



# Trustee Act (Northern Ireland) 1958

## 1958 CHAPTER 23

### PART IV

#### POWERS OF THE COURT

##### VESTING ORDERS

#### **46 Vesting order in place of conveyance by personal representative of mortgagee.**

Where—

- (a) a mortgagee of land has died without having entered into possession or into the receipt of the rents and profits thereof; and
- (b) the money due in respect of the mortgage has been paid to a person entitled to receive the same, or that person consents to an order for the reconveyance of the land;

the court may make an order vesting the land in such person in such manner and for such estate or interest as the court may direct, where—

- (i) a personal representative or devisee of the mortgagee is out of the jurisdiction of the High Court or cannot be found, or, being a corporation, has been dissolved; or
- (ii) a personal representative or devisee of the mortgagee on demand made by or on behalf of a person entitled to require a conveyance of the land has stated in writing that he will not convey the same or does not convey the same for the space of twenty-eight days after a proper instrument for conveying the land has been tendered to him by or on behalf of the person so entitled; or
- (iii) it is uncertain which of several devisees of the mortgagee was the survivor; or
- (iv) it is uncertain whether the personal representative of the mortgagee or the survivor of several devisees of the mortgagee is living or dead; or
- (v) there is no personal representative to a mortgagee who has died intestate as to the land, or where the mortgagee has died, and it is uncertain who is his personal representative or devisee.

**Changes to legislation:**

There are currently no known outstanding effects for the Trustee Act (Northern Ireland) 1958, Section 46.