



Administration of Estates Act (Northern Ireland) 1955

1955 CHAPTER 24

PART IV

ADMINISTRATION OF ASSETS

40 Powers to deal with estate, etc.

- (1) The personal representatives of a deceased owner of land may, in addition to any other powers conferred on them by this Act,—
- (a) make such leases of the land as may be reasonably necessary for the due administration of the estate of the deceased owner; or
 - (b) with the consent of the beneficiaries, or with the approval of the court, make leases of the land for such term and on such conditions as the personal representatives may think proper; or
 - (c) [^{F1}Without prejudice to Article 28 or 30 of the Property (Northern Ireland) Order 1997] make, on such terms and conditions as the personal representatives may think proper, a sub fee farm grant of the land, or a sub-lease thereof with a nominal reversion, where such sub fee farm grant or sub-lease amounts in substance to a sale and the personal representatives have satisfied themselves that it is the most appropriate method of disposing of the land in the course of the administration of the estate;

and where personal representatives grant or lease any land pursuant to any power conferred on them by this sub-section they may sell any rent reserved on such grant or any reversion expectant upon the determination of any such lease.

- (2) Notwithstanding anything to the contrary contained in the [^{F2} Rent (Northern Ireland) Order 1978], or in the Business Tenancies (Temporary Provisions) Acts (Northern Ireland), 1952^{F3} and 1954^{F3}, the right of the personal representatives to obtain possession of any premises demised by them pursuant to the power conferred by paragraph (a) of sub-section (1) shall be exercisable as if those Acts had not been passed.

Changes to legislation: There are currently no known outstanding effects for the Administration of Estates Act (Northern Ireland) 1955, Section 40. (See end of Document for details)

- (3) Where a sub fee farm grant or sub-lease is executed by personal representatives pursuant to the power conferred on them by paragraph (c) of sub-section (1) it shall, until the contrary is proved, be assumed that the power was properly exercised and the grantee or lessee (as the case may be) shall not be concerned to satisfy himself that this was so or to see to the application of any rent or other moneys payable by him. In this sub-section a reference to the grantee or the lessee shall include a reference to a person purchasing from, and to a successor in title of, the grantee or lessee.
- (4) The personal representatives of a deceased person may from time to time raise money by way of mortgage for the payment of debts, death duties or other taxes and, with the approval of all the beneficiaries being *sui juris* or the court (but not otherwise), for the erection, repair, improvement or completion of buildings, or the improvement of lands forming part of the estate of that deceased person.
- (5) Where land is settled by will and there are no trustees of the settlement, the personal representatives proving the will shall for all purposes be deemed to be trustees of the settlement until trustees of the settlement are appointed but a sole personal representative shall not be deemed to be a trustee for the purposes of the Settled Land Acts, 1882 to 1890, until at least one other trustee is appointed.
- (6) This section shall not prejudice or affect any power or duty of personal representatives to execute any document or do any other act or thing for the purpose of completing any transaction entered into by a deceased person before his death.

Subs. (7)(8) rep. by 1969 c. 30 (NI)

- (9)^{F4} A personal representative of a deceased person may—
 - (a) accept any property before the time at which it is transferable or payable;
 - (b) pay or allow any debt or claim on any evidence he may reasonably deem sufficient;
 - (c) accept any composition or security for any debt or property claimed;
 - (d) allow time for payment of any debt; or
 - (e) compromise, compound, abandon, submit to arbitration, or otherwise settle, any debt, account, dispute, claim or other matter relating to the estate of that deceased;
 - (f) settle and fix reasonable terms of remuneration for any trust corporation appointed by him under section thirty-eight to act as trustee over any property and authorise such trust corporation to charge and retain such remuneration out of that property
 and for any of those purposes may enter into such agreements or arrangements and execute such documents as seem to him expedient, without being personally responsible for any loss occasioned by any act or thing so done by him in good faith.
- (10) This section shall not prejudice or affect any powers conferred by will on personal representatives, and the powers conferred by this section on the personal representatives of a deceased person who has died testate shall be exercised subject to any provisions contained in his will with respect to the disposal of his estate.

F1	1997 NI 8
F2	1978 NI 20
F3	1964 c. 36 (NI)
F4	1958 c. 23 (NI)

Changes to legislation:

There are currently no known outstanding effects for the Administration of Estates Act (Northern Ireland) 1955, Section 40.