



# Administration of Estates Act (Northern Ireland) 1955

## 1955 CHAPTER 24

### PART IV

#### ADMINISTRATION OF ASSETS

#### **38<sup>F1</sup> Power to appoint trustees of infant's property.**

- (1) Where an infant is absolutely entitled under the will or on the intestacy of any person dying before or after the commencement of this Act to the estate of the deceased person or to the residue thereof or to any share therein or to any devise or legacy and such estate, residue, share, devise or legacy is not under the will, if any, of the deceased person devised or bequeathed to trustees for the infant, the personal representatives of the deceased person may appoint any two or more persons (whether or not including the personal representatives or any of them) to be trustees of such estate, residue, share, devise or legacy for the infant and may execute such assurance or take such other action as may be necessary for vesting such estate, residue, share, devise or legacy, as the case may be, in the trustees so appointed. One of the persons so appointed may be a trust corporation.
- (2) On such appointment the personal representatives, as such, shall be discharged from all further liability in respect of the property vested in the trustees so appointed,<sup>F2</sup> . . .
- (3) Where an infant becomes entitled to any estate or interest in land under an intestacy and by reason of the intestacy there is no instrument under which the estate or interest of the infant arises or is acquired, a settlement shall be deemed for the purposes of the Settled Land Acts, 1882 to 1890, to have been made by the intestate or by the person whose interest the infant has acquired and, if there are more than one personal representative, the personal representatives, or, where trustees of that land have been appointed by the personal representatives under this section, those trustees, shall for the purposes aforesaid be deemed to be the trustees of that settlement.

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**Changes to legislation:** There are currently no known outstanding effects for the Administration of Estates Act (Northern Ireland) 1955, Section 38. (See end of Document for details)

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- (4) Personal representatives or any trustees appointed by them under this section shall be deemed to be trustees for the purposes of sections forty-two and forty-three of the Conveyancing and Law of Property Act, 1881 .
- (5 <sup>F3</sup> Without prejudice to their powers under the said sections forty-two and forty-three, personal representatives or trustees appointed by them under this section may at any time or times, with the sanction of the court, pay or apply the capital of any estate, residue or share therein or any legacy or devise to which an infant is entitled under the will or on the intestacy of a deceased person for the advancement or benefit of the infant in such manner as the court may approve and the court may on any application made to it under this section order such capital or any part thereof to be lodged in court until the infant attains [<sup>F4</sup> eighteen] or marries [<sup>F5</sup>, or forms a civil partnership,] under that age.

**F1** 1969 c. 28 (NI)

**F2** 2001 c. 14 (NI)

**F3** 1980 NI 3

**F4** 1969 c. 28 (NI)

**F5** 2004 c.33

**Changes to legislation:**

There are currently no known outstanding effects for the Administration of Estates Act (Northern Ireland) 1955, Section 38 .