



Administration of Estates Act (Northern Ireland) 1955

1955 CHAPTER 24

PART IV

ADMINISTRATION OF ASSETS

34 General provisions as to assent or transfer by personal representatives.

- (1) In this and the next succeeding section—
- (a) references to the land of a testator or intestate are references to land to which the testator or intestate was entitled or over which he exercised a general power of appointment by will; and
 - (b) the expression “person entitled” includes, in relation to any estate or interest in the land of a testator or intestate—
 - (i) the persons or person (including the personal representatives of the testator or intestate or any of them) who (whether by devise, bequest, devolution, appropriation or otherwise) may be beneficially entitled to that estate or interest; and
 - (ii) the trustees or trustee or the personal representatives or representative of any such persons or person.
- (2) Without prejudice to any other power conferred by this Act on personal representatives with respect to any land of a testator or intestate, the personal representatives may execute an assent vesting any estate or interest in any such land in the person entitled thereto, or may transfer any such estate or interest to the person entitled thereto and may make the assent or transfer either subject to or free from a charge for the payment of any money which the personal representatives are liable to pay; and where the assent or transfer is made subject to a charge for all moneys, if any, which the personal representatives are liable to pay, all liabilities of the personal representatives in respect of the land shall cease, except as to any acts done or contracts entered into by them before the assent or transfer.

Changes to legislation: There are currently no known outstanding effects for the Administration of Estates Act (Northern Ireland) 1955, Section 34. (See end of Document for details)

- (3) At any time after the expiration of one year from the death of an owner of land, if the personal representatives have failed on the request of the person entitled to transfer, by assent or otherwise, the land to the person entitled, the court may, if it thinks fit, on the application of the person entitled and after notice to the personal representatives, order that the transfer be made, and in default of compliance with that order within the time specified therein by the court, may make an order vesting the land in the person entitled as fully and effectually as might have been done by a transfer thereof by the personal representatives.
- (4) An assent not in writing shall not be effectual to pass any estate or interest in land.
- (5) The statutory covenants implied by a person being expressed in a deed to convey as personal representative shall also be implied in any assent signed by a personal representative unless the assent otherwise provides.
- (6) It shall not be lawful for some or one only of several joint personal representatives, without leave of the court, to make any assent or transfer under this section, save that:
 - (a) where probate is granted to one or some of several persons named as executors, whether or not power is reserved to the others or other to prove, such assent or transfer may, notwithstanding any other provision or rule of law to the contrary, be made by the proving executor or executors, without leave of the court, as fully and effectually as if all the persons named as executors had concurred therein; and
 - (b) where the proving executor or executors exercise any power conferred by the preceding paragraph this section and the next two succeeding sections shall have effect as if references therein to personal representatives were references to the proving executor or executors.
- (7) The court may order land not specifically devised or land vested in a personal representative as such to be sold on such terms and within such period as may appear reasonable, and, on the failure of the personal representative to comply with such order, the court may, on the application of the person entitled or any person beneficially interested, direct a sale of the lands upon such terms as it thinks fit.
- (8) This section shall not operate to impose any stamp duty in respect of an assent.

Changes to legislation:

There are currently no known outstanding effects for the Administration of Estates Act (Northern Ireland) 1955, Section 34.