



Intestates' Estates Act 1952

1952 CHAPTER 64 15 and 16 Geo 6 and 1 Eliz 2

PART I

AMENDMENTS OF LAW OF INTESTATE SUCCESSION

1 Succession to estate of intestate leaving a surviving spouse.

- (1) As respects a person dying intestate after the commencement of this Act sections forty-six, forty-seven and forty-eight of the ^{M1} Administration of Estates Act, 1925 (hereafter in this Part of this Act referred to as the “principal Act”), shall have effect subject to the amendments set out in this section.
- (2) For paragraph (i) of subsection (1) of the said section forty-six (which relates to the disposition of the residuary estate of an intestate leaving a surviving spouse) there shall be substituted the following paragraph—
- “(i) If the intestate leaves a husband or wife, then in accordance with the following Table:

TABLE

If the intestate—

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| (1) leaves — | the residuary estate shall be held in trust for the surviving husband or wife 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 husband or wife shall take the personal chattels absolutely and, in addition, the |

Changes to legislation: There are currently no known outstanding effects for the Intestates' Estates Act 1952, Section 1. (See end of Document for details)

residuary estate of the intestate (other than the personal chattels) shall stand charged with the payment of a net sum of five thousand pounds, free of death duties and costs, to the surviving husband or wife with interest thereon from the date of the death at the rate of four pounds per cent. per annum 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 husband or wife 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, or issue of a brother or sister of the whole blood, but leaves no issue

the surviving husband or wife 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 net sum of twenty thousand pounds, free of death duties and costs, to the surviving husband or wife with interest thereon from the date of the death at the rate of four pounds per cent. per annum 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 husband or wife 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

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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.”

- (3) In accordance with subsection (2) of this section—
- (a) in paragraph (iii) and (iv) of subsection (1) of the said section forty-six, after the word “leaves” there shall be inserted the words “ no husband or wife and ”; and the words “subject to the interests of a surviving husband or wife” shall be omitted,
 - (b) in paragraph (v) of the said subsection (1)—
 - (i) for the words “issue or” there shall be substituted the words “ husband or wife and no issue and no ” and
 - (ii) the words “subject to the interests of a surviving husband or wife” and the words “but if no person takes an absolutely vested interest under such trusts; then Sixthly, for the surviving husband or wife of the intestate absolutely” shall be omitted,
 - (c) at the end of section forty-seven of the principal Act there shall be added the following subsections—
 - “(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 intestat leaving, or not leaving, a member of that class who attains an absolutely vested interest.”
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- (d) in paragraph (a) of subsection (2) of section forty-eight of the principal Act, for the words “one thousand pounds” there shall be substituted the words “ five thousand, or, as the case may be, twenty thousand pounds ”.
- (4) At the end of the said section forty-six there shall be added the following subsections—
- “(3) Where the intestate and the intestate’s husband or wife have died in circumstances rendering it uncertain which of them survived the other and the intestate’s husband or wife is by virtue of section one hundred and eighty-four of the Law of Property Act, 1925, deemed to have survived the intestate, this section shall, nevertheless, have effect as respects the intestate as if the husband or wife had not survived the intestate.
 - (4) The interest payable on the net sum of five thousand pounds or, as the case may be, twenty thousand pounds payable to a surviving husband or wife shall be primarily payable out of income.”

Textual Amendments

F1 Words repealed by [Family Provision Act 1966 \(c. 35\)](#), s. 10(2), [Sch. 2](#)

Changes to legislation: *There are currently no known outstanding effects for the Intestates' Estates Act 1952, Section 1. (See end of Document for details)*

Modifications etc. (not altering text)

- C1** The text of ss. 1(2)(4), 2(a)(b), 3(2)(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
- C2** The text of s. 1(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M1** 1925 c. 23.

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