

ADMINISTRATION OF ESTATES ACT 1959

- LONG TITLE

AN ACT TO PROVIDE FOR THE DEVOLUTION OF REAL ESTATE ON PERSONAL REPRESENTATIVES ON DEATH, TO AMEND IN CERTAIN OTHER RESPECTS THE LAW RELATING TO THE ADMINISTRATION OF THE ESTATES OF DECEASED PERSONS, TO REPEAL CERTAIN ENACTMENTS RELATING TO THE ADMINISTRATION OF THE ESTATES OF DECEASED PERSONS AND TO PROVIDE FOR OTHER RELATED MATTERS. [20th May, 1959.] BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

- PART I - PRELIMINARY AND GENERAL

- SECT 1 Short title and commencement.

SECT 1.—(1) This Act may be cited as the Administration of Estates Act, 1959. (2) (a) This Act (except Parts II and III and section 26 in Part IV) shall come into operation immediately on the passing thereof. (b) Parts II and III and section 26 in Part IV of this Act shall come into operation on the 1st day of June, 1959.

SECT 2 Interpretation.

SECT 2.—(1) In this Act— "the Act of 1891" means the Registration of Title Act, 1891; "the Court" means the High Court and includes, in the case of the estate of a deceased person where the Circuit Court has jurisdiction to hear and determine a suit for the administration of the estate, the Circuit Court; "personal representative" means the executor, original or by representation, or the administrator for the time being of a deceased person; "real estate" does not include money to arise upon a trust for sale of land or money secured or charged on land; "registered land" means land the title to which is registered under the Act of 1891; "the Registry of Deeds" means the registry maintained under the Registration of Deeds Act, 1707; "the Registration of Deeds Act, 1707" means the pre-union Irish statute (6 Anne c. 2 (Ir.)) passed in the year 1707 and entitled "An Act for the Publick Registering of all Deeds, Conveyances and Wills that shall be made of any Honors, Lands, Tenements or Hereditaments"; "unregistered land" means land the title to which is not registered under the Act of 1891; "will" includes codicil. (2) In this Act references to any enactment shall be construed as references to that enactment as amended or extended by any subsequent enactment.

- SECT 3 Operation of Parts II and III of Act.

SECT 3.—Parts II and III of this Act shall not apply to the estate of any person dying before the 1st day of June, 1959.

- SECT 4 Minor and consequential amendments.

SECT 4.—The enactments mentioned in column (2) of the First Schedule to this Act shall, as respects the estates of persons dying on or after the 1st day of June, 1959, have effect subject to the minor and consequential amendments specified in column (3) of that Schedule.

- SECT 5 Repeals.

SECT 5.—The enactments mentioned in column (2) of the Second Schedule to this Act are, as respects the estates of persons dying on or after the 1st day of June, 1959, repealed to the extent specified in column (3) of that Schedule.

- PART II - DEVOLUTION OF REAL ESTATE ON DEATH

- SECT 6 Devolution of real estate on death.

SECT 6.—(1) (a) Subject to the provisions of this Part of this Act, real estate to which a deceased person was entitled for an estate or interest not ceasing on his death shall on his death, notwithstanding

any testamentary disposition, devolve on and become vested in his personal representatives from time to time as if it were a chattel real vesting in them. (b) For the purposes of paragraph (a) of this subsection— (i) an estate or interest in real estate which passes under any gift contained in the will of a deceased person which operates as an appointment under a general power to appoint by will shall be deemed to be an estate or interest not ceasing on his death to which he was entitled, (ii) an estate or interest in real estate of a deceased person under an estate tail shall be deemed to be an estate or interest ceasing on his death, but any further estate or interest of the deceased in remainder or reversion in that real estate which is capable of being disposed of by his will shall be deemed to be an estate or interest not so ceasing, (iii) an estate or interest of a deceased person under a joint tenancy where any tenant survives the deceased shall be deemed to be an estate or interest ceasing on his death, (iv) on the death of a corporator sole his estate or interest in the corporation's real estate shall be deemed to be an estate or interest ceasing on his death. (2) References in the subsequent sections of this Part of this Act to the real estate of a deceased person shall be construed as references to the real estate of the deceased which devolves on his personal representatives by virtue of subsection (1) of this section.

- SECT 7 Provisions as to administration.

SECT 7.—(1) Subject to the powers, rights, duties and liabilities hereinafter mentioned in this Act, the personal representatives of a deceased person shall hold his real estate as trustees for the persons by law entitled thereto, and those persons shall, subject to the provisions of this Act, have the same power of requiring a transfer of real estate as persons entitled to personal estate have of requiring a transfer of such personal estate. (2) Subject to the provisions of this Act, all enactments and rules of law relating to— (a) the effect of probate or letters of administration as respects chattels real, (b) the dealing with chattels real before probate or letters of administration, (c) the powers, rights, duties and liabilities of personal representatives in respect of personal estate, (d) the payment of costs of administration, and (e) all other matters in relation to the administration of personal estate, shall, so far as the same are applicable, apply to real estate as if it were a chattel real. (3) (a) In the administration of the assets of a person dying on or after the 1st day of June, 1959, his real estate shall be administered in the same manner, subject to the same liabilities for debts, costs and expenses and with the same incidents, as if it were personal estate. (b) Nothing in paragraph (a) of this subsection shall alter or affect the order in which real and personal assets respectively are immediately before the 1st day of June, 1959, applicable in or towards the payment of funeral and testamentary expenses, debts or legacies, or the liability of real estate to be charged with the payment of legacies. (4) Where a person dies possessed of real estate, the High Court shall, in granting letters of administration, have regard to the rights and interests of persons interested in his real estate, and his heir-at-law, if not one of the next-of-kin, shall be equally entitled to the grant with the next-of-kin, and provision may be made by rules of court for adapting the procedure and practice in the grant of letters of administration to the case of real estate.

- SECT 8 Liability for duties.

SECT 8.—Nothing in this Part of this Act shall affect any duty payable in respect of real estate or impose on real estate any other duty than is payable in respect thereof immediately before the 1st day of June, 1959.

- SECT 9 Exclusion of certain land.

SECT 9.—Nothing in this Part of this Act shall apply to— (a) land to which Part IV of the Act of 1891 applies, or (b) an interest in a parcel of untenanted land which, under section 5 of the Land Act, 1946 (No. 12 of 1946), is, for the purposes of devolution on death, to be deemed to be a chattel real.

- SECT 10 Saving for section 30 of Conveyancing Act, 1881.

SECT 10.—Nothing in this Part of this Act shall affect the operation of section 30 of the Conveyancing Act, 1881.

- PART III - EXECUTORS AND ADMINISTRATORS

- SECT 11 Executor of executor represents original testator.

SECT 11.—(1) (a) An executor of a sole or last surviving executor of a testator is the executor of that testator. (b) Paragraph (a) of this subsection does not apply to an executor who does not prove the will of

his testator, and, in the case of an executor who on his death leaves surviving him some other executor of his testator who afterwards proves the will of that testator, it shall cease to apply on such probate being granted. (2) So long as the chain of such representation is unbroken, the last executor in the chain is the executor of every preceding testator. (3) The chain of such representation is broken by— (a) an intestacy, or (b) the failure of a testator to appoint an executor, or (c) the failure to obtain probate of a will, but is not broken by a temporary grant of administration if probate is subsequently granted. (4) Every person in the chain of representation to a testator— (a) has the same rights in respect of the real and personal estate of that testator as the original executor would have had if living, and (b) is, to the extent to which the estate, whether real or personal, of that testator has come to his hands, answerable as if he were an original executor.

- SECT 12 Discretionary powers to appoint administrator in certain cases.

SECT 12.—(1) Where a person dies on or after the 1st day of June, 1959, and by reason of any circumstances it appears to the High Court to be necessary or expedient to do so, the High Court may, notwithstanding any enactment or rule of law to the contrary, appoint such person as it thinks fit to be administrator (with or without will annexed) of the estate of the deceased upon giving such security, if any, as the High Court may direct, and every such administration may be limited as the High Court thinks fit. (2) Where, in pursuance of subsection (1) of this section, a grant of administration of the estate of a deceased is made, no person shall be or become entitled to administer that estate without a grant.

- SECT 13 Vesting of estate of intestate between death and grant of administration.

SECT 13.—Where a person dies intestate, his real and personal estate, until administration is granted in respect thereof, shall vest in the President of the High Court in the same manner and to the same extent as formerly in the case of personal estate it vested in the Ordinary.

- SECT 14 Administration bonds.

SECT 14.—(1) Every person to whom a grant of administration is made shall give a bond (in this section referred to as an administration bond) to the President of the High Court to inure for the benefit of the President of the High Court for the time being and, if the Probate Officer or (in the case of a grant from the district probate registry) the district probate registrar so requires, with one or more surety or sureties conditioned for duly collecting, getting in, and administering the real and personal estate of the deceased. (2) (a) An administration bond shall be in a penalty of double the amount at which the estate of the deceased is sworn, unless the Probate Officer or (in the case of a grant from the district probate registry) the district probate registrar shall in any case direct it to be reduced, in which case the Probate Officer or the district probate registrar may do so. (b) The Probate Officer or (in the case of a grant from the district probate registry) the district probate registrar may also direct that more administration bonds than one shall be given, so as to limit the liability of any surety to such amount as the Probate Officer or the district probate registrar (as the case may be) shall think reasonable. (3) An administration bond shall be in such form as the President of the High Court shall by any special or general order direct, and shall include a provision for payment of all death duties payable in respect of the estate of the deceased for which the personal representative is accountable and a further provision for the payment of all income tax and surtax payable out of the estate of the deceased. (4) Where it appears to the satisfaction of the High Court that the condition of an administration bond has been broken, the High Court may, on application in that behalf, order that the bond be assigned to such person as may be specified in the order, and the person to whom the bond is assigned in pursuance of the order shall be entitled to sue thereon in his own name as if it had been originally given to him instead of to the President of the High Court and to recover thereon as trustee for all persons interested the full amount recoverable in respect of the breach of the condition thereof. (5) Nothing in this section shall require the Chief State Solicitor or the Solicitor for the Attorney General, when applying for or obtaining administration for the use or benefit of the State, to give an administration bond.

- SECT 15 Representation of real and personal estate separately or together.

SECT 15.—Personal representatives shall be the representatives of a deceased person in regard to his real estate as well as in regard to his personal estate, and probate and letters of administration may be granted either separately in respect of real estate and in respect of personal estate, or in respect of real estate together with personal estate, and may be granted in respect of real estate although there is no personal

estate, or in respect of personal estate although there is no real estate, so, however, that, where the estate of the deceased person is known to be insolvent, the grant shall not be severed except as regards a trust estate.

- SECT 16 Power to grant representation where no estate.

SECT 16.—The High Court shall have jurisdiction to make a grant of probate or administration in respect of a deceased person, notwithstanding that the deceased left no estate in the State, and to make a de bonis non or other form of grant in respect of unadministered estate, notwithstanding that there is no unadministered estate of the deceased in the State.

- SECT 17 Calendars of grants.

SECT 17.—(1) The President of the High Court shall from time to time cause to be prepared in the Probate Office calendars of the grants of probate and administration made in the Probate Office and in the several district probate registries for such periods as the President of the High Court may direct. (2) Every such calendar shall contain a note of every probate or administration with the will annexed and of every other administration granted within the period specified in the calendar, setting forth— (a) the date of the grant, (b) the place (being the Probate Office or a district probate registry) in which the grant was made, (c) the name and address and the date of death of the testator or intestate, (d) the names and descriptions of the executors or administrators, and (e) the value of the estate, if any. (3) A copy of every calendar so prepared shall be sent by post or otherwise to every district probate registry, and every copy so sent shall be kept in the district probate registry to which it is sent.

- SECT 18 Powers of personal representatives to sell and to act as trustees.

SECT 18.—(1) The personal representatives may sell the whole or any part of the real or personal estate of a deceased person for the purpose not only of paying debts, but also (whether there are or are not debts) of distributing the estate among the persons beneficially entitled thereto, and before selling for the purposes of distribution the personal representatives shall, so far as practicable, give effect to the wishes of the persons of full age beneficially entitled to the property proposed to be sold or, in the case of dispute, of the majority (according to the value of their combined interests) of such persons so, however, that— (a) a purchaser shall not be concerned to see that the personal representatives have complied with such wishes; and (b) it shall not be necessary for any person beneficially entitled to concur in any such sale. (2) (a) It shall not be lawful for some or one only of several joint personal representatives, without leave of the Court, to exercise any power conferred by subsection (1) of this section to sell any land, save that where probate is granted to one or several persons named as executors, whether or not power is reserved to the other or others to prove, the sale of the land may, notwithstanding any other provision or rule of law to the contrary, be made by the proving executor or executors, without leave of the Court, as fully and effectually as if all the persons named as executors had concurred therein. (b) Where a sale of land is made under paragraph (a) of this subsection by the proving executor or executors, subsection (1) of this section shall have effect as if the references therein to personal representatives were references to the proving executor or executors. (3) Where one of two or more proving executors has died, references in subsection (2) of this section to a proving executor or executors shall be construed as references to the survivor or survivors (as the case may be) of the proving executors, (4) Where land is settled by will and there are no trustees of the settlement, the personal representatives proving the will shall for all purposes be deemed to be trustees of the settlement until trustees of the settlement are appointed, but a sole personal representative shall not be deemed to be a trustee for the purposes of the Settled Land Acts, 1882 to 1890, until at least one other trustee is appointed.

SECT 19 Protection of bona fide purchasers.

SECT 19.—(1) A purchaser, in good faith and for value, from the personal representatives of a deceased person, of any property, being the whole or any part of the real or personal estate of the deceased person, shall be entitled to hold that property freed and discharged from any debts or liabilities of the deceased person, except such as are charged otherwise than by the will of the deceased person, and from all claims of the persons beneficially entitled thereto, and shall not be concerned to see to the application of the purchase money. (2) (a) This subsection applies to all property other than property the ownership of which is registered under the Act of 1891. (b) A purchaser in good faith and for value of any property to which this subsection applies, being the whole or any part of the real or personal estate of a deceased

person, which has been transferred by the personal representatives to the person entitled thereto or to the vesting of which in the person entitled thereto the personal representatives have assented, shall be entitled to hold that property freed and discharged from the claims of creditors of the deceased person except claims of which the purchaser had actual or constructive notice at the time of his purchase.

- SECT 20 General provisions as to assent or transfer by personal representatives.

SECT 20.—(1) In this section and in section 21 of this Act— (a) references to the land of a testator or intestate are references to land to which the testator or intestate was entitled or over which he exercised a general power of appointment by will; (b) "person entitled" includes, in relation to any estate or interest in the land of a testator or intestate— (i) the person or persons (including the personal representatives of the testator or intestate or any of them) who (whether by devise, bequest, devolution or otherwise) may be beneficially entitled to that estate or interest, and (ii) the trustee or trustees or the personal representatives or representative of any such person or persons. (2) Without prejudice to any other power conferred by this Act on personal representatives with respect to any land of a testator or intestate, the personal representatives may at any time after the death of the testator or intestate execute an assent vesting any estate or interest in any such land in the person entitled thereto or may transfer any such estate or interest to the person entitled thereto, and may make the assent or transfer either subject to or free from a charge for the payment of any money which the personal representatives are liable to pay. (3) Where an assent or transfer under subsection (2) of this section is made subject to a charge for all moneys, if any, which the personal representatives are liable to pay, all liabilities of the personal representatives in respect of the land shall cease, except as to any acts done or contracts entered into by them before the assent or transfer. (4) At any time after the expiration of one year from the death of an owner of land, if the personal representatives have failed on the request of the person entitled to transfer, by assent or otherwise, the land to the person entitled, the Court may, if it thinks fit, on the application of the person entitled and after notice to the personal representatives, order that the transfer be made, and, in default of compliance with that order within the time specified therein by the Court, may make an order vesting the land in the person entitled as fully and effectually as might have been done by a transfer thereof by the personal representatives. (5) An assent not in writing shall not be effectual to pass any estate or interest in land. (6) The statutory covenants implied by a person being expressed in a deed to convey as personal representative shall also be implied in any assent signed by a personal representative unless the assent otherwise provides. (7) It shall not be lawful for some or one only of several joint personal representatives, without leave of the Court, to make an assent or transfer under this section, save that— (a) where probate is granted to one or some of several persons named as executors, whether or not power is reserved to the others or other to prove, such assent or transfer may, notwithstanding any other provision or rule of law to the contrary, be made by the proving executor or executors, without leave of the Court, as fully and effectually as if all the persons named as executors had concurred therein; (b) where the proving executor or executors exercise any power conferred by paragraph (a) of this subsection, this section and sections 21 and 22 shall have effect as if references therein to personal representatives were references to the proving executor or executors. (8) Where one of two or more proving executors has died, references in subsection (7) of this section to a proving executor or executors shall be construed as references to the survivor or survivors (as the case may be) of the proving executors. (9) This section shall not operate to impose any stamp duty in respect of an assent.

- SECT 21 Special provisions as to unregistered land.

SECT 21.—(1) An assent to the vesting of any estate or interest in unregistered land of a testator or intestate in favour of the person entitled thereto shall— (a) be in writing, (b) be signed by the personal representatives, (c) be deemed, for the purposes of the Registration of Deeds Act, 1707, to be a conveyance of that estate or interest from the personal representatives to the person entitled, (d) operate, subject to the provisions of the Registration of Deeds Act, 1707, with respect to priorities, to vest that estate or interest in the person entitled subject to such charges and incumbrances, if any, as may be specified in the assent and as may otherwise affect that estate or interest, (e) subject to the provisions of the Registration of Deeds Act, 1707, be deemed (unless a contrary intention appears therein) for all purposes necessary to establish the title of the person entitled to intervening rents and profits to relate back to the death of the deceased person so, however, that nothing in this paragraph shall operate to enable any person to establish a title inconsistent with the will of the deceased person. (2) Any person in whose favour an assent or conveyance of any unregistered land is made by personal representatives may

at his own expense require the personal representatives to register that assent or conveyance in the Registry of Deeds pursuant to the Registration of Deeds Act, 1707.

- SECT 22 Special provisions as to registered land.

SECT 22.—(1) For subsection (2) of section 37 of the Act of 1891, as amended by section 27 of and the Second Schedule to the Registration of Title Act, 1942 (No. 26 of 1942), in its application to the estates of persons dying on or after the 1st day of June, 1959, there shall be substituted the following subsections:— "(2) On the death of a sole registered full owner of land or of the survivor of several registered full owners of land, not being registered as tenants in common (which owner or survivor is in the succeeding provisions of this section referred to as the deceased owner), the personal representatives of the deceased owner shall alone be recognised by the registering authority as having any rights in respect of the land, and any registered dispositions by them shall have the same effect, as if they were the registered owners of the land. (3) The production of an assent or transfer from the personal representatives in the prescribed form shall authorise the registering authority to register the person named in such assent or transfer as the full owner or limited owner of the land, as the case may be. (4) Where a person is registered as the full owner or limited owner of land under subsection (3) of this section, the costs incurred in connection with the registration shall be borne by that person. (5) Where the High Court or the Circuit Court makes an order under subsection (4) of section 20 of the Administration of Estates Act, 1959, vesting registered land in any person, it may also order that that person be registered as owner of that land. (6) (a) Nothing in this Act or in the Administration of Estates Act, 1959, shall operate to require the registering authority to register as the owner of land a person in his capacity as personal representative. (b) Notwithstanding anything contained in subsection (1) of section 17 of the Registration of Title Act, 1942, the registering authority may enter on the register a note setting out the fact of the death of a registered owner of land and the names of his personal representatives." (2) Where, on the application of any person claiming to be registered under the Act of 1891 as owner of registered land in succession to a deceased full owner of such land the Court is satisfied— (a) that at least six years have elapsed since the death of the deceased full owner, and (b) that the personal representatives of such owner are dead or out of the jurisdiction, the Court may, if it thinks fit, notwithstanding anything in the Act of 1891 or this Act, dispense the applicant from the necessity of raising representation to the deceased full owner or of giving notice to his personal representatives, and may order that the applicant be registered as owner of the land.

- SECT 23 Exercise of jurisdiction of Circuit Court under Part III.

SECT 23.—The jurisdiction, in relation to any land, exercisable by the Circuit Court under this Part of this Act shall be exercised by the judge of the Circuit Court for the time being assigned to the circuit where the land or any part of the land is situate.

- PART IV - MISCELLANEOUS PROVISIONS

- SECT 24 District probate registries.

SECT 24.—(1) (a) In this subsection, "the Act of 1936" means the Courts of Justice Act, 1936 (No. 48 of 1936). (b) For the purposes of section 65 (which empowers the Minister for Justice to prescribe court fees) of the Act of 1936, every district probate registry shall be deemed to be an office established by the Court Officers Act, 1926 (No. 27 of 1926). (c) The Supreme Court and High Court (Fees) Order, 1956 (S.I. No. 251 of 1956), which said Order was made under section 65 of the Act of 1936, shall apply in respect of each district probate registry and each district probate registrar as it applies to the Probate Office and the Probate Officer respectively subject to the following modifications:— (i) the references to offices of the Supreme Court and High Court shall include references to a district probate registry, (ii) the reference to an officer of the Supreme Court or the High Court shall include a reference to a district probate registrar, (iii) the references to the Probate Office and the Probate Officer shall include references to a district probate registry and a district probate registrar respectively. (2) (a) Where a person (in this subsection referred to as the acting district probate registrar) is for the time being required and authorised, by the Minister for Justice under section 9 of the Court Officers Act, 1945 (No. 25 of 1945), as amended by section 5 of the Court Officers Act, 1951 (No. 8 of 1951), to perform the duties of district probate registrar for the district served by a particular district probate registry, the said Minister may authorise a specified officer serving in that district probate registry or in the circuit court office which serves the area

within which such district probate registry is located to execute, during the temporary absence or temporary incapacity through illness of the acting district probate registrar, the office of district probate registrar for that district and, if the said Minister does so, then such officer shall, during any such temporary absence or temporary incapacity, have and exercise all the powers and fulfil all the duties of the district probate registrar for that district unless and until the said Minister otherwise directs. (b) Paragraph (a) of this subsection shall be deemed to have come into operation on the commencement of section 9 of the Court Officers Act, 1945.

- SECT 25 Exercise, etc., of functions of the Probate Officer.

SECT 25.—(1) (a) In this subsection— "the Act of 1926" means the Court Officers Act, 1926 (No. 27 of 1926); "the functions of the Probate Officer under the Act of 1926" means the powers, authorities, duties and functions exercisable or performable by the Probate Officer by virtue of section 9 of the Act of 1926; "the Assistant Probate Officer" means— (i) as respects the exercise or performance before the date of the passing of this Act of the functions of the Probate Officer under the Act of 1926—the officer employed in the Probate Office who was known as or designated the Assistant Probate Officer or the Deputy Probate Officer, (ii) as respects the exercise or performance on or after that date of the functions of the Probate Officer under the Act of 1926—the officer employed in the Probate Office who is next in rank to the Probate Officer and is qualified to be appointed to be Probate Officer. (b) The functions of the Probate Officer under the Act of 1926 may also, but subject, as respects the exercise or performance of those functions on or after the date of the passing of this Act, to any restrictions which the President of the High Court may think fit to impose, be exercised or performed by the Assistant Probate Officer. (c) Paragraphs (a) and (b) of this subsection shall be deemed to have come into operation on the commencement of section 9 of the Act of 1926. (2) (a) In this subsection "the Assistant Probate Officer" means the officer employed in the Probate Office who is next in rank to the Probate Officer and is qualified to be appointed to be Probate Officer. (b) The powers conferred on the Probate Officer by section 14 of this Act may, as respects the estates of persons dying on or after the 1st day of June, 1959, also, but subject to any restrictions which the President of the High Court may think fit to impose, be exercised by the Assistant Probate Officer.

- SECT 26 Amendment of section 2 (2) (d) of the Statute of Limitations, 1957.

SECT 26.—In subsection (2) of section 2 of the Statute of Limitations, 1957 (No. 6 of 1957), there shall be substituted for paragraph (d) the following paragraph— "(d) A personal representative in the capacity of personal representative shall not, by reason only of section 1 of the Executors Act, 1830, or subsection (1) of section 86 of the Act of 1891, or subsection (1) of section 7 of the Administration of Estates Act, 1959, be a trustee for the purposes of this Act." FIRST SCHEDULE Section 4. MINOR AND CONSEQUENTIAL AMENDMENTS AS RESPECTS ESTATES OF PERSONS DYING ON OR AFTER 1ST JUNE, 1959 Session and Chapter or Number and Year (1)Short title (2)Amendments (3)20 & 21 Vic. c. 79.The Probates and Letters of Administration Act (Ireland), 1857.In section 53, the word "estate" shall be substituted for the word "goods" wherever the latter word occurs In section 80, the words "real or" shall be inserted before the word "personal" and the words "or shall have expired" shall be inserted at the end of the section. In section 84, the word "estate" shall be substituted for the word "effects".No. 12 of 1954.The Intestates' Estates Act, 1954.In section 4, there shall be substituted for subsection (2) the following subsection— "(2) Such charge shall be borne and paid in proportion to the values of the real and personal estates respectively as to which the deceased dies intestate." SECOND SCHEDULE Section 5. ENACTMENTS REPEALED AS RESPECTS ESTATES OF PERSONS DYING ON OR AFTER 1ST JUNE, 1959 PART I Act of the Parliament of England applied to Ireland by the Act of the Parliament of Ireland (10 Henry 7, c. 22 (Ir.)) passed in the year 1495 and entitled "an Act confirming all the Statutes made in England" Session and Chapter (1)Short Title (2)Extent of Repeal (3)25 Edw. 3. st. 5. c. 5.Executors of executors shall have the same rights and duties as the first executors. (1351-2).The whole chapter. Part II Acts of the Parliament of the late United Kingdom of Great Britain and Ireland Session and Chapter (1)Short Title (2)Extent of Repeal (3)5 & 6 Vic. c. 82.The Stamp Duties (Ireland) Act, 1842.In section 35, the word "personal".20 & 21 Vic. c. 79.The Probates and Letters of Administration Act (Ireland), 1857.In section 50, the words "over the personal estate of the deceased in all parts of Ireland"; section 72, 73, 78, 87, 88 and 94.21 & 22 Vic. c. 56.The Confirmation of Executors (Scotland) Act, 1858.Section 13.22 & 23 Vic. c. 31.The Court of Probate Act (Ireland), 1859.Section 15 and 25.39 & 40 Vic. c. 70.The Sheriff Courts (Scotland) Act, 1876Section 42 and 43.54 & 55 Vic.

c.66.The Registration of Title Act, 1891.Subsections (3) and (4) of section 84; in subsection (2) of section 86, all words from "save that it shall not be lawful" to the end of the subsection; section 87.55 & 56 Vic.
c. 6.The Colonial Probates Act, 1892.The whole Act. PART III Act of the Oireachtas of Saorstát Éireann
Number and Year (1)Short Title (2)Extent of Repeal (3)No. 48 of 1936.The Courts of Justice Act, 1936.
Section 84. PART IV Act of The Oireachtas Number and Year (1)Short Title (2)Extent of Repeal (3)No.
26 of 1942.The Registration of Title Act, 1942.Sections 20, 21 and 26.