



# Administration of Estates Act (Northern Ireland) 1955

## 1955 CHAPTER 24

### PART I

#### ASSIMILATION OF REAL AND PERSONAL ESTATE FOR PURPOSES OF DEVOLUTION ON DEATH AND OF DESCENT ON INTESTACY

#### **1 Realty to devolve and descend as personalty.**

- (1) Real estate to which a deceased person was entitled for an estate or interest not ceasing on his death shall on his death, notwithstanding any testamentary disposition, devolve upon and become vested in his personal representatives from time to time as if it were personal estate vesting in them, and shall on intestacy be distributed in accordance with Part II as if it were the personal estate of an intestate who died domiciled in Northern Ireland.
- (2) Personal representatives shall be the representatives of a deceased person in regard to his real estate as well as in regard to his personal estate, and probate and letters of administration may be granted either separately in respect of real estate and in respect of personal estate, or in respect of real estate together with personal estate and may be granted in respect of real estate although there is no personal estate, or in respect of personal estate although there is no real estate so, however, that where the estate of the deceased person is known to be insolvent, the grant shall not be severed except as regards a trust estate.
- (3) Without prejudice to the succeeding provisions of this section all existing rules, modes and canons of descent and of devolution by special occupancy are hereby abolished except in so far as they may apply to the descent of an entailed estate or interest.
- (4) Dower and tenancy by the curtesy are hereby abolished.
- (5) Escheat to the Crown and escheat to a mesne lord for want of heirs are hereby abolished.

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*Changes to legislation: There are currently no known outstanding effects for the Administration of Estates Act (Northern Ireland) 1955, PART I. (See end of Document for details)*

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- (6) This section shall apply to any real estate over which a person exercises by will a general power of appointment, as if it were real estate vested in him.

## **2 Further assimilation of law respecting real and personal estates of deceased persons.**

- (1) All enactments (including this Act) and rules of law relating to—
- (a) the effect of probate or letters of administration as respects personal estate;
  - (b) the dealing with personal estate before probate or letters of administration;
  - (c) the powers, rights, duties, and liabilities of personal representatives in respect of personal estate;
  - (d) the payment of costs of administration; and
  - (e) all other matters with respect to the administration of personal estate;
- shall, so far as the same are applicable, extend and apply to real estate as if it were personal estate; and subsequent provisions of this section shall not prejudice the generality of this sub-section.
- (2) All jurisdiction of any court with respect to the appointment of administrators or otherwise with respect to the grant of probate or letters of administration as respects personal estate shall extend over, and be exercisable in relation to, real estate as if it were personal estate and the rights, as respects citations to see proceedings, of persons interested or claiming to be interested in the real estate of a deceased person shall be the same as those of persons interested or claiming to be interested in the personal estate of that deceased person.
- (3) A grant of probate or letters of administration shall, unless containing an express limitation to the contrary, have effect as well over the real as over the personal estate and the personal representatives of a deceased person shall hold his real estate as trustees for the persons by law entitled thereto.

*Subs. (4) rep. by 1958 c. 10 (NI)*

- (5) In the administration of the assets of a deceased person, his real estate shall be administered, subject to and in accordance with the provisions of Part IV, in the same manner and with the same incidents as if it were personal estate.

## **3<sup>F1</sup> Vesting of estate before grant of administration.**

All the estate, real as well as personal, of an intestate shall, until administration is granted in respect thereof, vest in the Probate Judge in the same manner and to the same extent as the personal estate of an intestate would, apart from this Act, have vested in such Judge.

F1 mod. 1994 c. 36
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## **4 Abolition of term “real representative” and construction of references to estates of deceased persons.**

- (1) The term “real representative” shall cease to be used and the term “representatives” shall, unless the contrary intention appears, mean personal representatives.

- (2) References in the subsequent provisions of this Act and in any subsequent enactment to the estate of a deceased person shall, unless the contrary intention appears, include references to both the real and personal estate of that deceased person.

## **5 Construction of references to heirs.**

- (1) The word “heir” or “heirs” used as a word of limitation in any enactment, deed or instrument passed or executed either before or after the commencement of this Act, shall have the same effect as if this Act had not passed.
- (2) The word “heir” or “heirs” used as a word of purchase in any enactment, deed or instrument passed or executed after the commencement of this Act, shall bear the same meaning as if this Act had not passed.
- (3) The word “heir” or “heirs” used as a word of purchase in any enactment, deed or instrument passed or executed after the commencement of this Act shall, unless the contrary intention appears, be construed to mean the person or persons, other than a creditor, who would be beneficially entitled under Part II to the estate of the ancestor if the ancestor had died intestate.
- (4) Subject as aforesaid, references in this Act and in any enactment, deed or instrument passed or executed either before or after the commencement of this Act to the heirs of any person, shall be construed as including references to his personal representatives.

**Changes to legislation:**

There are currently no known outstanding effects for the Administration of Estates Act (Northern Ireland) 1955, PART I.