

2004 No. 68

ADMINISTRATION OF ESTATES

**Administration of Estates (Small Payments) (Increase of
Limit) Order (Northern Ireland) 2004**

Made - - - - - 27th February 2004

Coming into operation 16th April 2004

*To be laid before Parliament under paragraph 7(3) of the
Schedule to the Northern Ireland Act 2000*

The Department of Finance and Personnel(a), in exercise of the powers conferred on it by section 6(1) of the Administration of Estates (Small Payments) Act (Northern Ireland) 1967(b), as extended and amended by Article 6(2) of the Superannuation (Northern Ireland) Order 1972(c), Article 22(3) of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985(d), Articles 17(3) and 19 of the Credit Unions (Northern Ireland) Order 1985(e) and Article 104(5) of the Industrial Relations (Northern Ireland) Order 1992(f) and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Administration of Estates (Small Payments) (Increase of Limit) Order (Northern Ireland) 2004 and shall come into operation on 16th April 2004.

Increase of Limit

2. The following provisions (which relate to property which may be disposed of on death without representation or in pursuance of a nomination, subject to a limit of £5,000), namely –

- (a) sections 1 and 2 of the Administration of Estates (Small Payments) Act (Northern Ireland) 1967, so far as they relate to, respectively, –
 - (i) the London Midland and Scottish Railway Act 1924(g) section 61(11), and the Industrial and Provident Societies Act (Northern Ireland) 1969(h) section 24(i); and
 - (ii) the Industrial and Provident Societies Act (Northern Ireland) 1969 section 22(3)(d)(j);
- (b) Article 6 of the Superannuation (Northern Ireland) Order 1972;
- (c) Article 22(3) of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985;

(a) Formerly the Department of Finance: *see* S.I. 1982/338 (N.I. 6) Article 3

(b) 1967 c. 5 (N.I.)

(c) S.I. 1972/1073 (N.I. 10)

(d) S.I. 1985/1208 (N.I. 15)

(e) S.I. 1985/1205 (N.I. 12)

(f) S.I. 1992/807 (N.I. 5)

(g) 1924 c. liv

(h) 1969 c. 24 (N.I.)

(i) Substituted for 1893 c. 39 s. 27 – *see* 1954 c. 33 (N.I.) s. 29(3)(b)

(j) Substituted for 1893 c. 39 s. 25(1) – *see* 1954 c. 33 (N.I.) s. 29(3)(b)

(d) Articles 17(3) and 19 of the Credit Unions (Northern Ireland) Order 1985;
(e) Article 104(5) of the Industrial Relations (Northern Ireland) Order 1992,
shall have effect as if for the references to £5,000 there were substituted references to £10,000.

Revocation

3. The Administration of Estates (Small Payments) (Increase of Limit) Order (Northern Ireland) 1985^(a) is hereby revoked.

Sealed with the Official Seal of the Department of Finance and Personnel on 27th February 2004.

(L.S.)

E. E. Harkness
Assistant Secretary

^(a) S.R. 1985 No. 9

EXPLANATORY NOTE

(This note is not part of the Order.)

The Administration of Estates (Small Payments) Act (Northern Ireland) 1967 specifies a limit on the amount of property which is allowed, under certain statutory provisions, to be disposed of on death without the necessity for probate or other proof of title, or in pursuance of a nomination made by the deceased. That limit was increased to £5,000 by the Administration of Estates (Small Payments) (Increase of Limit) Order (Northern Ireland) 1985. The present Order, which revokes that Order, further increases the limit to £10,000. In doing so the Order also takes account of the repeal of certain statutory provisions in respect of which the limit was formerly specified.

By virtue of section 6(2) of the Administration of Estates (Small Payments) Act (Northern Ireland) 1967, this Order applies in relation to deaths occurring, or nominations affected, after the expiration of a period of one month beginning with the date on which the Order comes into operation.

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