



# Debts (Deceased Servicemen etc) Act 1893

1893 CHAPTER 5 56 and 57 Vict

## *Supplemental Provisions*

- 21 Deposit in court of probate, &c., of original wills in hands of Secretary of State, and declaration of intestacy.**
- (1) Where any original will of a person dying while subject to [F<sup>1</sup>service law], whether he died before or after the commencement of this Act, comes to the hands of a Secretary of State, and representation under the same is not taken out, then the Secretary of State may cause the same to be deposited as follows:
    - (a) Where the domicile of the testator appears to the Secretary of State to have been in Scotland, then in the office of the commissary clerk of the commissary court of the county of Edinburgh:
    - (b) Where the domicile of the testator appears to the Secretary of State to have been in Ireland, then in the place for the time being appointed in Dublin for the deposit of original wills brought into the High Court in Ireland:
    - (c) In any other case, in the place for the time being appointed in London for the deposit of original wills brought into the High Court in England.
  - (2) Where a person dies while subject to [F<sup>1</sup>service law] intestate, and under this Act any residue of his property comes to the hands of the Secretary of State, and representation to the deceased is not taken out, then the Secretary of State may, if it seems fit, cause a declaration of his intestacy to be deposited in the place or office where his original will (if any) would be deposited as aforesaid.
  - (3) In every such case the Secretary of State may cause to be deposited, together with the original will or declaration of intestacy, an inventory showing the personal property of the deceased, and the application thereof, as far as the same is known.
  - (4) Every such original will, declaration of intestacy, and inventory shall be preserved and dealt with, and may be inspected, subject and according to the same rules or orders and on payment of the same fees as any other like documents deposited in that office or place, or subject and according to such other rules or orders and on payment of

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**Changes to legislation:** There are currently no known outstanding effects for the Debts (Deceased Servicemen etc) Act 1893, Section 21. (See end of Document for details)

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such other fees, as may be made or fixed in that behalf by the court, judge, or other authority empowered to make rules or orders in relation to other documents deposited in the same place or office.

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**Textual Amendments**

- F1** Words in Act substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 6**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

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**Modifications etc. (not altering text)**

- C1** S. 21 amended by [Regimental Debts \(Deposit of Wills\) \(Scotland\) Act 1919 \(c. 89\)](#)

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