



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, Section 20. (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

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