



Administration of Estates Act 1925

1925 CHAPTER 23 15 and 16 Geo 5

PART IV

DISTRIBUTION OF RESIDUARY ESTATE

Modifications etc. (not altering text)

- C1** Pt. IV amended by [Family Law Reform Act 1969 \(c. 46\), s. 14\(3\)](#)
C2 Pt. IV (ss. 45–52) amended by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\), s. 18\(1\)\(2\)\(4\)](#)

45 Abolition of descent to heir, curtesy, dower and escheat.

- (1) With regard to the real estate and personal inheritance of every person dying after the commencement of this Act, there shall be abolished—
- (a) All existing modes rules and canons of descent, and of devolution by special occupancy or otherwise, of real estate, or of a personal inheritance, whether operating by the general law or by the custom of gavelkind or borough english or by any other custom of any county, locality, or manor, or otherwise howsoever; and
 - (b) Tenancy by the curtesy and every other estate and interest of a husband in real estate as to which his wife dies intestate, whether arising under the general law or by custom or otherwise; and
 - (c) Dower and freebench and every other estate and interest of a wife in real estate as to which her husband dies intestate, whether arising under the general law or by custom or otherwise: Provided that where a right (if any) to freebench or other like right has attached before the commencement of this Act which cannot be barred by a testamentary or other disposition made by the husband, such right shall, unless released, remain in force as an equitable interest; and
 - (d) Escheat to the Crown or the Duchy of Lancaster or the Duke of Cornwall or to a mesne lord for want of heirs.
- (2) Nothing in this section affects the descent or devolution of an entailed interest.

Status: Point in time view as at 05/12/2005.

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

46 Succession to real and personal estate on intestacy.

(1) The residuary estate of an intestate shall be distributed in the manner or be held on the trusts mentioned in this section, namely:—

[^{F1}(i) If the intestate leaves a [^{F2}spouse or civil partner], then in accordance with the following table:

TABLE

If the intestate—

(1) leaves—

the residuary estate shall be held in trust for the surviving [^{F2}spouse or civil partner] absolutely.

(a) no issue, and

(b) no parent, or brother or sister of the whole blood, or issue of a brother or sister of the whole blood.

(2) leaves issue (whether or not persons mentioned in subparagraph (b) above also survive)

the surviving [^{F2}spouse or civil partner] shall take the personal chattels absolutely and, in addition, the residuary estate of the intestate (other than the personal chattels) shall stand charged with the payment of a [^{F3}fixed net sum], free of death duties and costs, to the surviving [^{F2}spouse or civil partner] with interest thereon from the date of the death . . .

^{F4}

[^{F5}at such rate as the Lord Chancellor may specify by order] until paid or appropriated, and, subject to providing for that sum and the interest thereon, the residuary estate (other than the personal chattels) shall be held—

(a) as to one half upon trust for the surviving [^{F2}spouse or civil partner] during his or her life, and, subject to such life interest, on the statutory trusts for the issue of the intestate, and

(b) as to the other half, on the statutory trusts for the issue of the intestate.

(3) leaves one or more of the following, that is to say, a parent, a brother or sister of the whole blood,

the surviving [^{F2}spouse or civil partner] shall take the personal chattels absolutely and, in addition, the residuary estate of the intestate

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or issue of a brother or sister of the whole blood, but leaves no issue (other than the personal chattels) shall stand charged with the payment of a [^{F3}fixed net sum], free of death duties and costs, to the surviving [^{F2}spouse or civil partner] with interest thereon from the date of the death . . .

^{F4}

[^{F5}at such rate as the Lord Chancellor may specify by order]until paid or appropriated, and, subject to providing for that sum and the interest thereon, the residuary estate (other than the personal chattels) shall be held—

(a) as to one half in trust for the surviving [^{F2}spouse or civil partner] absolutely, and

(b) as to the other half—

(i) where the intestate leaves one parent or both parents (whether or not brothers or sisters of the intestate or their issue also survive) in trust for the parent absolutely or, as the case may be, for the two parents in equal shares absolutely,

(ii) where the intestate leaves no parent, on the statutory trusts for the brothers and sisters of the whole blood of the intestate.

[^{F6}The fixed net sums referred to in paragraphs (2) and (3) of this Table shall be of the amounts provided by or under section 1 of the ^{M1}Family Provision Act 1966].]

- (ii) If the intestate leaves issue but no [^{F2}spouse or civil partner], the residuary estate of the intestate shall be held on the statutory trusts for the issue of the intestate;
- (iii) If the intestate leaves [^{F7}no [^{F2}spouse or civil partner] and] no issue but both parents, then, . . . ^{F8}, the residuary estate of the intestate shall be held in trust for the father and mother in equal shares absolutely;
- (iv) If the intestate leaves [^{F7}no [^{F2}spouse or civil partner] and] no issue but one parent, then, . . . ^{F8}, the residuary estate of the intestate shall be held in trust for the surviving father or mother absolutely;
- (v) If the intestate leaves no [^{F9}[^{F2}spouse or civil partner] and no issue and no] parent, then . . . ^{F10}, the residuary estate of the intestate shall be held in trust for the following persons living at the death of the intestate, and in the following order and manner, namely:—
- First, on the statutory trusts for the brothers and sisters of the whole blood of the intestate; but if no person takes an absolutely vested interest under such trusts, then

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Secondly, on the statutory trusts for the brothers and sisters of the half blood of the intestate; but if no person takes an absolutely vested interest under such trusts; then

Thirdly, for the grandparents of the intestate and, if more than one survive the intestate, in equal shares; but if there is no member of this class; then

Fourthly, on the statutory trusts for the uncles and aunts of the intestate (being brothers or sisters of the whole blood of a parent of the intestate); but if no person takes an absolutely vested interest under such trusts; then

Fifthly, on the statutory trusts for the uncles and aunts of the intestate (being brothers or sisters of the half blood of a parent of the intestate); . . . ^{F10};

- (vi) In default of any person taking an absolute interest under the foregoing provisions, the residuary estate of the intestate shall belong to the Crown or to the Duchy of Lancaster or to the Duke of Cornwall for the time being, as the case may be, as bona vacantia, and in lieu of any right to escheat.

The Crown or the said Duchy or the said Duke may (without prejudice to the powers reserved by section nine of the ^{M2}Civil List Act, 1910, or any other powers), out of the whole or any part of the property devolving on them respectively, provide, in accordance with the existing practice, for dependants, whether kindred or not, of the intestate, and other persons for whom the intestate might reasonably have been expected to make provision.

^{F11}(1A) The power to make orders under subsection (1) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and any such order may be varied or revoked by a subsequent order made under the power.]

- (2) A husband and wife shall for all purposes of distribution or division under the foregoing provisions of this section be treated as two persons.

^{F12}(2A) ^{F12}[Where the intestate's ^{F2}spouse or civil partner] survived the intestate but died before the end of the period of 28 days beginning with the day on which the intestate died, this section shall have effect as respects the intestate as if the ^{F2}spouse or civil partner had not survived the intestate.]

^{F13}(3) ^{F13}[Where the intestate and the intestate's ^{F2}spouse or civil partner] have died in circumstances rendering it uncertain which of them survived the other and the intestate's ^{F2}spouse or civil partner] is by virtue of section one hundred and eighty-four of the ^{M3}Law of Property Act, 1925, deemed to have survived the intestate, this section shall, nevertheless, have effect as respects the intestate as if the ^{F2}spouse or civil partner had not survived the intestate. ^{F13}(4) The interest payable on ^{F14}[the fixed net sum] payable to a surviving ^{F2}spouse or civil partner] shall be primarily payable out of income.]]

Textual Amendments

F1 S. 46(1)(i) substituted by [Intestates' Estates Act 1952 \(c. 64\), s. 1\(2\)](#)

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- F2** Words in s. 46 substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 4 para. 7**; S.I. 2005/3175, art. 2(1), Sch. 1
- F3** Words substituted by Family Provision Act 1966 (c. 35), **s. 1(2)(a)**
- F4** Words repealed by Statute Law (Repeals) Act 1981 (c. 19), s. 1(1), **Sch. 1 Pt. I**
- F5** Words substituted by Administration of Justice Act 1977 (c. 38, SIF 37), **s. 28(1)**
- F6** Words added by Family Provision Act 1966 (c. 35), **s. 1(2)(a)**
- F7** Words inserted by Intestates' Estates Act 1952 (c. 64), **s. 1(3)(a)**
- F8** Words repealed by Intestates' Estates Act 1952 (c. 64), **s. 1(3)(a)**
- F9** Words substituted by Intestates' Estates Act 1952 (c. 64), **s. 1(3)(b)(i)**
- F10** Words repealed by Intestates' Estates Act 1952 (c. 64), **s. 1(3)(b)(ii)**
- F11** S. 46(1A) inserted by Administration of Justice Act 1977 (c. 38, SIF 37), **s. 28(1)(b)**, with effect both as respects persons dying before 1953 and after 1952
- F12** S. 46(2A) inserted (8.11.1995 with effect as respects an intestate dying on or after 1.1.1996) by 1995 c. 41, **s. 1(1)(3)**
- F13** S. 46(3)(4) added by Intestates' Estates Act 1952 (c. 64), **s. 1(4)**
- F14** Words substituted by Family Provision Act 1966 (c. 35), **s. 1(2)(b)**

Modifications etc. (not altering text)

- C3** S. 46 applied by Adoption Act 1958 (7 & 8 Eliz. 2 c. 5), **s. 17(1)**
- C4** S. 46 set out as amended by Intestates' Estates Act 1952 (c. 64) in Sch. 1 to that Act
- C5** S. 46(1)(vi) amended by Inheritance (Provision for Family and Dependents) Act 1975 (c. 63, SIF 116:1), **s. 24**

Marginal Citations

- M1** 1966 c. 35 .
- M2** 1910 c. 28 .
- M3** 1925 c. 20.

47 Statutory trusts in favour of issue and other classes of relatives of intestate.

(1) Where under this Part of this Act the residuary estate of an intestate, or any part thereof, is directed to be held on the statutory trusts for the issue of the intestate, the same shall be held upon the following trusts, namely:—

- (i) In trust, in equal shares if more than one, for all or any the children or child of the intestate, living at the death of the intestate, who attain the age of [^{F15}eighteen years] or marry under that age[^{F16}or form a civil partnership under that age], and for all or any of the issue living at the death of the intestate who attain the age of [^{F15}eighteen years] or marry[^{F17}, or form a civil partnership,] under that age of any child of the intestate who predeceases the intestate, such issue to take through all degrees, according to their stocks, in equal shares if more than one, the share which their parent would have taken if living at the death of the intestate, and so that no issue shall take whose parent is living at the death of the intestate and so capable of taking;
- (ii) The statutory power of advancement, and the statutory provisions which relate to maintenance and accumulation of surplus income, shall apply, but when an infant marries[^{F18}, or forms a civil partnership,] such infant shall be entitled to give valid receipts for the income of the infant's share or interest;
- ^{F19}(iii)
- (iv) The personal representatives may permit any infant contingently interested to have the use and enjoyment of any personal chattels in such manner and subject to such conditions (if any) as the personal representatives may

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consider reasonable, and without being liable to account for any consequential loss.

- (2) If the trusts in favour of the issue of the intestate fail by reason of no child or other issue attaining an absolutely vested interest—
- (a) the residuary estate of the intestate and the income thereof and all statutory accumulations, if any, of the income thereof, or so much thereof as may not have been paid or applied under any power affecting the same, shall go, devolve and be held under the provisions of this Part of this Act as if the intestate had died without leaving issue living at the death of the intestate;
 - (b) references in this Part of this Act to the intestate “leaving no issue” shall be construed as “leaving no issue who attain an absolutely vested interest”;
 - (c) references in this Part of this Act to the intestate “leaving issue” or “leaving a child or other issue” shall be construed as “leaving issue who attain an absolutely vested interest.”
- (3) Where under this Part of this Act the residuary estate of an intestate or any part thereof is directed to be held on the statutory trusts for any class of relatives of the intestate, other than issue of the intestate, the same shall be held on trusts corresponding to the statutory trusts for the issue of the intestate (other than the provision for bringing any money or property into account) as if such trusts (other than as aforesaid) were repeated with the substitution of references to the members or member of that class for references to the children or child of the intestate.
- [^{F20}(4) References in paragraph (i) of subsection (1) of the last foregoing section to the intestate leaving, or not leaving, a member of the class consisting of brothers or sisters of the whole blood of the intestate and issue of brothers or sisters of the whole blood of the intestate shall be construed as references to the intestate leaving, or not leaving, a member of that class who attains an absolutely vested interest.]
- (5) ^{F21}

Textual Amendments

- F15** Words substituted by [Family Law Reform Act 1969 \(c. 46\), s. 3\(2\)](#)
- F16** Words in s. 47(1)(i) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(2\), Sch. 4 para. 8\(2\)](#); S.I. 2005/3175, art. 2(1), Sch. 1
- F17** Words in s. 47(1)(i) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(2\), Sch. 4 para. 8\(3\)](#); S.I. 2005/3175, art. 2(1), Sch. 1
- F18** Words in s. 47(1)(ii) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(2\), Sch. 4 para. 8\(4\)](#); S.I. 2005/3175, art. 2(1), Sch. 1
- F19** S. 47(1)(iii) repealed (8.11.1995 with effect as mentioned in the note to the Schedule of the repealing Act) by [1995 c. 41, ss. 1\(2\)\(a\)\(3\), 5, Sch.](#)
- F20** S. 47(4) added by [Intestates' Estates Act 1952 \(c. 64\), s. 1\(3\)\(c\)](#)
- F21** S. 47(5) repealed by [Family Provision Act 1966 \(c. 35\), s. 9, Sch. 2](#)

Modifications etc. (not altering text)

- C6** S. 47 set out as amended by [Intestates' Estates Act 1952 \(c. 64\)](#) in Sch. 1 to that Act

[^{F22}47A Right of surviving spouse to have own life interest redeemed.

- (1) Where a surviving [^{F23}spouse or civil partner] is entitled to a life interest in part of the residuary estate, and so elects, the personal representative shall purchase or redeem

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the life interest by paying the capital value thereof to the tenant for life, or the persons deriving title under the tenant for life, and the costs of the transaction: and thereupon the residuary estate of the intestate may be dealt with and distributed free from the life interest.

(2) F24

(3) An election under this section shall only be exercisable if at the time of the election the whole of the said part of the residuary estate consists of property in possession, but, for the purposes of this section, a life interest in property partly in possession and partly not in possession may be treated as consisting of two separate life interests in those respective parts of the property.

[The capital value shall be reckoned in such manner as the Lord Chancellor may by F25(3A) order direct, and an order under this subsection may include transitional provisions.

(3B) The power to make orders under subsection (3A) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and any such order may be varied or revoked by a subsequent order made under the power.]

(4) F26

(5) An election under this section shall be exercisable only within the period of twelve months from the date on which representation with respect tot the estate of the intestate is first taken out.

Provided that if the surviving [F27 spouse or civil partner] satisfies the court that the limitation to the said period of twelve months will operate unfairly—

- (a) in consequence of the representation first taken out being probate of a will subsequently revoked on the ground that the will was invalid or,
- (b) in consequence of a question whether a person had an interest in the estate, or as to the nature of an interest in the estate, not having been determined at the time when representation was first taken out, or
- (c) in consequence of some other circumstances affecting the administration or distribution of the estate,

the court may extend the said period.

(6) An election under this section shall be exercisable, except where the tenant for life is the sole personal representative, by notifying the personal representative (or, where there are two or more personal representatives of whom one is the tenant for life all of them except the tenant for life) in writing; and a notification in writing under this subsection shall not be revocable except with the consent of the personal representative.

(7) Where the tenant for life is the sole personal representative an election under this section shall not be effective unless written notice thereof is given to the [F28[F29 Senior Registrar] of the Family Division of the High Court] within the period within which it must be made; and provision may be made by probate rules for keeping a record of such notices and making that record available to the public.

In this subsection the expression “ probate rules ” means rules [F29 of court made under section 127 of the Supreme Court Act 1981.]

(8) An election under this section by a tenant for life who is an infant shall be as valid and binding as it would be if the tenant for life were of age; but the personal representative

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shall, instead of paying the capital value of the life interest to the tenant for life, deal with it in the same manner as with any other part of the residuary estate to which the tenant for life is absolutely entitled.

- (9) In considering for the purposes of the foregoing provisions of this section the question when representation was first taken out, a grant limited to settled land or to trust property shall be left out of account and a grant limited to real estate or to personal estate shall be left out of account unless a grant limited to the remainder of the estate has previously been made or is made at the same time.]

Textual Amendments

- F22** S. 47A added by [Intestates' Estates Act 1952 \(c. 64\), s. 2\(b\)](#)
- F23** Words in s. 47A(1) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(2\), Sch. 4 para. 9](#); [S.I. 2005/3175, art. 2\(1\), Sch. 1](#)
- F24** S. 47A(2) repealed by [Administration of Justice Act 1977 \(c. 38, SIF 37\), s. 28\(2\), Sch. 5 Pt. VI](#)
- F25** S. 47A(3A)(3B) inserted by [Administration of Justice Act 1977 \(c. 38, SIF 37\), s. 28](#)
- F26** S. 47A(4) repealed by [Administration of Justice Act 1977 \(c. 38, SIF 37\), s. 28\(2\), Sch. 5 Pt. VI](#)
- F27** Words in s. 47A(5) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(2\), Sch. 4 para. 9](#); [S.I. 2005/3175, art. 2\(1\), Sch. 1](#)
- F28** Words substituted by [Administration of Justice Act 1970 \(c. 31\), Sch. 2 para. 4](#)
- F29** Words substituted by [Supreme Court Act 1981 \(c. 54, SIF 37\), s. 152\(1\), Sch. 5](#)

Modifications etc. (not altering text)

- C7** S. 47A(9) applied by [Intestates' Estates Act 1952 \(c. 64\), s. 5, Sch. 2 para. 3\(3\)](#)

48 Powers of personal representative in respect of interests of surviving spouse.

- (1) ^{F30}
- (2) The personal representatives may raise—
- (a) [^{F31}the fixed net sum] or any part thereof and the interest thereon payable to the surviving [^{F32}spouse or civil partner] of the intestate on the security of the whole or any part of the residuary estate of the intestate (other than the personal chattels), so far as that estate may be sufficient for the purpose or the said sum and interest may not have been satisfied by an appropriation under the statutory power available in that behalf; and
 - (b) in like manner the capital sum, if any, required for the purchase or redemption of the life interest of the surviving [^{F32}spouse or civil partner] of the intestate, or any part thereof not satisfied by the application for that purpose of any part of the residuary estate of the intestate;

and in either case the amount, if any, properly required for the payment of the costs of the transaction.

Textual Amendments

- F30** S. 48(1) repealed by [Intestates' Estates Act 1952 \(c. 64\), s. 2\(a\)](#)
- F31** Words substituted by [Family Provision Act 1966 \(c. 35\), s. 1\(2\)\(b\)](#)
- F32** Words in s. 48(2) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(2\), Sch. 4 para. 10](#); [S.I. 2005/3175, art. 2\(1\), Sch. 1](#)

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Modifications etc. (not altering text)

C8 S. 48 set out as amended by [Intestates' Estates Act 1952 \(c. 64\)](#) in Sch. 1 to that Act

49 Application to cases of partial intestacy.

(1) Where any person dies leaving a will effectively disposing of part of his property, this Part of this Act shall have effect as respects the part of his property not so disposed of subject to the provisions contained in the will and subject to the following modifications:—

^{F33}(aa)

^{F33}(a)

(b) The personal representative shall, subject to his rights and powers for the purposes of administration, be a trustee for the persons entitled under this Part of this Act in respect of the part of the estate not expressly disposed of unless it appears by the will that the personal representative is intended to take such part beneficially.

[^{F34F33}(2)

^{F33}(3)

(4) The references in subsection (3) of section forty-seven A of this Act to property are references to property comprised in the residuary estate and, accordingly, where a will of the deceased creates a life interest in property in possession, and the remaining interest in that property forms part of the residuary estate, the said references are references to that remaining interest (which, until the life interest determines, is property not in possession).]

Textual Amendments

F33 S. 49(1)(aa)(a)(2)(3) repealed (8.11.1995 with effect as mentioned in the note to the Schedule of the repealing Act) by [1995 c. 41, ss. 1\(2\)\(b\)\(3\), 5, Sch.](#)

F34 S. 49(2)-(4) added by [Intestates' Estates Act 1952 \(c. 64\), s. 3\(3\)](#)

Modifications etc. (not altering text)

C9 S. 49 set out as amended by [Intestates' Estates Act 1952 \(c. 64\)](#) in Sch. 1 to that Act

50 Construction of documents.

(1) References to any Statutes of Distribution in an instrument inter vivos made or in a will coming into operation after the commencement of this Act, shall be construed as references to this Part of this Act; and references in such an instrument or will to statutory next of kin shall be construed, unless the context otherwise requires, as referring to the persons who would take beneficially on an intestacy under the foregoing provisions of this Part of this Act.

(2) Trusts declared in an instrument inter vivos made, or in a will coming into operation, before the commencement of this Act by reference to the Statutes of Distribution, shall, unless the contrary thereby appears, be construed as referring to the enactments (other than the ^{M4}Intestates' Estates Act, 1890) relating to the distribution of effects of intestates which were in force immediately before the commencement of this Act.

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[^{F35}(3) In subsection (1) of this section the reference to this Part of this Act, or the foregoing provisions of this Part of this Act, shall in relation to an instrument inter vivos made, or a will or codicil coming into operation, after the coming into force of section 18 of the Family Law Reform Act 1987 (but not in relation to instruments inter vivos made or wills or codicils coming into operation earlier) be construed as including references to that section.]

Textual Amendments

F35 S. 50(3) added by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(1), **Sch. 2 para. 3**

Modifications etc. (not altering text)

C10 S. 50(1) modified by Intestates' Estates Act 1952 (c. 64), s. 6(2) and Family Law Reform Act 1969 (c. 46), s. 14(6).

S. 50(1) modified (8.11.1995) by 1995 c. 41, s. 1(4)

C11 S. 50(1) amended by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 18(3)(4)

Marginal Citations

M4 1890 c. 29.

51 Savings.

- (1) Nothing in this Part of this Act affects the right of any person to take beneficially, by purchase, as heir either general or special.
- (2) The foregoing provisions of this Part of this Act do not apply to any beneficial interest in real estate (not including chattels real) to which a [^{F36}person of unsound mind] or defective living and of full age at the commencement of this Act, and unable, by reason of his incapacity, to make a will, who thereafter dies intestate in respect of such interest without having recovered his testamentary capacity, was entitled at his death, and any such beneficial interest (not being an interest ceasing on his death), shall, without prejudice to any will of the deceased, devolve in accordance with the general law in force before the commencement of this Act applicable to freehold land, and that law shall, notwithstanding any repeal, apply to the case.

For the purposes of this subsection, a [^{F36}person of unsound mind] or defective who dies intestate as respects any beneficial interest in real estate shall not be deemed to have recovered his testamentary capacity unless his . . . ^{F37} receiver has been discharged.

- (3) Where an infant dies after the commencement of this Act without having been married [^{F38}or having formed a civil partnership,] [^{F39}and without issue], and independently of this sub-section he would, at his death, have been equitably entitled under a [^{F40}trust or] settlement (including a will) to a vested estate in fee simple or absolute interest in freehold land, or in any property ^{F41}. . . to devolve therewith or as freehold land, such infant shall be deemed to have had [^{F42}a life interest], and the [^{F40}trust or] settlement shall be construed accordingly.

^{F43}(4)

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Textual Amendments

- F36** Words substituted by [Mental Treatment Act 1930 \(c. 23\)](#), [s. 20\(5\)](#) and [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 148, [Sch. 5 para. 29](#)
- F37** Words repealed by [Mental Health Act 1959 \(c. 72\)](#), [Sch. 8 Pt. I](#)
- F38** Words in s. 51(3) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), [Sch. 4 para. 11](#); S.I. 2005/3175, art. 2(1), Sch. 1
- F39** Words in s. 51(3) inserted (1.1.1997) by 1996 c. 47, s. 25(1), [Sch. 3 para. 6\(4\)\(a\)](#) (with ss. 24(2), 25(4)); S.I. 1996/2974, [art. 2](#)
- F40** Words in s. 51(3) inserted (1.1.1997) by 1996 c. 47, s. 25(1), [Sch. 3 para. 6\(4\)\(b\)](#) (with ss. 24(2), 25(4)); S.I. 1996/2974, [art. 2](#)
- F41** Word in s. 51(3) repealed (1.1.1997) by 1996 c. 47, s. 25(2), [Sch. 4](#) (with ss. 24(2), 25(4)); S.I. 1996/2974, [art. 2](#)
- F42** Words in s. 51(3) substituted (1.1.1997) by 1996 c. 47, s. 25(1), [Sch. 3 para. 6\(4\)\(c\)](#) (with ss. 24(2), 25(4)); S.I. 1996/2974, [art. 2](#)
- F43** S. 51(4) repealed (1.1.1997) by 1996 c. 47, s. 25(2), [Sch. 4](#) (with ss. 24(2), 25(4)); S.I. 1996/2974, [art. 2](#)

52 Interpretation of Part IV.

In this Part of this Act “real and personal estate” means every beneficial interest (including rights of entry and reverter) of the intestate in real and personal estate which (otherwise than in right of a power of appointment or of the testamentary power conferred by statute to dispose of entailed interests) he could, if of full age and capacity, have disposed of by his will [^{F44}and references (however expressed) to any relationship between two persons shall be construed in accordance with section 1 of the Family Law Reform Act 1987]

Textual Amendments

- F44** Words added by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), s. 33(1), [Sch. 2 para. 4](#)

Status:

Point in time view as at 05/12/2005.

Changes to legislation:

There are currently no known outstanding effects for the Administration of Estates Act 1925, Part IV.