



# Administration of Estates Act 1925

1925 CHAPTER 23 15 and 16 Geo 5

## PART IV

### DISTRIBUTION OF RESIDUARY ESTATE

#### 48 Powers of personal representative in respect of interests of surviving spouse.

- (1) .....<sup>F1</sup>
- (2) The personal representatives may raise—
- (a) [<sup>F2</sup>the fixed net sum] or any part thereof and the interest thereon payable to the surviving [<sup>F3</sup>spouse or civil partner] of the intestate on the security of the whole or any part of the residuary estate of the intestate (other than the personal chattels), so far as that estate may be sufficient for the purpose or the said sum and interest may not have been satisfied by an appropriation under the statutory power available in that behalf;<sup>F4</sup>...
- <sup>F4</sup>(b) .....  
and <sup>F5</sup>... the amount, if any, properly required for the payment of the costs of the transaction.

#### Textual Amendments

- F1** S. 48(1) repealed by [Intestates' Estates Act 1952 \(c. 64\), s. 2\(a\)](#)
- F2** Words substituted by [Family Provision Act 1966 \(c. 35\), s. 1\(2\)\(b\)](#)
- F3** Words in s. 48(2) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(2\), Sch. 4 para. 10](#); S.I. 2005/3175, art. 2(1), Sch. 1
- F4** S. 48(2)(b) omitted (1.10.2014) by virtue of [Inheritance and Trustees' Powers Act 2014 \(c. 16\), s. 12\(2\), Sch. 4 para. 1\(4\)\(a\)](#) (with s. 12(4)); S.I. 2014/2039, art. 2
- F5** Words in s. 48(2) omitted (1.10.2014) by virtue of [Inheritance and Trustees' Powers Act 2014 \(c. 16\), s. 12\(2\), Sch. 4 para. 1\(4\)\(b\)](#) (with s. 12(4)); S.I. 2014/2039, art. 2

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

- C1** S. 48 set out as amended by [Intestates' Estates Act 1952 \(c. 64\)](#) in Sch. 1 to that Act

**Changes to legislation:**

There are currently no known outstanding effects for the Administration of Estates Act 1925, Section 48.