

## Administration of Estates Act, 1960

1. The above Act takes effect on and after the 5th day of July, 1961 and alters the law relating to the devolution of real and personal estate of persons dying intestate on or after that date.

2. The short effect of Section 33 of the Act is to provide that on the death of a person intestate as to any real or personal estate such estate shall vest in and be held by his personal representatives (usually administrators) Upon trust for sale and conversion into money with power of postponement and that out of the net money to arise from such sale and conversion and any ready money shall be paid the costs funeral testamentary and administrative expenses debts and other liabilities as are properly payable and that the residue of the said money shall be distributed in the manner indicated by Section 45 of the Act.

3. Section 45 of the Act may be shortly summarised as follows:—

If a person dies intestate leaving	Persons entitled to the estate or trusts on which it is to be held.	Persons entitled to administration.
(i) HUSBAND or WIFE and no issue.	The surviving husband or wife absolutely.	
HUSBAND or WIFE and issue.	<p>The surviving husband or wife takes—</p> <p>(i) the personal chattels absolutely (Note A);</p> <p>(ii) £2,000 free of death duties and costs with interest at 4% from date of death until paid or appropriated (Note B);</p> <p>(iii) residue as to—</p> <p>(a) one half for the surviving husband or wife absolutely and</p> <p>(b) as to the other half on the statutory trusts (Note C) for the issue of the intestate; but</p>	

If a person dies intestate leaving	Persons entitled to the estate or trusts on which it is to be held.	Persons entitled to administration.
	(c) if no issue attains 21 or marries, then (subject to certain powers) on trusts as if intestate died without leaving issue living at intestate's death.	
(ii) ISSUE but no HUSBAND or WIFE.	On the statutory trusts (Note C) for the issue of the intestate.	
(iii) No HUSBAND or WIFE and no ISSUE who attains 21 or marries but both PARENTS.	Father and mother in equal shares absolutely.	
(iv) No HUSBAND or WIFE and no such ISSUE but one PARENT.	Surviving father or mother absolutely.	
(v) No HUSBAND or WIFE no such ISSUE, no PARENT.	<p>First— On the statutory trusts (Note C) for brothers and sisters of the whole blood of the intestate; but if no person takes an absolutely vested interest under such trusts; then</p> <p>Secondly— On the statutory trusts (Note C) for brothers and sisters of the half blood of the intestate; but if no person takes an absolutely vested interest under such trusts; then</p> <p>Thirdly— The grandparents of the intestate and, if more than one survive the intestate, in equal shares; but if no member of this class; then</p>	

If a person dies intestate leaving	Persons entitled to the estate or trusts on which it is to be held.	Persons entitled to administration.
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Fourthly—  
 On the statutory trusts (Note C) for the uncles and aunts of the intestate (being brothers and sisters of the whole blood of a parent of the intestate); but if no person takes an absolutely vested interest under such trusts; then

Fifthly—  
 On the statutory trusts (Note C) for the uncles and aunts of the intestate (being brothers and sisters of the half blood of a parent of the intestate).

(vi) No person taking an absolute interest under the foregoing provisions.	The Government Property Trustees.
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NOTE A: For the meaning of “personal chattels” see Administration of Estates Act, 1960, Section 54 (x).

NOTE B: The interest on the £2,000 is primarily payable out of income—Section 45 (3).

NOTE C: Statutory trusts, i.e. in equal shares if more than one for the members of the class living at the intestate’s death and for the issue of predeceasing members per stirpes or stocks, children never taking concurrently with their parents, but only those members or issue who attain 21 or marry—See Section 46 for fuller statement.