

until sale after payment of rates, taxes, costs of insurance, repairs, and other outgoings, upon such trusts, and subject to such powers and provisions, as may be requisite for giving effect to the rights of the persons (including an incumbrancer of a former undivided share or whose incumbrance is not secured by a legal mortgage) interested in the land.

Where—

- (a) an undivided share was subject to a settlement; and
- (b) the settlement remains subsisting in respect of other property; and
- (c) the trustees thereof are not the same persons as the trustees for sale,

then the statutory trusts include a trust for the trustees for sale to pay the proper proportion of the net proceeds of sale or other capital money attributable to the share to the trustees of the settlement to be held by them as capital money arising under the Settled Land Act.

Powers of personal representative to raise sums in the interest of a surviving spouse.

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S. 5.

7. The personal representative may, on the security of the whole or part of the residuary estate of the intestate (other than the personal chattels), raise—

- (a) the whole or any part of any amount payable to a surviving spouse pursuant to paragraphs (b) and (c) of Item 1 of the Table of Distribution; and
- (b) the amount, if any, properly required for the payment of the costs of the transaction.

Application to cases of partial intestacy.

8. Where any person dies leaving a will effectively disposing of part of his property this Part shall have effect as respects the part of his property not so disposed of subject to the provisions contained in the will and subject to the following modifications—

- (a) the requirements as to bringing property into account shall apply to any beneficial interests acquired by the surviving spouse and any issue of the deceased under the will of the deceased, but not to beneficial interests so acquired by any other persons; 3/1988
S. 6.
- (b) the personal representative shall, subject to his rights and powers for the purposes of administration, be a trustee for the persons entitled under this Part in respect of the part of the estate not expressly disposed of unless it appears by the will that the personal representative is intended to take such part beneficially.

9.—(1) References to any Statutes or Laws of Distribution in an instrument *inter vivos* made or in a will coming into operation after the 1st June, 1937, shall be construed as references to this Part; and references in such instrument or will to statutory next of kin shall be construed, unless the context otherwise requires, as referring to the persons who would take beneficially on an intestacy under the foregoing provisions of this Part. Construction
of docu-
ments.

(2) Trusts declared in an instrument *inter vivos* made, or in a will coming into operation, before the 1st June, 1937, by reference to the Statutes or Laws of Distribution, shall, unless the contrary thereby appears, be construed as referring to the enactments (other than the Intestates Estates Law, 1906) relating to the distribution of effects of intestates which were in force immediately before the 1st June, 1937.

10.—(1) Where an infant dies after the 1st June, 1937, without having been married, and independently of this subsection he would, at his death, have been equitably entitled under a settlement (including a will) to a vested Savings.