



# Administration of Estates Act 1925

1925 CHAPTER 23 15 and 16 Geo 5

## PART IV

### DISTRIBUTION OF RESIDUARY ESTATE

#### **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.

**Changes to legislation:**

There are currently no known outstanding effects for the Administration of Estates Act 1925, Section 45.