

Administration of Estates (Small Payments) Act 1965

1965 CHAPTER 32

An Act to provide for increasing the limits in enactments and instruments which allow property to be disposed of on death without probate or other proof of title, or in pursuance of a nomination made by the deceased; to extend certain of the said enactments relating to an intestate's property to cases where the deceased leaves a will; and for connected purposes.

[5th August 1965]

Modifications etc. (not altering text)

C1 Words of enactment omitted under authority of Statute Law Revision Act 1948 (c. 62), s. 3

Commencement Information

II Act in force at 5.9.1965 as provided by s. 7(5).

1 Increase in amounts disposable on death without representation.

- (1) In the enactments and instruments listed in Schedule 1 to this Act, of which—
 - (a) those listed in Part I are enactments authorising the disposal of property on death, without the necessity for probate or other proof of title, to persons appearing to be beneficially entitled thereto, to relatives or dependants of the deceased or to other persons described in the enactments, but subject to a limit which is in most cases £100 and which does not in any case exceed £100;
 - (b) those listed in Part II are enactments giving power to make rules or regulations containing corresponding provisions subject to a limit of £100; and
 - (c) those listed in Part III are such rules and regulations as aforesaid and instruments containing corresponding provisions made under other enactments and containing a limit which does not in any case exceed £200;

the said limit shall, subject to the provisions of that Schedule, in each case be [F1 £5,000] instead of the limit specified in the enactment or instrument; and for references to the said limits in those enactments and instruments there shall accordingly be substituted references to [F1 £5,000].

Changes to legislation: There are currently no known outstanding effects for the Administration of Estates (Small Payments) Act 1965. (See end of Document for details)

Textual Amendments

- Ss. 1, 2, so far as they relate to any enactment, have effect as if for references to £500 there were substituted references to £5,000 by virtue of S.I. 1975/1137, art. 3 and S.I. 1984/539, art. 2
- S. 1(2) repealed by National Debt Act 1972 (c. 65), Sch.

2 Increase in amounts disposable on death by nomination.

- (1) In the enactments and instrument listed in Schedule 2 to this Act (which enable a person by nomination to dispose of property on his death up to a limit of £100 or, in some cases, £200) the said limit shall, subject to the provisions of that Schedule, in each case be [£5,000] instead of the limit specified in the enactments or instrument; and for references to the said limits in the said enactments and instrument there shall accordingly be substituted references to [£5,000].
- (2) This section shall apply in relation to any nomination delivered at or sent to the appropriate office, or made in the appropriate book, after the expiration of a period of one month beginning with the date on which this Act is passed.

Modifications etc. (not altering text)

Ss. 1, 2, so far as they relate to any enactment, have effect as if for references to £500 there were substituted references to £5,000 by virtue of S.I. 1975/1137, art. 3 and S.I. 1984/539, art. 2

3 Extension of certain enactments relating to intestacies to cases where deceased leaves a will.

- (1) The enactments mentioned in Schedule 3 to this Act (all of which are listed in Part I of Schedule 1 to this Act) shall have effect subject to the amendments in that Schedule, which are amendments extending the operation of those enactments to cases where the deceased leaves a will.
- (2) This section shall not extend to Northern Ireland.

4 Estate duty.

- (1) Section 25(2) of the MILocal Government Superannuation Act 1953 (under which a certificate as to estate duty may be required before a payment without representation is made under that section), section 24(4) of the M2Industrial and Provident Societies Act 1965 (under which a similar certificate is required before a payment is made on a nomination under that Act) and so much of section 61(11) of the M3London Midland and Scottish Railway Act 1924, section 99(12) of the M4Southern Railway Act 1924 and section 3(12) of the M5London and North Eastern Railway Act 1944 (which relate to the railway savings banks) as contains corresponding provisions shall cease to have effect.
- [F3(2) Nothing in this Act shall affect section 8(1) of the M6Finance Act 1894 (which applies, in relation to estate duty, certain provisions of the law relating to probate duty). Î

Changes to legislation: There are currently no known outstanding effects for the Administration of Estates (Small Payments) Act 1965. (See end of Document for details)

[F3(3) In the last foregoing subsection the reference to the said section 8(1) includes a reference to that section as it applies in Northern Ireland; but, save as aforesaid, this section shall not extend to Northern Ireland.]

Textual Amendments

F3 S. 4(2)(3) repealed in relation to deaths occurring after 13.4.1975 and, so far as regards certain duties in relation to any death, by Finance Act 1975 (c. 7, SIF 63:1), ss. 52(2), 59, Sch. 13 Pt. I, note (with saving in s. 52(3) in relation to repayment or allowance in respect of certain sums paid before 13.3.1975 on account)

Marginal Citations

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M1 1953 c. 25.
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M2 1965 c. 12.

M3 1924 c. liv.

M4 1924 c. lxvi.

M5 1944 c. x.

M6 1894 c. 30.

5 Power to amend or repeal corresponding or superseded enactments.

- (1) If it appears to the Treasury that any provision in an Act (including a local Act) passed before this Act corresponds to any provision amended by section 1 or section 2 of this Act [F4 or to section 66(1) and (2), 67 or 68 of the Friendly Societies Act 1974][F5 or to section 6(1) of the National Debt Act 1972]... F6 and contains a limit of less than £500, the Treasury may by order substitute a limit of £500 for the limit contained in that provision, but subject to such exceptions, if any, including exceptions as regards the operation of the order in Northern Ireland, the Isle of Man, the Channel Islands or any other place outside Great Britain as may be specified in the order; and an order under this subsection may make such consequential amendments in the Act to which it relates as appear to the Treasury to be expedient.
- (2) If it appears to the Treasury that any provision in a local Act passed before the M⁷Local Government Superannuation Act 1953 is wholly or mainly superseded by section 25(1) of the said Act of 1953 as amended by section 1 of this Act, the Treasury may by order repeal that provision.
- (3) An order under subsection (1) of this section amending a local Act may repeal any provision of that Act corresponding to any provision repealed by section 4 of this Act.
- (4) No order shall be made under this section in respect of any provision in a local Act the Bill for which was promoted by a local authority except on the application of that authority or their successors.
- (5) Any order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- **F4** Words inserted by Friendly Societies Act 1974 (c. 46, SIF 55:1), s. 116(1), Sch. 9 para. 19
- F5 Words inserted by National Debt Act 1972 (c. 65, SIF 99:3), s. 6(3)

Changes to legislation: There are currently no known outstanding effects for the Administration of Estates (Small Payments) Act 1965. (See end of Document for details)

Words inserted by Trustee Savings Banks Act 1969 (c. 50), s. 96(10) (which s. 96(10) was repealed by Trustee Savings Banks Act 1981 (c. 65, SIF 110), s. 53(3), Sch. 8), then substituted by Trustee Savings Banks Act 1981 (c. 65, SIF 110), s. 55(1), Sch. 6 and as so substituted repealed by Trustee Savings Banks Act 1985 (c. 58, SIF 110), ss. 4(3), 7(3), Sch. 4

Marginal Citations

M7 1953 c. 25.

6 Power to provide for further increases.

- (1) The Treasury may from time to time by order direct that—
 - (a) sections 1 and 2 of this Act, so far as they relate to any enactment; and
 - (b) ... ^{F7}, ... ^{F8} ... ^{F9} ... ^{F10}[F11] and section 68 of the ^{M8}Friendly Societies Act 1974] (which contain provisions similar to the enactments to which section 1 of this Act relates but subject to a limit of £500); and
 - [F12(c) section 66(2) of the M9Merchant Shipping Act 1970]; and
 - F13(d) section 6(1) of the M10National Debt Act 1972]; and
 - [F14(e) sections 66 and 67 of the said Act of 1974 (which contain provisions similar to the enactments to which section 2 of this Act relates but subject to a limit of of £500).]

shall have effect as if for references to £500 there were substituted references to such higher amount as may be specified in the order.

- (2) Any order under this section shall apply in relation to deaths occurring after the expiration of a period of one month beginning with the date on which the order comes into force, except that, so far as section 2 of this Act has effect by virtue of any such order, subsection (2) of that section shall apply as if for the reference to the date on which this Act is passed there were substituted a reference to the date on which the order comes into force [F15 and that any such order made by virtue of subsection (1) (e) of this section shall apply in relation to any nomination delivered at or sent to the appropriate office, or made in the appropriate book, after the expiration of a period of one month beginning with the date on which the order comes into force]
- (3) Where an order under this section . . . F16 specifying any amount is in force, references in section 5(1) of this Act to £500 shall be construed as references to the amount specified in the order.
- (4) Any order under this section may be revoked by a subsequent order and shall be made by statutory instrument; and no such order shall be made unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.

Textual Amendments

- F7 Words repealed by Judicial Pensions Act 1981 (c. 20, SIF 71:2), s. 36(2), Sch. 4
- F8 Words repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), Sch. 1 Pt. I
- F9 Word repealed by Parliamentary and other Pensions Act 1972 (c. 48), s. 24(4)
- F10 Words repealed by Parliamentary and other Pensions Act 1987 (c. 45, SIF 89), s. 6, Sch. 4
- F11 Words inserted (1.4.1975) (E.W.)(S.) by Friendly Societies Act 1974 (c. 46), Sch. 9 para. 20(a)
- **F12** S. 6(1)(c) added by Merchant Shipping Act 1970 (c. 36), **Sch. 3 para. 11**
- **F13** S. 6(1)(d) added by National Debt Act 1972 (c. 65) s. 6(3)
- F14 S. 6(1)(e) added (1.4.1975) (E.W.)(S.) by Friendly Societies Act 1974 (c. 46), Sch. 9 para. 20(a)
- F15 Words added (1.4.1975) (E.W.)(S.) by Friendly Societies Act 1974 (c. 46), Sch. 9 para. 20(b)

Changes to legislation: There are currently no known outstanding effects for the Administration of Estates (Small Payments) Act 1965. (See end of Document for details)

F16 Words inserted by Trustee Savings Banks Act 1969 (c. 50), s. 96(10) (which s.96(10) was repealed by Trustee Savings Banks Act 1981 (c. 65, SIF 110), s. 53(3), Sch. 8) then substituted by Trustee Savings Banks Act 1981 (c. 65, SIF 110), s. 55(1), Sch. 6 and as so substituted repealed by Trustee Savings Banks Act 1985 (c. 58, SIF 110), ss. 4(3), 7(3), Sch. 4

Modifications etc. (not altering text)

- C3 S. 6(1) extended by Judicial Pensions Act 1981 (c. 20, SIF 71:2), s. 14, Sch. 1 para. 20(4)
- C4 S. 6(1) extended by National Savings Bank Act 1971 (c. 29), s. 9(2) and (E.W.) by Local Government Act 1972 (c. 70), s. 119(3)
- C5 S. 6(1) extended (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 18(4), 302

Marginal Citations

M8 1974 c. 46.

M9 1970 c. 36

M10 1972 c. 65.

7 Short title, interpretation, extent, commencement and repeals.

- (1) This Act may be cited as the Administration of Estates (Small Payments) Act 1965.
- (2) Any reference in this Act to an enactment or instrument shall be construed as including a reference to that enactment or instrument as amended, extended or applied by any other enactment or instrument.
- (3) The amendment of any instrument by this Act shall be without prejudice to any power of amending or revoking that instrument.
- (4) Save as otherwise expressly provided, so far as this Act amends or gives power to amend, or repeals, any provision which extends to any place outside Great Britain it shall have the same extent.
- (5) Subject to sections 2(2) and 6(2) of this Act, this Act shall apply in relation to deaths occurring after the expiration of a period of one month beginning with the date on which it is passed.
- (6) The enactments mentioned in Schedule 4 to this Act are hereby repealed to the extent specified in the third column of that Schedule, but this subsection shall not affect the operation of those enactments in relation to deaths occurring before the expiration of the said period.

Changes to legislation: There are currently no known outstanding effects for the Administration of Estates (Small Payments) Act 1965. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1.

STATUTORY PROVISIONS AUTHORISING DISPOSAL OF PROPERTY ON DEATH WITHOUT REPRESENTATION

PART I

ENACTMENTS

Short title and chapter	Provision amended by section 1
F17	F17
F17	F17
	•••
The Loan Societies Act 1840 (3 & 4 Vict. c. 110).	Section 11.
The Navy and Marines (Property of Deceased) Act 1865 (28 & 29 Vict. c. 111).	Sections 5, 6 and 8.
[F18The Provident Nominations and Small Intestacies Act 1883 (46 & 47 Vict. c. 47).]	[F18 Section 7 except as it applies in Northern Ireland.]
The Great Western Railway Act 1885 (48 & 49 Vict. c. cxlvii).	Section 45(8).
The Regimental Debts Act 1893 (56 & 57 Vict. c. 5).	Sections 7 and 9 and, except in relation to liability to estate duty section 16.
F19	F19
The Taff Vale Railway Act 1895 (58 & 59 Vict. c. cxxii).	Section 18(10).
[F20 The Friendly Societies Act 1896 (59 & 60 Vict. c. 25).]	[F20 Section 58 except as it applies in Northern Ireland.]
The Superannuation (Ecclesiastical Commissioners and Queen Anne's Bounty) Act 1914 (4 & 5 Geo. 5 c. 5).	Section 7.
F21	F21
•••	•••
The Constabulary (Ireland) Act 1922 (12 & 13 Geo. 5. c. 55).	Paragraph 15(3) of Part II of the Schedule.

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Changes to legislation: There are currently no known outstanding effects for the Administration of Estates (Small Payments) Act 1965. (See end of Document for details)

The London Midland and Scottish Railway Act 1924 (14 & 15 Geo. 5. c. liv).

Section 61(11) except as it applies in Northern Ireland.

The Southern Railway Act 1924 (14 & 15 Geo. 5. c. lxvi).

Section 99(12).

F21

F21

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The Government Annuities Act 1929 (19 & 20 Geo. 5. c. 29).

Sections 21 and 57.

The Superannuation (Various Services) Act 1938 (1 & 2 Geo. 6. c. 13).

Section 2.

The Greenwich Hospital Act 1942 (5 & 6 Geo. 6. c. 35).

Section 2.

The London and North Eastern Railway Act

Section 3(12)(b).

1944 (7 & 8 Geo. 6. c. x).

The U.S.A. Veterans' Pensions (Administration) Act 1949 (12, 13 & 14 C)

(Administration) Act 1949 (12, 13 & 14 Geo. 6. c. 45).

Section 1(3)(c).

The Local Government Superannuation Act

ct Section 25(1).

1953 (1 & 2 Eliz. 2. c. 25).

F22

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The Industrial and Provident Societies Act 1965 (1965 c. 12).

Section 25.

Textual Amendments

- F17 Entry repealed by Statute Law (Repeals) Act 1977 (c. 18), s. 1(1), Sch. 1 Pt. XVI
- F18 Entry repealed (E.W.)(S.) by Industrial Relations Act 1971 (c. 72), Sch. 9
- F19 Entry repealed by Merchant Shipping Act 1970 (c. 36), Sch. 5
- F20 Entry repealed (1.4.1975) (E.W.)(S.) by Friendly Societies Act 1974 (c. 46), Sch. 11
- F21 Entry repealed by Teachers' Superannuation Act 1965 (c. 83), Sch. 3 Pt. II
- F22 Entry repealed by Building Societies Act 1986 (c. 53, SIF 16), s. 120, Sch. 19 Pt. I

PART II

ENABLING ENACTMENTS

Short title and chapter The Pensions and Yeomanry Pay Act 1884 (47 & 48 Vict. c. 55). The Elementary School Teachers (Superannuation) Act 1898 (61 & 62 Vict. c. 57). Provision amended by section 1 Section 4. Section 6(1)(d).

Changes to legislation: There are currently no known outstanding effects for the Administration of Estates (Small Payments) Act 1965. (See end of Document for details)

F23	F23
<u></u>	11.
F24	F24

Textual Amendments

F23 Entry repealed by National Savings Bank Act 1971 (c. 29), Sch. 2

F24 Entry repealed by Trustee Savings Banks Act 1969 (c. 50), Sch. 3 Pt. I

PART III

INSTRUMENTS

Title and number	Provision amended by section 1
Rules of the Supreme Court	Rule 11 of Order 22.
Amended regulations dated 11th July 1907 and made by the Secretary of State for War under section 4 of the Pensions and Yeomanry Pay Act 1884.	Paragraph 1.
Regulations as to the suitors fund and fee fund accounts (S.R. & O. 1913/1332).	Regulation 13(b) and (c) and Form 1 in the Appendix.
The Elementary School Teachers (Superannuation) Rules 1919 (S.R. & O. 1920/2298).	Rule 15.
Regulations dated 27th November 1920 and made by the Secretary of State for Air under section 4 of the Pensions and Yeomanry Pay Act 1884 as applied to the Royal Air Force by the Air Force (Application of Enactments) (No. 2) Order 1918.	Paragraph 1.
The Royal Irish Constabulary Pensions Order 1922 (S.R. & O. 1922/945).	Article 15(3).
Supreme Court Fund Rules 1927 (S.R. & O. 1927/1184).	Rule 62 and Forms 63 and 64 in the Appendix.
The Trustee Savings Banks Regulations 1929 (S.R. & O. 1929/1048.)	Regulation 28(1).
The Savings Certificate Regulations 1933 (S.R. & O. 1933/1149).	Regulation 19(1).
Rules of the Supreme Court (Northern Ireland) 1936 (S.R. & O. 1936/70).	Rule 12 of Order 22.
County Court Rules (S.R. & O. 1936/626).	Rule 22 of Order 48.

Changes to legislation: There are currently no known outstanding effects for the Administration of Estates (Small Payments) Act 1965. (See end of Document for details)

Treasury Order dated 8th April 1938 Article 2 and the Schedule. prescribing certain public departments for the purposes of section 8 of the Superannuation Act 1887 and making regulations with respect to the distribution without probate under the said section of sums due from a public department (S.R. & O. 1938/303). The Superannuation (Various Services) Article 1 and the Schedule. Regulations 1938 (S.R. & O. 1938/304). The Post Office Savings Bank Regulations Regulation 39(1). 1938 (S.R. & O. 1938/556). The Compensation to Seamen (War Damage Article 4. to Effects) Scheme 1945 (S.R. & O. 1945/1164). The Navy and Marines (Property of Article 16. Deceased) Order 1956 (S.I. 1956/1217). The Premium Savings Bonds Regulations Regulation 9. 1956 (S.I. 1956/1657). The Teachers (Superannuation) (Scotland) Regulation 58(1). Regulations 1957 (S.I. 1957/356). The Military Pensions (Commonwealth Regulation 2 and the Schedule. Relations Office) Regulations 1959 (S.I. 1959/735). The Court of Protection Rules 1960 (S.I. Rule 83(2). 1960/1146). The Police Pensions Regulations 1962 (S.I. Regulation 57(3). 1962/2756). The Firemen's Pension Scheme Order 1964 Article 47(3).

(S.I. 1964/1148).

SCHEDULE 2

Section 2.

STATUTORY PROVISIONS AUTHORISING DISPOSAL OF PROPERTY ON DEATH BY NOMINATION

Title and chapter or serial number	Provision amended by section 2
The Trade Union Act Amendment Act 1876 (39 & 40 Vict. c. 22).	Section 10 except as it applies in Northern Ireland.
The Great Western Railway Act 1885 (48 & 49 Vict. c. cxlvii).	Section 45(7).
The Taff Vale Railway Act 1895 (58 & 59 Vict. c. cxxii).	Section 18(9).
[F25 The Friendly Societies Act 1896 (59 & 60 Vict. c. 25).]	[F25] Sections 56(1) and 57(1), except as they apply in Northern Ireland.]

Changes to legislation: There are currently no known outstanding effects for the Administration of Estates (Small Payments) Act 1965. (See end of Document for details)

The London Midland and Scottish Railway Section 61(9).

Act 1924 (14 & 15 Geo. 5. c. liv).

Section 99(10).

The Southern Railway Act 1924 (14 & 15 Geo. 5. c. lxvi).

The Trustee Savings Banks Regulations 1929 Regulations 11, 21 and 22.

(S.R. & O. 1929/1048).

The Industrial and Provident Societies Act Section 23(3)(c).

1965 (1965 c. 12).

Textual Amendments

F25 Entry repealed (1.4.1975) (E.W.)(S.) by Friendly Societies Act 1974 (c. 46), Sch. 11

SCHEDULE 3

Section 3.

EXTENSION OF ENACTMENTS RELATING TO INTESTACIES

Modifications etc. (not altering text)

C6 The text of Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

The Loan Societies Act 1840 (3 & 4 Vict. c. 110)

In section 11—

for the words "that no will was made and left by such deceased person" there shall be substituted the words "that no will of the deceased has been or will be proved";

 \dots F26 and

Textual Amendments

F26 Words repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. XI

after the words "although no letters of administration shall have been taken out" there shall be inserted the words "and no probate of any will have been granted".

... F27

Textual Amendments

F27 Entry repealed by Industrial Relations Act 1971 (c. 72), Sch. 9

Changes to legislation: There are currently no known outstanding effects for the Administration of Estates (Small Payments) Act 1965. (See end of Document for details)

The Great Western Railway Act 1885 (48 & 49 Vict. c. cxlvii)

In section 45(8)... F28 after the words "without letters of administration" there shall be inserted the words "or probate of any will".

Textual Amendments

F28 Words repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. XI

The Taff Vale Railway Act 1895 (58 & 59 Vict. c. cxxii)

In section 18(10)... F29 after the words "without letters of administration" there shall be inserted the words "or probate of any will".

Textual Amendments

F29 Words repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. XI

... F30

Textual Amendments

F30 Entry repealed by Friendly Societies Act 1974 (c. 46, SIF 55:1), s. 116(4), Sch. 11

The London Midland and Scottish Railway Act 1924 (14 & 15 Geo. 5. c. liv)

In section 61(11)... F31 after the words "without letters of administration" there shall be inserted the words "or probate of any will".

Textual Amendments

F31 Words repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. XI

The Southern Railway Act 1924 (14 & 15 Geo. 5. c. lxvi)

In section $99(12) \dots^{F32}$ after the words "without letters of administration" there shall be inserted the words "or probate of any will".

Textual Amendments

F32 Words repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. XI

. . . F33

Changes to legislation: There are currently no known outstanding effects for the Administration of Estates (Small Payments) Act 1965. (See end of Document for details)

Textual Amendments

F33 Entry repealed by Building Societies Act 1986 (c. 53, SIF 16), s. 120, Sch. 19 Pt. I

The Industrial and Provident Societies Act 1965 (1965 c. 12)

In section 25(1)... F34 after the words "without letters of administration" there shall be inserted the words "or probate of any will".

Textual Amendments

F34 Words repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. XI

F35F35SCHEDULE 4

]	 Al Amendments Sch. 4 repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. XI
	F35

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Administration of Estates (Small Payments) Act 1965.