

L-7

Probate
Duties, powers and
liabilities of PR

Abbreviations

PR – Personal representative

Tes – Testatrix

T – Trustee

B – Beneficiary

TA 2000 – Trustee Act 2000

TA 1925 – Trustee Act 1925

WA 1837 – Wills Act 1837

MWPA 1882 - Married Women's Property Act 1882

CP – Civil partner

AEA 1925 – Administration of Estates Act 1925

IHTA 1984 – Inheritance Tax Act 1984

TCGA 1992 – Taxation of Chargeable Gains Act 1992

I(PFD)A 1975 - Inheritance (Provision for Family and Dependents) Act 1975

NCPR – Non-Contentious Probate Rules

PET – Potentially Exempt Transfers

LCT – Lifetime Chargeable Transfer

NRB – Nil Rate Band

LT – Lifetime Transfer

IHT – Inheritance Tax

CGT – Capital Gain Tax

Duties, powers and liabilities of PR

Duties

Powers

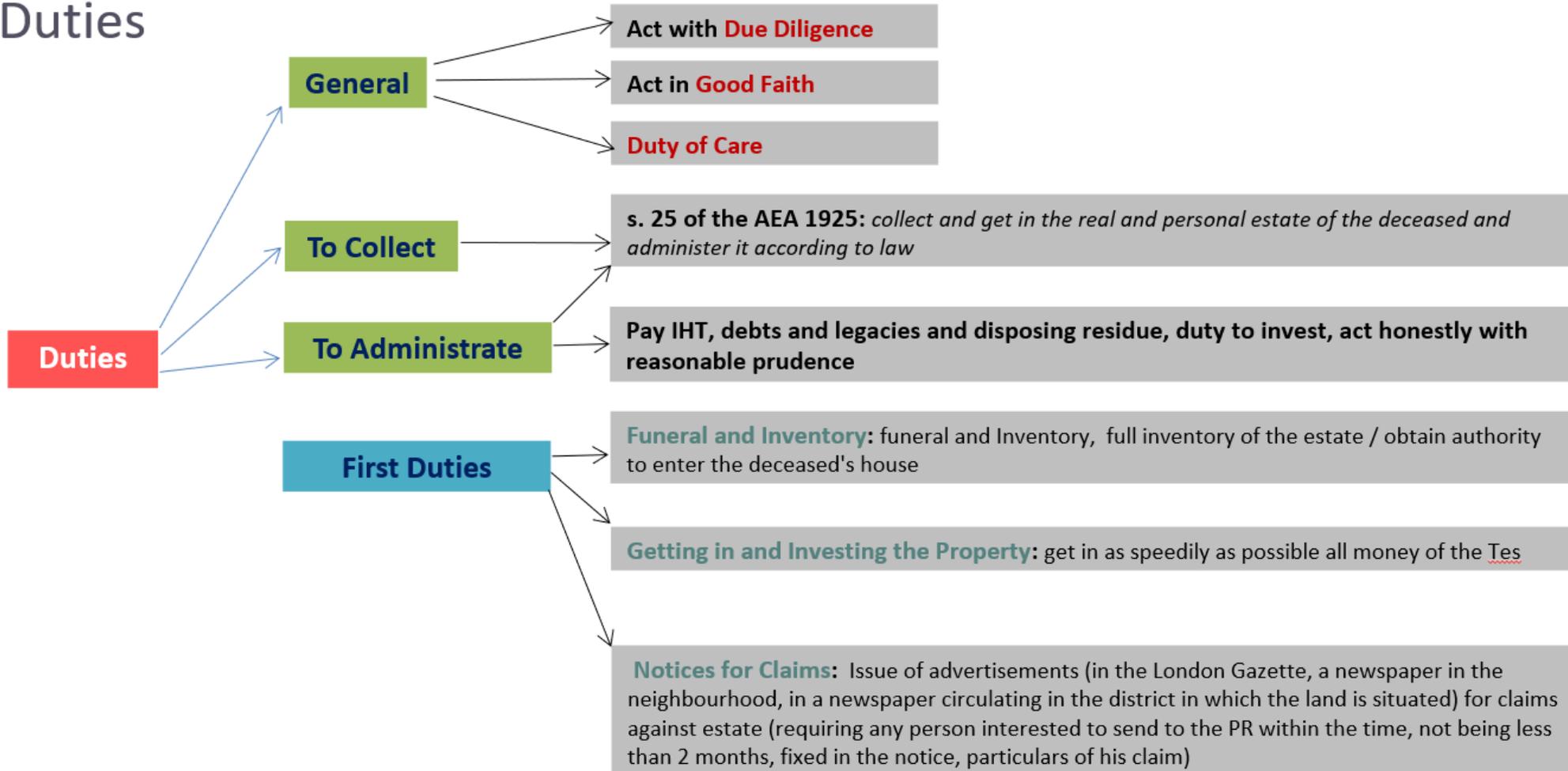
Liabilities

Breach of duties

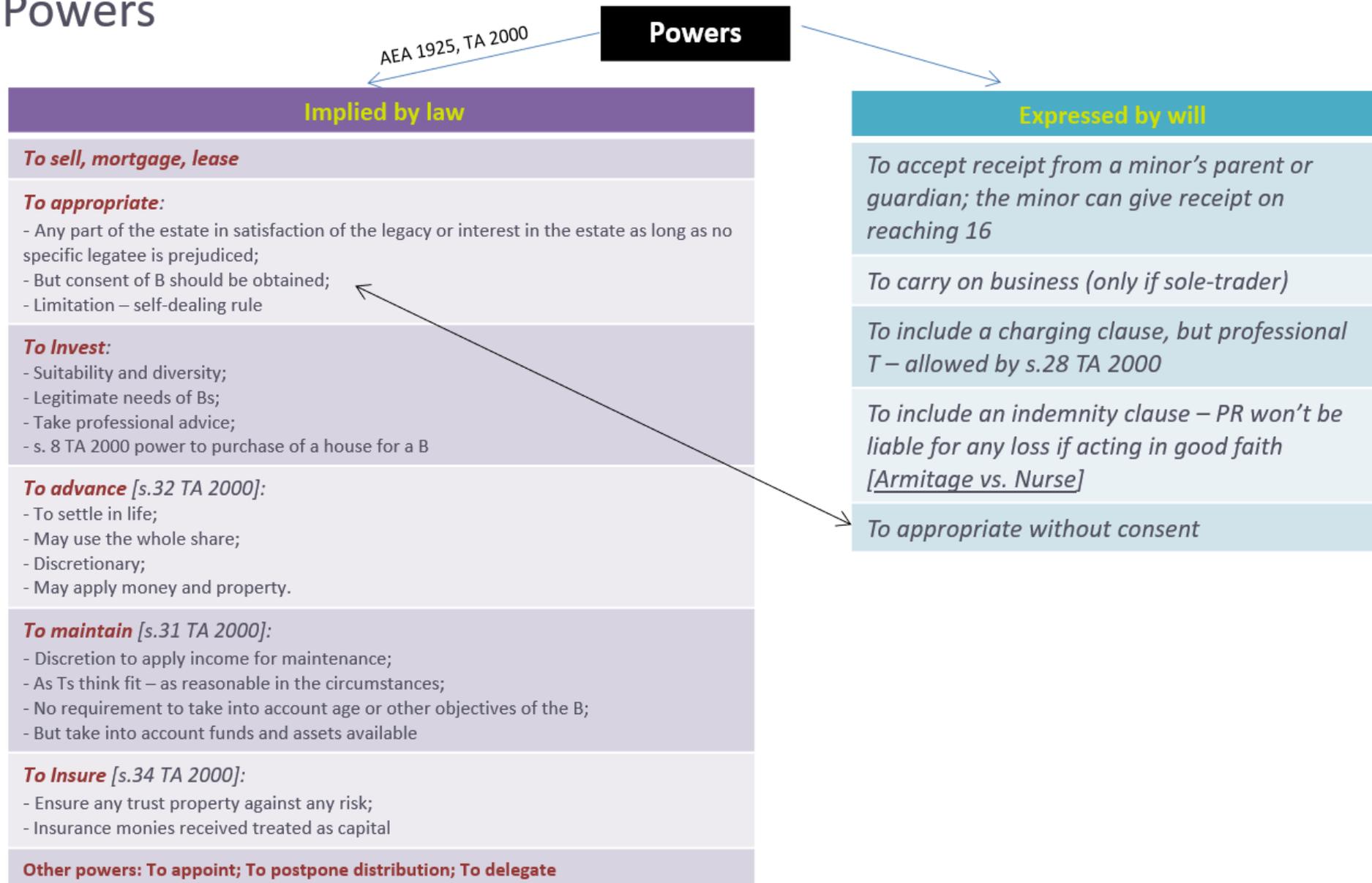
Protection



1. Duties



2. Powers

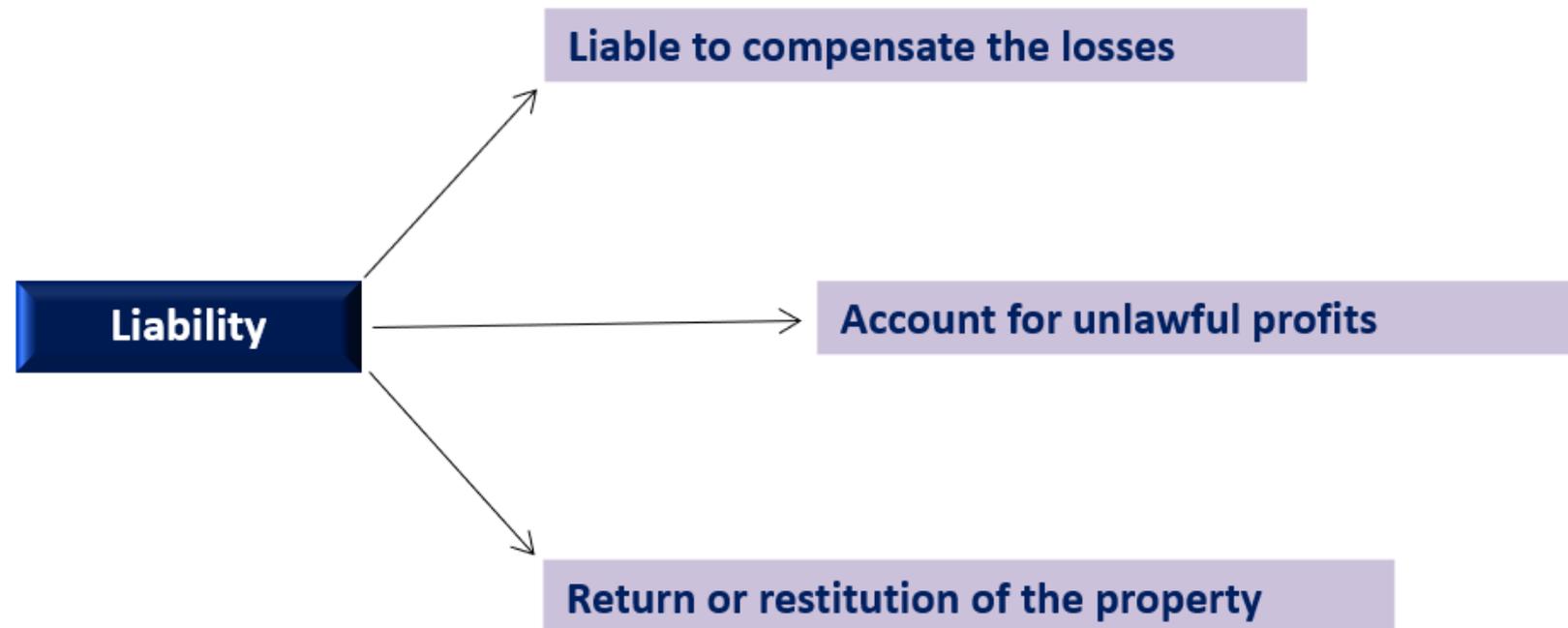


3. Breaches and Liabilities



Is PR liable for breaches committed by the others PRs?

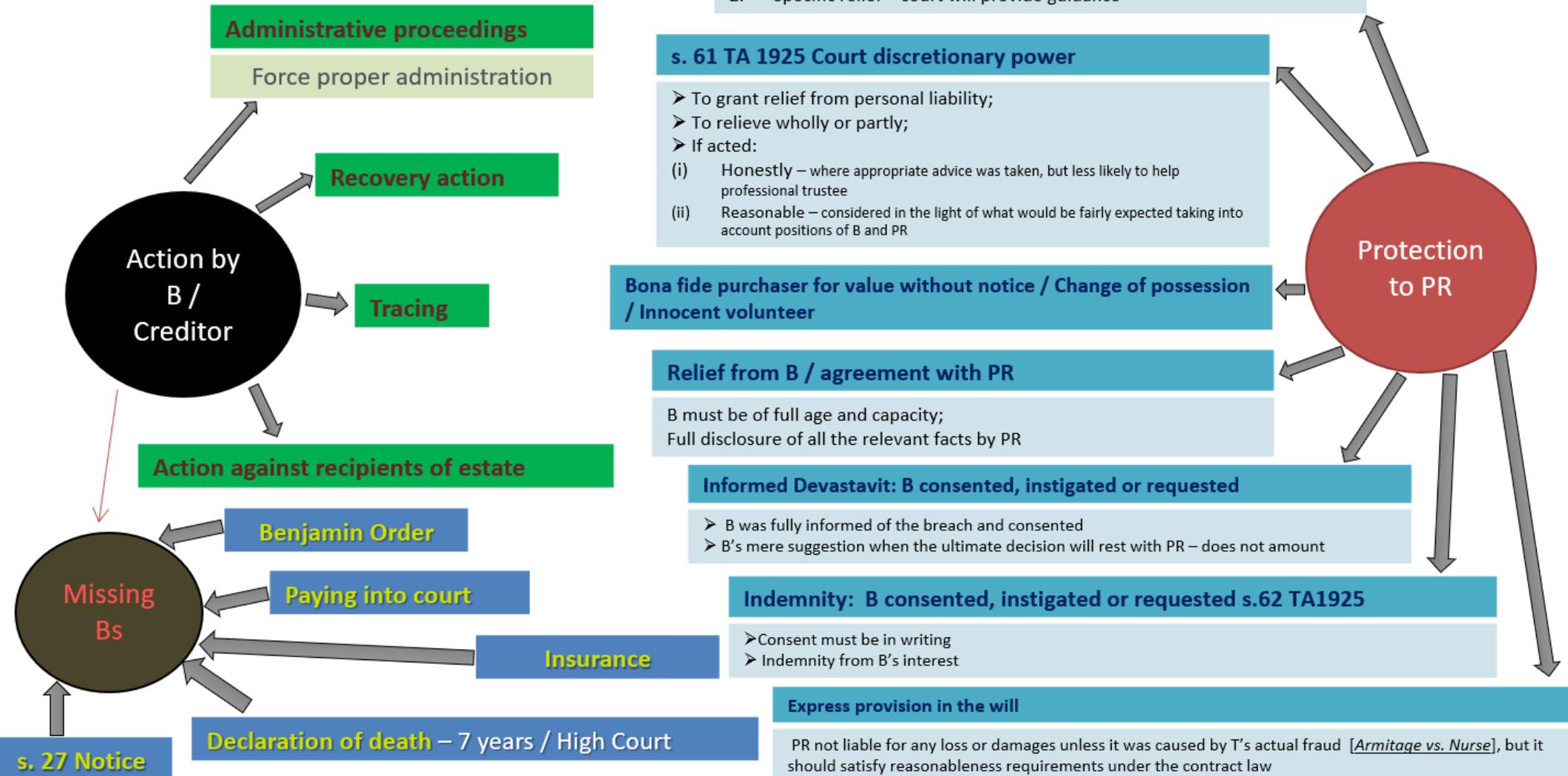
Generally – No, but trust law considerations!



PR's Death

- If 2 PRs +:** Chain of Administration – 1 PR can administer if the other died
- If 1 PR:** the PR's PR steps into his/her shoes – s. 7 AEA 1925
- If Chain of Administration is broken** – court order as per rules 20, 22 of NCPR

4. Protection



Estate And IHT

1. **s. 7, 25 AEA 1925**
s.28, 34 TA 2000
s. 27, 31, 32, 61, 62 TA 1925
Armitage vs. Nurse
2. **Legal Practice Companion:** Administration; Problems that can arise / Breach of duty by PR; A PR's Death **or LPC Handbook**
3. **Foundations for the LPC (OUP):** Post-grant practice
4. **Legal Foundations (CLP):** Probate Practice and Procedure