



# Administration of Estates Act 1925

1925 CHAPTER 23 15 and 16 Geo 5

## PART III

### ADMINISTRATION OF ASSETS

#### 39 Powers of management.

- (1) In dealing with the real and personal estate of the deceased his personal representatives shall, for purposes of administration, or during a minority of any beneficiary or the subsistence of any life interest, or until the period of distribution arrives, have—
- (i) [<sup>F1</sup>as respects the personal estate] the same powers and discretions, including power to raise money by mortgage or charge (whether or not by deposit of documents), as a personal representative had before the commencement of this Act, with respect to personal estate vested in him, <sup>F2</sup>. . .; and
  - [<sup>F3</sup>(ii) as respects the real estate, all the functions conferred on them by Part I of the Trusts of Land and Appointment of Trustees Act 1996;] and
  - (iii) all the powers [<sup>F4</sup>necessary] so that every contract entered into by a personal representative shall be binding on and be enforceable against and by the personal representative for the time being of the deceased, and may be carried into effect, or be varied or rescinded by him, and, in the case of a contract entered into by a predecessor, as if it had been entered into by himself.

[<sup>F5</sup>(1A) Subsection (1) of this section is without prejudice to the powers conferred on personal representatives by the Trustee Act 2000.]

- (2) Nothing in this section shall affect the right of any person to require an assent or conveyance to be made.
- (3) This section applies whether the testator or intestate died before or after the commencement of this Act.

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*Changes to legislation: There are currently no known outstanding effects for the Administration of Estates Act 1925, Section 39. (See end of Document for details)*

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#### Textual Amendments

- F1** Words in s. 39(1)(i) inserted (1.1.1997) by 1996 c. 47, s. 25(1), **Sch. 3 para. 6(2)(a)** (with ss. 24(2), 25(4)); S.I. 1996/2974, **art. 2**
- F2** Words in s. 39(1)(i) repealed (1.1.1997) by 1996 c. 47, s. 25(2), **Sch. 4** (with ss. 24(2), 25(4)); S.I. 1996/2974, **art. 2**
- F3** S. 39(1)(ii) substituted (1.1.1997) by 1996 c. 47, s. 25(1), **Sch. 3 para. 6(2)(b)** (with ss. 24(2), 25(4)); S.I. 1996/2974, **art. 2**
- F4** Words in s. 39(1)(iii) substituted (1.1.1997) by 1996 c. 47, s. 25(1), **Sch. 3 para. 6(2)(c)** (with ss. 24(2), 25(4)); S.I. 1996/2974, **art. 2**
- F5** S. 39(1A) inserted (1.2.2001) by 2000 c. 29, s. 40(1), **Sch. 2 Pt. II para. 28** (with s. 35); S.I. 2001/49, **art. 2**

**Changes to legislation:**

There are currently no known outstanding effects for the Administration of Estates Act 1925, Section 39.