



# Administration of Estates Act 1925

## CHAPTER 23

### ADMINISTRATION OF ESTATES ACT 1925

#### PART I

##### DEVOLUTION OF REAL ESTATE

- 1 Devolution of real estate on personal representative.
- 2 Application to real estate of law affecting chattels real.
- 3 Interpretation of Part I.

#### PART II

##### EXECUTORS AND ADMINISTRATORS

###### *General Provisions*

- 4 .....
- 5 Cesser of right of executor to prove.
- 6 Withdrawal of renunciation.
- 7 Executor of executor represents original testator.
- 8 Right of proving executors to exercise powers.
- 9 Vesting of estate in Public Trustee where intestacy or lack of executors.
- 10—14 .....
- 15 Executor not to act while administration is in force.
- 16 .....
- 17 Continuance of legal proceedings after revocation of temporary administration.
- 18—20 .....
- 21 Rights and liabilities of administrator.
- 21A Debtor who becomes creditor's executor by representation or administrator to account for debt to estate.

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

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### *Special Provisions as to Settled Land*

- 22 Special executors as respects settled land.
- 23 Provisions where, as respects settled land, representation is not granted to the trustees of the settlement.
- 24 Power for special personal representatives to dispose of settled land.

### *Duties, Rights, and Obligations*

- 25 Duty of personal representatives.
- 26 Rights of action by and against personal representative.
- 27 Protection of persons acting on probate or administration.
- 28 Liability of person fraudulently obtaining or retaining estate of deceased.
- 29 Liability of estate of personal representative.
- 30 Provisions applicable where administration granted to nominee of the Crown.
- 31 Power to make rules.

## **PART III**

### ADMINISTRATION OF ASSETS

- 32 Real and personal estate of deceased are assets for payment of debts.
- 33 Trust for sale.
- 34 Administration of assets.
- 35 Charges on property of deceased to be paid primarily out of the property charged.
- 36 Effect of assent or conveyance by personal representative.
- 37 Validity of conveyance not affected by revocation of representation.
- 38 Right to follow property and powers of the court in relation thereto.
- 39 Powers of management.
- 40 Powers of personal representative for raising money, &c.
- 41 Powers of personal representative as to appropriation.
- 42 Power to appoint trustees of infants' property.
- 43 Obligations of personal representative as to giving possession of land and powers of the court.
- 44 Power to postpone distribution.

## **PART IV**

### DISTRIBUTION OF RESIDUARY ESTATE

- 45 Abolition of descent to heir, curtesy, dower and escheat.
- 46 Succession to real and personal estate on intestacy.
- 46A Disclaimer or forfeiture on intestacy
- 47 Statutory trusts in favour of issue and other classes of relatives of intestate.
- 47A Right of surviving spouse to have own life interest redeemed.
- 48 Powers of personal representative in respect of interests of surviving spouse.
- 49 Application to cases of partial intestacy.
- 50 Construction of documents.
- 51 Savings.
- 52 Interpretation of Part IV.

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## PART V

### SUPPLEMENTAL

- 53 General savings.
- 54 Application of Act.
- 55 Definitions.
- 56 Repeal.
- 57 Application to Crown.
- 58 Short title, commencement and extent.

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### SCHEDULES

#### FIRST SCHEDULE —

##### Part I — . . .

##### Part II — ORDER OF APPLICATION OF ASSETS WHERE THE ESTATE IS SOLVENT

- 1 Property of the deceased undisposed of by will, subject to...
- 2 Property of the deceased not specifically devised or bequeathed but...
- 3 Property of the deceased specifically appropriated or devised or bequeathed...
- 4 Property of the deceased charged with, or devised or bequeathed...
- 5 The fund, if any, retained to meet pecuniary legacies.
- 6 Property specifically devised or bequeathed, rateably according to value.
- 7 Property appointed by will under a general power, including the...
- 8 The following provisions shall also apply— (a) The order of...

#### SCHEDULE 1A — Determination of the fixed net sum

- 1 This Schedule has effect for determining the fixed net sum...
- 2 On the coming into force of this Schedule, the amount...
- 3 (1) The Lord Chancellor may from time to time by...
- 4 (1) This paragraph applies where— (a) a figure for the...
- 5 The Lord Chancellor must ensure that the power under paragraph...
- 6 (1) Unless the Lord Chancellor otherwise determines, an order under...
- 7 (1) The amount mentioned in paragraph 6(1) is found as...
- 8 (1) The Lord Chancellor may by order made by statutory...

#### SECOND — SCHEDULE

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**Changes to legislation:**

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