

Statutory Will Forms 1925

1925 No 780

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1 Short title

The forms hereinafter contained may be cited as the Statutory Will Forms 1925 and are divided into two groups called Part I and Part II respectively.

2 Manner of application

The Forms in Part I may be incorporated in a will by a general reference to that Part, and the Forms in Part I and Part II or any of them may be incorporated in a will in manner indicated in the Schedule hereto or in any other manner indicating an intention to incorporate them, and in the case of Forms in Part II also indicating what property or disposition is to be affected thereby.

3 Interpretation

(1) In any form when incorporated in a will—

- (i) The provisions thereof shall have effect subject to the express provisions of the will;
- (ii) “Disposition” means a devise, bequest, and a testamentary appointment, whether in exercise of a general or special power and includes a disposition under the statutory power to dispose of entailed interests by will; “dispose of” has a corresponding meaning; and references to a testator's property include property which he disposes of in exercise of a power;
- (iii) “The trustees” means the trustees appointed by the testator either generally or for a specific purpose, as the case may require, and the persons who by appointment by the court or otherwise become the trustees, and include his personal representatives, when acting as his trustees;
- (iv) “Authorised investments” means investments authorised by the will creating the trust, for the investment of any money subject to the trusts of the will, or by law;
- (v) Other words and expressions have the same meanings as in the Law of Property Act 1925.

Part I Forms

Forms which may be applied either generally or by specific reference

Form 1 Confirmation of settlements

I confirm every settlement of property made by me which is subsisting at my death, and subject to any express provision to the contrary in my will, the provisions made by my will for the benefit of persons beneficially interested under any such settlement, shall be in addition to, and not in satisfaction of, those made, or covenanted to be made by me in such settlement.

Form 2 Meaning of “personal chattels”

(1) “Personal chattels” shall mean “carriages, horses, stable furniture and effects (not used for business purposes), motor cars and accessories (not used for business purposes), garden effects, domestic animals, plate, plated articles, linen, china, glass, books, pictures, prints, furniture, jewellery, articles of household or personal use or ornament (including wearing apparel), also musical and scientific instruments and apparatus, wines, liquors, and consumable stores, but shall not include any chattels used at my death for business purposes, nor money or securities for

money.”

(2) But a general disposition of personal chattels shall take effect subject to any specific disposition.

Form 3 Inventories and provisions respecting chattels

(1) An inventory of chattels given by my will, otherwise than by way of absolute gift, shall be made in duplicate, one part shall be retained by the trustees and the other part shall be delivered to the person of full age for the time being entitled to the use or possession of the chattels, in this clause called the “usufructuary.”

(2) A receipt shall be signed by the usufructuary, at the foot of the inventory retained by the trustees.

(3) The inventory delivered to the usufructuary shall, if he so requires, be signed at the foot thereof by the trustees.

(4) On any change of the right to the use or possession of the chattels, a new receipt shall be signed by the usufructuary at the foot of the inventory retained by the trustees.

(5) Where, by reason of the exercise of any power to sell, exchange, purchase, alter the fashion of, or otherwise deal with the chattels, or of any destruction or loss of any chattel, the inventories become inaccurate, the inventories shall be altered and re-signed, or new inventories shall, if convenient, be made and signed.

(6) The trustees may, at their discretion, exclude from an inventory, any chattels which, by reason of their trifling value or wearing out nature, they may consider ought to be so excluded.

(7) Where the chattels have been delivered to the usufructuary and a receipt is given therefor, the trustees, so long as the usufructuary remains entitled to the use of the chattels, shall not be liable in any way—

(a) for any unauthorised disposition thereof or dealing therewith,

(b) to see to the insurance (so far as the same are capable of being insured) repair, or safe custody of the chattels,

unless and until required, in writing, to insure the chattels or to take any proceedings in reference thereto, by some person beneficially interested in the chattels or by his guardian, committee or receiver, and unless also due provision be made, to the satisfaction of the trustees, for the payment of the costs of insurance or of any proceedings required to be taken.

(8) Where there is no person of full age and capacity entitled to the use of the chattels, the trustees may, during the period of disability, make such arrangements for the safe custody, repair, insurance and use of the chattels as, having regard to the circumstances of the case, they may in their absolute discretion, think expedient.

Form 4 Legacies to charities

The receipt of the treasurer or other proper officer of a charitable benevolent or philanthropic institution, society or body of persons (corporate or incorporate), to which a legacy is given by my will shall be a complete discharge of my personal representatives.

Form 5 Directions respecting annuities

The following provisions shall have effect in regard to any annuities or annuity given by my will—

(1) The trustees may, and (if so requested by or on behalf of any person beneficially interested in the property affected), shall, as soon as may be after any annuity commences to accrue, set apart in their names or under their control authorised investments to provide a fund the income

whereof will be sufficient, in the opinion of the trustees, to produce an annual sum equal to the amount of the annuities for the time being payable under my will.

(2) The income or, if necessary, the capital of the fund so appropriated, shall be applied in payment of every subsisting annuity.

(3) Until a fund shall be so appropriated, my residuary estate shall stand charged with the payment of every subsisting annuity, but, after appropriation, the said estate shall be thereby discharged therefrom.

(4) The appropriated fund, or, where more than one annuity is bequeathed, such parts thereof as, in the opinion of the trustees, may not be required to answer any subsisting annuity, shall, on the cesser of an annuity, fall into my residuary personal estate.

(5) Accordingly, as each annuity ceases, the trustees may treat as part of my residuary personal estate, the whole or a corresponding part of the appropriated fund, as the case may require, retaining only such part thereof (if any) as may, from time to time, in their opinion, be sufficient to produce, by the income thereof, an annual sum equal to the amount of any subsisting annuities.

(6) Any surplus income of the appropriated fund shall be applied in the same manner as the income of my residuary personal estate.

(7) The trustees may, at their discretion, vary any of the investments for the time being representing the appropriated fund for other authorised investments.

(8) In this clause “annuity” includes any periodical payment (not being a rentcharge) for life or other terminable interest.

Form 6 Power of appropriation

(1) The power of appropriation conferred by the Administration of Estates Act 1925 shall be exercisable by the trustees, without any of the consents made requisite by that Act.

(2) So far as practicable, the trustees shall give one month's notice, at least, of an intended appropriation, to the persons whose consent would, but for this clause, be required under that Act; but a purchaser shall not be concerned to see or inquire whether any such notices have been given.

(3) In this clause “trustees” includes my personal representatives.

Form 7 Trusts of a settled legacy

Any legacy of money or investments to which this clause is applied shall be subject to the following provisions:—

(1) The trustees shall stand possessed of the legacy upon trust to invest the same in their names or under their control in any authorised investments, with power, at the like discretion, to vary the investments thereof for others of a like nature.

(2) The trustees shall stand possessed of the legacy, and of the investments representing the same and all statutory accumulations, if any, of income thereof, hereinafter included in the description of such legacy upon trust to pay the income thereof to the legatee during the life of the legatee.

(3) After the death of the legatee, the capital and income of the legacy shall be held—
In trust for all or any one or more exclusively of the other or others, of the issue of the legatee, whether children or remoter descendants, at such time, and if more than one in such shares, with such provisions for maintenance, education, advancement, and otherwise, at the discretion of any person or persons, and with such gifts over, and generally in such manner, for the benefit of such issue, or some or one of them, as the legatee shall, by deed, revocable or irrevocable, or by will appoint; but so that, under any appointment, a child shall not, otherwise than by way of

advancement, take a vested interest, except upon attaining the age of twenty-one years or upon marriage.

And in default of and until and subject to any such appointment—

In trust for all or any the children or child of the legatee, who attain the age of twenty-one years, or marry under that age, and if more than one in equal shares.

(4) Any child of the legatee, who, or whose issue, takes any part of the legacy under any appointment by the legatee, shall not, in the absence of any direction by the legatee to the contrary, take any share in the unappointed part without bringing the share or shares appointed to him or his issue into hotchpot and accounting for the same accordingly.

(5) If the legatee shall not have any child who, under the trusts in default of appointment hereinbefore contained, attains a vested interest in the legacy, then, subject to the trusts and powers hereinbefore expressed in favour of the legatee and his issue, the legacy and the income thereof and all statutory accumulations, if any, of income shall fall into and form part of my residuary personal estate.

(6) The legatee may, notwithstanding any of the trusts hereinbefore expressed concerning his legacy, from time to time or at any time by deed, revocable or irrevocable, or by will, appoint to or for the benefit of any spouse who may survive the legatee, during the residue of the life of such spouse or for any less period (and subject or not to any conditions, and with such gifts over, and discretionary or other trusts for the benefit of the spouse and issue of the legatee, as the legatee may think fit), all or any part of the annual income of the legacy of the legatee, or of so much thereof as shall not, before the death of the legatee, have been paid or applied under any power affecting the same,

And, upon any such appointment, the trusts and powers limited to take effect after the death of the legatee, shall take effect subject to the interest limited by any such appointment:

Provided that the powers last aforesaid, to appoint by deed, shall not be exercisable by a woman while under coverture.

Form 8 Administration trusts

Any property disposed of by my will (otherwise than in exercise of a special power) to which this clause is applied shall be subject to the following provisions:—

(1) The property shall be held—

(a) as to the real property, if any, including chattels real, upon trust to sell the same, and

(b) as to the personal property, if any, upon trust to call in, sell, and convert into money such part thereof as may not consist of money.

(2) The trustees shall have power to postpone such sale and conversion for such a period as they, without being liable to account may think proper.

(3) A reversionary interest shall not be sold, until it falls into possession, unless the trustees see special reason for sale.

(4) The trustees shall out of the net money to arise from the sale and conversion of the property (after payment of costs, and out of any ready money of mine, included in the disposition, pay or provide for

(a) my funeral and testamentary expenses;

(b) my debts, except charges on other property of mine so far as those charges are discharged out of the property primarily charged therewith under the Administration of Estates Act 1925;

(c) the duties, payable out of capital on my death, and not charged on or primarily payable out of other property;

(d) any other liabilities properly payable out of the property or the proceeds of sale thereof;

- (e) the legacies (including money directed to be paid by my will), and annuities bequeathed by me, but so that all legacies and annuities, and the duty on all legacies and annuities bequeathed free of duty, shall be paid primarily out of personal property, if any, included in the disposition.
- (5) The trustees may invest, in their names or under their control, the residue of the said money, or so much thereof as may not have been distributed, in any authorised investments, with power, at their discretion, to vary such investments for others of a like nature.
- (6) The income (including net rents and profits of real property and chattels real, after payment of rates, taxes, costs of insurance and of repairs and other outgoings properly attributable to income) of so much of the property as is not required for the administration purposes aforesaid, shall, however the property is invested, as from my death, be treated and applied as income; and for that purpose any necessary apportionment may be made between capital and income.
- (7) Provided that—
- (a) statutory accumulations of income made during a minority, or pending a contingency, or accumulations made under an express trust for accumulation, may be added to capital;
- (b) income may be applied in effecting and maintaining a leasehold sinking fund policy, or may be set aside and invested for providing a fund to answer any liabilities which in the opinion of the trustees ought to be borne by income;
- (c) the trustees may in their discretion adjust, in such manner as they shall think fit, having regard to the circumstances of the case, the incidence, as between capital and income, of the payments made in due course of administration.

Form 9 Trusts for spouse for life with power to appoint to issue and gift over to them

Any property disposed of by my will (otherwise than in exercise of a special power) to which this clause is applied shall be subject to the following provisions:—

- (1) The property (including the investments for the time being representing the same) shall be held upon trust to pay the income thereof to my spouse for life.
- (2) After the death of my spouse, the capital and income of the property shall be held—
- (i) In trust for all or any one or more, exclusively of the other or others, of my issue, whether children or remoter descendants, at such time, and if more than one in such shares, with such provisions for maintenance, education, advancement and otherwise, at the discretion of any person or persons, and with such gifts over, and generally in such manner, for the benefit of such issue, or some or one of them, as my spouse shall, by deed, revocable or irrevocable, or by will, appoint; but so that, under any appointment, a child shall not, otherwise than by way of advancement, take a vested interest, except upon attaining the age of twenty-one years or upon marriage.
- (ii) And in default of and until and subject to any such appointment in trust, in equal shares if more than one, for all or any my children or child who survive me and attain the age of twenty-one years or marry under that age, and for all or any of the issue living at my death who attain the age of twenty-one years or marry under that age of any child of mine who predeceases me, such issue to take through all degrees, according to their stocks, in equal shares if more than one, the share or shares which his or their parent would have taken if living at my death, and so that no issue shall take whose parent is living at my death and so capable of taking.
- (3) Any person who, or whose issue, takes any part of the property, under any appointment by my spouse, shall not, in the absence of any direction by my spouse to the contrary, take any share in the unappointed part, without bringing the shares appointed to such person or his issue into hotchpot, and accounting for the same accordingly.

Form 10 Trusts for spouse and issue, without a power of appointment

Any property disposed of by my will (otherwise than in exercise of a special power) to which this clause is applied shall be subject to the following provisions:—

(1) The property (including the investments for the time being representing the same) shall be held upon trust to pay the income thereof to my spouse for life.

(2) After the death of my spouse the capital and income of the property shall be held in trust, in equal shares if more than one, for all or any my children or child, who survive me and attain the age of twenty-one years or marry under age, and for all or any of the issue living at my death, who attain the age of twenty-one years or marry under that age, of any child of mine who predeceases me, such issue to take through all degrees, according to their stocks, in equal shares, if more than one, the share or shares which his or their parent would have taken if living at my death; and so that no issue shall take whose parent is living at my death and so capable of taking.

SCHEDULE

Incorporation of all the Forms in Part I

All the forms contained in Part I of the Statutory Will Forms 1925 are incorporated in my will (subject to the following modifications, namely*).

*Here insert the modifications (if any).

Incorporation of specified Forms from Part I.

The following forms contained in Part I of the Statutory Will Forms 1925 shall be incorporated in my will:—

(Specify those of the following forms which it is desired to incorporate.)

- Form 1 Confirmation of Settlements).
- Form 2 (Meaning of “personal chattels”).
- Form 3 (Inventories and provisions respecting chattels).
- Form 4 (Legacies to charities).
- Form 5 (Directions respecting annuities).
- Form 6 (Power of appropriation).

(Subject to the following modifications, namely*

*Here insert the modifications (if any).

Incorporation of specified Forms from Part II

Form 7 Trusts of a Settled Legacy.

Form 7 of the Statutory Will Forms 1925 is incorporated in my will, and shall apply to the following legacies*

(Subject to the following modifications **).

*Here insert the legacies of money or investments to be settled.

**Here insert the modifications (if any).

Form 8 Administration Trusts.

Form 8 of the Statutory Will Forms 1925 is incorporated in my will, and shall apply to*

(Subject to the following modifications**).

Here insert description of property to be held upon administration trusts.

**Here insert the modifications (if any).

Form 9 Trusts for Spouse for life with power to appoint to issue and gift over to them.

Form 9 of the Statutory Will Forms 1925 is incorporated in my will, and shall apply to*
(Subject to the following modifications).

*Here insert description of the property to be held on trusts for spouse for life with power to appoint to issue and gift over to them.

**Here insert the modifications (if any).

Form 10 Trusts for Spouse and issue without a power of appointment.

Form 10 of the Statutory Will Forms 1925 is incorporated in my will, and shall apply to*
(Subject to the following modifications**).

*Here insert description of the property to be held on trusts for spouse and issue without power of appointment.

**Here insert the modifications (if any).