



# Administration of Estates Act 1925

1925 CHAPTER 23 15 and 16 Geo 5

## PART II

### EXECUTORS AND ADMINISTRATORS

#### *Duties, Rights, and Obligations*

#### [<sup>F1</sup>25 **Duty of personal representatives.**

The personal representative of a deceased person shall be under a duty to—

- (a) collect and get in the real and personal estate of the deceased and administer it according to law;
- (b) when required to do so by the court, exhibit on oath in the court a full inventory of the estate and when so required render an account of the administration of the estate to the court;
- (c) when required to do so by the High Court, deliver up the grant of probate or administration to that court.]

#### **Textual Amendments**

**F1** S. 25 substituted by [Administration of Estates Act 1971 \(c. 25\), s. 9](#)

#### **Modifications etc. (not altering text)**

**C1** S. 25(a)(b) applied by [Administration of Estates Act 1971 \(c. 25\), s. 11\(2\)](#)

**C2** S. 25(c) excluded by [Administration of Estates Act 1971 \(c. 25\), s. 1\(5\)](#)

#### 26 **Rights of action by and against personal representative.**

(1) ..... <sup>F2</sup>

(2) ..... <sup>F2</sup>

<sup>F3</sup>(3) .....

*Changes to legislation: There are currently no known outstanding effects for the Administration of Estates Act 1925, Cross Heading: Duties, Rights, and Obligations. (See end of Document for details)*

[<sup>F4</sup>(4) To recover rent due or accruing to the deceased, a personal representative may exercise any power under section 72(1) (commercial rent arrears recovery) or 81 (right to rent from sub-tenant) of the Tribunals, Courts and Enforcement Act 2007 that would have been exercisable by the deceased if he had still been living.]

(5) ..... F2

(6) ..... F2

<b>Textual Amendments</b>	
<b>F2</b>	S. 26(1)(2)(5)(6) repealed by <a href="#">Law Reform (Miscellaneous Provisions) Act 1934 (c. 41), s. 1(7)</a>
<b>F3</b>	S. 26(3) omitted (6.4.2014) by virtue of <a href="#">Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, Sch. 14 para. 28(2), 23 Pt. 4</a> (with s. 89); S.I. 2014/768, art. 2(1)(b)
<b>F4</b>	S. 26(4) substituted (6.4.2014) by <a href="#">Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, Sch. 14 para. 28(3)</a> (with s. 89); S.I. 2014/768, art. 2(1)(b)

**27 Protection of persons acting on probate or administration.**

- (1) Every person making or permitting to be made any payment or disposition in good faith under a representation shall be indemnified and protected in so doing, notwithstanding any defect or circumstance whatsoever affecting the validity of the representation.
- (2) Where a representation is revoked, all payments and dispositions made in good faith to a personal representative under the representation before the revocation thereof are a valid discharge to the person making the same; and the personal representative who acted under the revoked representation may retain and reimburse himself in respect of any payments or dispositions made by him which the person to whom representation is afterwards granted might have properly made.

**28 Liability of person fraudulently obtaining or retaining estate of deceased.**

If any person, to the defrauding of creditors or without full valuable consideration, obtains, receives or holds any real or personal estate of a deceased person or effects the release of any debt or liability due to the estate of the deceased, he shall be charged as executor in his own wrong to the extent of the real and personal estate received or coming to his hands, or the debt or liability released, after deducting—

- (a) any debt for valuable consideration and without fraud due to him from the deceased person at the time of his death; and
- (b) any payment made by him which might properly be made by a personal representative.

**29 Liability of estate of personal representative.**

Where a person as personal representative of a deceased person (including an executor in his own wrong) wastes or converts to his own use any part of the real or personal estate of the deceased, and dies, his personal representative shall to the extent of the available assets of the defaulter be liable and chargeable in respect of such waste or conversion in the same manner as the defaulter would have been if living.

---

**Changes to legislation:** There are currently no known outstanding effects for the Administration of Estates Act 1925, Cross Heading: Duties, Rights, and Obligations. (See end of Document for details)

---

### 30 Provisions applicable where administration granted to nominee of the Crown.

- (1) Where the administration of the real and personal estate of any deceased person is granted to a nominee of the Crown (whether the Treasury Solicitor, or a person nominated by the Treasury Solicitor, or any other person), any legal proceeding by or against that nominee for the recovery of the real or personal estate, or any part of share thereof, shall be of the same character, and be instituted and carried on in the same manner, and be subject to the same rules of law and equity (including, except as otherwise provided by this Act, the rules of limitation under the statutes of limitation or otherwise), in all respects as if the administration had been granted to such nominee as one of the persons interested under this Act in the estate of the deceased.
- (2) An information or other proceeding on the part of His Majesty shall not be filed or instituted, and a petition of right shall not be presented, in respect of the real or personal estate of any deceased person or any part or share thereof, or any claim thereon, except . . . <sup>F5</sup> subject to the same rules of law and equity within and subject to which a proceeding for the like purposes might be instituted by or against a subject.
- (3) The Treasury Solicitor shall not be required, when applying for or obtaining administration of the estate of a deceased person for the use or benefit of His Majesty, to deliver, nor shall . . . <sup>F6</sup> the High Court or the Commissioners of Inland Revenue be entitled to receive in connexion with any such application or grant of administration, any affidavit, statutory declaration, account, certificate, or other statement verified on oath; but the Treasury Solicitor shall deliver and the said Division and Commissioners respectively shall accept, in lieu thereof, an account or particulars of the estate of the deceased signed by or on behalf of the Treasury Solicitor.
- (4) References in sections two, four, . . . <sup>F7</sup> and seven of the <sup>M1</sup>Treasury Solicitor Act, 1876, and in subsection (3) of section three of the <sup>M2</sup>Duchy of Lancaster Act, 1920, to “personal estate” shall include real estate.

#### Textual Amendments

- F5** Words repealed by [Limitation Act 1939 \(c. 21\)](#), [Sch.](#)  
**F6** Words repealed by [Administration of Justice Act 1970 \(c. 31\)](#), [Sch. 11](#)  
**F7** Word repealed by [Statute Law \(Repeals\) Act 1981 \(c. 19\)](#), s. 1(1), [Sch. 1 Pt. I](#)

#### Marginal Citations

- M1** [1876 c. 18.](#)  
**M2** [1920 c. 51.](#)

### 31 Power to make rules.

Provision may be made by rules of court for giving effect to the provisions of this Part of this Act so far as relates to real estate and in particular for adapting the procedure and practice on the grant of letters of administration to the case of real estate.

**Changes to legislation:**

There are currently no known outstanding effects for the Administration of Estates Act 1925,  
Cross Heading: Duties, Rights, and Obligations.