



Administration of Estates Act 1925

1925 CHAPTER 23

PART II

EXECUTORS AND ADMINISTRATORS

Special Provisions as to Settled Land

22 Special executors as respects settled land

- (1) A testator may appoint, and in default of such express appointment shall be deemed to have appointed, as his special executors in regard to settled land, the persons, if any, who are at his death the trustees of the settlement thereof, and probate may be granted to such trustees specially limited to the settled land.

In this subsection " settled land " means land vested in the testator which was settled previously to his death and not by his will.

- (2) A testator may appoint other persons either with or without such trustees as aforesaid or any of them to be his general executors in regard to his other property and assets.

23 Provisions where, as respects settled land, representation is not granted to the trustees of the settlement

- (1) Where settled land becomes vested in a personal representative, not being a trustee of the settlement, upon trust to convey the land to or assent to the vesting thereof in the tenant for life or statutory owner in order to give effect to a settlement created before the death of the deceased and not by his will, or would, on the grant of representation to him, have become so vested, such representative may—
- (a) before representation has been granted, renounce his office in regard only to such settled land without renouncing it in regard to other property;
 - (b) after representation has been granted, apply to the court for revocation of the grant in regard to the settled land without applying in regard to other property.

- (2) Whether such renunciation or revocation is made or not, the trustees of the settlement, or any person beneficially interested thereunder, may apply to the High Court for an order appointing a special or additional personal representative in respect of the settled land, and a special or additional personal representative, if and when appointed under the order, shall be in the same position as if representation had originally been granted to him alone in place of the original personal representative, if any, or to him jointly with the original personal representative, as the case may be, limited to the settled land, but without prejudice to the previous acts and dealings, if any, of the personal representative originally constituted or the effect of notices given to such personal representative.
- (3) The court may make such order as aforesaid subject to such security, if any, being given by or on behalf of the special or additional personal representative, as the court may direct, and shall, unless the court considers that special considerations apply, appoint such persons as may be necessary to secure that the persons to act as representatives in respect of the settled land shall, if willing to act, be the same persons as are the trustees of the settlement, and an office copy of the order when made shall be furnished to the Principal Probate Registry for entry, and a memorandum of the order shall be endorsed on the probate or administration.
- (4) The person applying for the appointment of a special or additional personal representative shall give notice of the application to the Principal Probate Registry in the manner prescribed.
- (5) Rules of court may be made for prescribing for all matters required for giving effect to the provisions of this section, and in particular—
 - (a) for notice of any application being given to the proper officer;
 - (b) for production of orders, probates, and administration to the registry;
 - (c) for the endorsement on a probate or administration of a memorandum of an order, subject or not to any exceptions;
 - (d) for the manner in which the costs are to be borne;
 - (e) for protecting purchasers and trustees and other persons in a fiduciary position, dealing in good faith with or giving notices to a personal representative before notice of any order has been endorsed on the probate or administration or a pending action has been registered in respect of the proceedings.

24 Power for special personal representatives to dispose of settled land

- (1) The special personal representatives may dispose of the settled land without the concurrence of the general personal representatives, who may likewise dispose of the other property and assets of the deceased without the concurrence of the special personal representatives.
- (2) In this section the expression "special personal representatives" means the representatives appointed to act for the purposes of settled land and includes any original personal representative who is to act with an additional personal representative for those purposes.