(1), [Sch. 3 para. 6\(4\)\(b\)](#) (with ss. 24(2), 25(4)); S.I. 1996/2974, [art. 2](#)
- F6** Word in s. 51(3) repealed (1.1.1997) by 1996 c. 47, s. 25(2), [Sch. 4](#) (with ss. 24(2), 25(4)); S.I. 1996/2974, [art. 2](#)
- F7** Words in s. 51(3) substituted (1.1.1997) by 1996 c. 47, s. 25(1), [Sch. 3 para. 6\(4\)\(c\)](#) (with ss. 24(2), 25(4)); S.I. 1996/2974, [art. 2](#)
- F8** S. 51(4) repealed (1.1.1997) by 1996 c. 47, s. 25(2), [Sch. 4](#) (with ss. 24(2), 25(4)); S.I. 1996/2974, [art. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Administration of Estates Act 1925, Section 51.