



Administration of Justice Act 1982

1982 CHAPTER 53

PART IV

WILLS

Rectification and interpretation of wills

20 Rectification.

- (1) If a court is satisfied that a will is so expressed that it fails to carry out the testator's intentions, in consequence—
 - (a) of a clerical error; or
 - (b) of a failure to understand his instructions,it may order that the will shall be rectified so as to carry out his intentions.
- (2) An application for an order under this section shall not, except with the permission of the court, be made after the end of the period of six months from the date on which representation with respect to the estate of the deceased is first taken out.
- (3) The provisions of this section shall not render the personal representatives of a deceased person liable for having distributed any part of the estate of the deceased, after the end of the period of six months from the date on which representation with respect to the estate of the deceased is first taken out, on the ground that they ought to have taken into account the possibility that the court might permit the making of an application for an order under this section after the end of that period; but this subsection shall not prejudice any power to recover, by reason of the making of an order under this section, any part of the estate so distributed.
- [^{F1}(4) The following are to be left out of account when considering for the purposes of this section when representation with respect to the estate of a deceased person was first taken out—
 - (a) a grant limited to settled land or to trust property,
 - (b) any other grant that does not permit any of the estate to be distributed,

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1982, Cross Heading: Rectification and interpretation of wills. (See end of Document for details)

- (c) a grant limited to real estate or to personal estate, unless a grant limited to the remainder of the estate has previously been made or is made at the same time,
 - (d) a grant, or its equivalent, made outside the United Kingdom (but see subsection (5)).
- (5) A grant sealed under section 2 of the Colonial Probates Act 1892 counts as a grant made in the United Kingdom for the purposes of subsection (4), but is to be taken as dated on the date of sealing.]

Textual Amendments

F1 S. 20(4)(5) substituted for s. 20(4) (1.10.2014) by [Inheritance and Trustees' Powers Act 2014 \(c. 16\)](#), s. 12(2), [Sch. 3 para. 3](#) (with s. 12(4)); S.I. 2014/2039, art. 2

21 Interpretation of wills—general rules as to evidence.

- (1) This section applies to a will—
- (a) in so far as any part of it is meaningless;
 - (b) in so far as the language used in any part of it is ambiguous on the face of it;
 - (c) in so far as evidence, other than evidence of the testator's intention, shows that the language used in any part of it is ambiguous in the light of surrounding circumstances.
- (2) In so far as this section applies to a will extrinsic evidence, including evidence of the testator's intention, may be admitted to assist in its interpretation.

22 Presumption as to effect of gifts to spouses.

Except where a contrary intention is shown it shall be presumed that if a testator devises or bequeaths property to his spouse in terms which in themselves would give an absolute interest to the spouse, but by the same instrument purports to give his issue an interest in the same property, the gift to the spouse is absolute notwithstanding the purported gift to the issue.

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