



Administration of Estates Act 1925

1925 CHAPTER 23 15 and 16 Geo 5

PART IV

DISTRIBUTION OF RESIDUARY ESTATE

47 Statutory trusts in favour of issue and other classes of relatives of intestate.

- (1) Where under this Part of this Act the residuary estate of an intestate, or any part thereof, is directed to be held on the statutory trusts for the issue of the intestate, the same shall be held upon the following trusts, namely:—
- (i) In trust, in equal shares if more than one, for all or any the children or child of the intestate, living at the death of the intestate, who attain the age of [^{F1}eighteen years] or marry under that age[^{F2}or form a civil partnership under that age], and for all or any of the issue living at the death of the intestate who attain the age of [^{F1}eighteen years] or marry[^{F3}, or form a civil partnership,] under that age of any child of the intestate who predeceases the intestate, such issue to take through all degrees, according to their stocks, in equal shares if more than one, the share which their parent would have taken if living at the death of the intestate, and so that[^{F4}(subject to section 46A)] no issue shall take whose parent is living at the death of the intestate and so capable of taking;
 - (ii) The statutory power of advancement, and the statutory provisions which relate to maintenance and accumulation of surplus income, shall apply, but when an infant marries[^{F5}, or forms a civil partnership,] such infant shall be entitled to give valid receipts for the income of the infant's share or interest;
 - ^{F6}(iii)
 - (iv) The personal representatives may permit any infant contingently interested to have the use and enjoyment of any personal chattels in such manner and subject to such conditions (if any) as the personal representatives may consider reasonable, and without being liable to account for any consequential loss.
- (2) If the trusts in favour of the issue of the intestate fail by reason of no child or other issue attaining an absolutely vested interest—

Changes to legislation: There are currently no known outstanding effects for the Administration of Estates Act 1925, Section 47. (See end of Document for details)

- (a) the residuary estate of the intestate and the income thereof and all statutory accumulations, if any, of the income thereof, or so much thereof as may not have been paid or applied under any power affecting the same, shall go, devolve and be held under the provisions of this Part of this Act as if the intestate had died without leaving issue living at the death of the intestate;
 - (b) references in this Part of this Act to the intestate “leaving no issue” shall be construed as “leaving no issue who attain an absolutely vested interest”;
 - (c) references in this Part of this Act to the intestate “leaving issue” or “leaving a child or other issue” shall be construed as “leaving issue who attain an absolutely vested interest.”
- (3) Where under this Part of this Act the residuary estate of an intestate or any part thereof is directed to be held on the statutory trusts for any class of relatives of the intestate, other than issue of the intestate, the same shall be held on trusts corresponding to the statutory trusts for the issue of the intestate (other than the provision for bringing any money or property into account) as if such trusts (other than as aforesaid) were repeated with the substitution of references to the members or member of that class for references to the children or child of the intestate.

[^{F7}(4) References in paragraph (i) of subsection (1) of the last foregoing section to the intestate leaving, or not leaving, a member of the class consisting of brothers or sisters of the whole blood of the intestate and issue of brothers or sisters of the whole blood of the intestate shall be construed as references to the intestate leaving, or not leaving, a member of that class who attains an absolutely vested interest.]

[^{F8}(4A) Subsections (2) and (4) are subject to section 46A.]

[^{F9}(4B) Subsections (4C) and (4D) apply if a beneficiary under the statutory trusts—

- (a) fails to attain an absolutely vested interest because the beneficiary dies without having reached 18 and without having married or formed a civil partnership, and
- (b) dies leaving issue.

(4C) The beneficiary is to be treated for the purposes of this Part as having died immediately before the intestate.

(4D) The residuary estate (together with the income from it and any statutory accumulations of income from it) or so much of it as has not been paid or applied under a power affecting it is to devolve accordingly.]

(5) ^{F10}

Textual Amendments	
F1	Words substituted by Family Law Reform Act 1969 (c. 46), s. 3(2)
F2	Words in s. 47(1)(i) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), Sch. 4 para. 8(2) ; S.I. 2005/3175, art. 2(1), Sch. 1
F3	Words in s. 47(1)(i) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), Sch. 4 para. 8(3) ; S.I. 2005/3175, art. 2(1), Sch. 1
F4	Words in s. 47(1)(i) inserted (1.2.2012) by Estates of Deceased Persons (Forfeiture Rule and Law of Succession) Act 2011 (c. 7), ss. 1(3), 4(2) (with s. 4(4)); S.I. 2011/2913, art. 2
F5	Words in s. 47(1)(ii) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), Sch. 4 para. 8(4) ; S.I. 2005/3175, art. 2(1), Sch. 1

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- F6** S. 47(1)(iii) repealed (8.11.1995 with effect as mentioned in the note to the Schedule of the repealing Act) by 1995 c. 41, ss. 1(2)(a)(3), 5, **Sch.**
- F7** S. 47(4) added by Intestates' Estates Act 1952 (c. 64), **s. 1(3)(c)**
- F8** S. 47(4A) inserted (1.2.2012) by Estates of Deceased Persons (Forfeiture Rule and Law of Succession) Act 2011 (c. 7), **ss. 1(4), 4(2)** (with s. 4(4)); S.I. 2011/2913, art. 2
- F9** S. 47(4B)(4C)(4D) inserted (1.2.2012) by Estates of Deceased Persons (Forfeiture Rule and Law of Succession) Act 2011 (c. 7), **ss. 3, 4(2)** (with s. 4(4)); S.I. 2011/2913, art. 2
- F10** S. 47(5) repealed by Family Provision Act 1966 (c. 35), s. 9, **Sch. 2**

Modifications etc. (not altering text)

- C1** S. 47 set out as amended by Intestates' Estates Act 1952 (c. 64) in Sch. 1 to that Act

Changes to legislation:

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