



# Administration of Estates (Small Payments) Act (Northern Ireland) 1967

## 1967 CHAPTER 5

An Act to provide for increasing the limits in transferred provisions 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 provisions relating to an intestate's property to cases where the deceased leaves a will; and for connected purposes. [21st March 1967]

### **1<sup>F1</sup> Increase in amounts disposable on death without representation.**

In the transferred provisions listed in Schedule 1, of which—

- (a) those listed in Part I are provisions of Acts 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 of the deceased or to other persons described in the Acts, but subject to a limit of £100;
- (b) those listed in Part II are provisions of Acts giving power to make regulations containing provisions corresponding to the provisions described in paragraph (a); and
- (c) those listed in Part III are regulations such as are described in paragraph (b) and instruments containing corresponding provisions made under other Acts and containing a limit which is, in some cases, £100 and, in other cases, £200;

the said limit shall in each case be £500<sup>F2</sup> instead of the limit specified in the transferred provision; and for references to the limits of £100 or, as the case may be, £200 in those transferred provisions there shall accordingly be substituted references to £500<sup>F2</sup>.

**F1** Mod. by SR 2004/68

**F2** Increased to £5,000 for deaths after 31.3.1985, SR 1985/9

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Administration of Estates (Small Payments) Act (Northern Ireland) 1967. (See end of Document for details)*

## **2<sup>F3</sup> Increase in amounts disposable on death by nomination.**

- (1) In the transferred provisions listed in Schedule 2 (which enable a person by nomination to dispose of property on his death up to a limit of £200) the said limit shall in each case be £500<sup>F4</sup> instead of £200; and for references to the limit of £200 in those provisions there shall accordingly be substituted references to £500<sup>F4</sup>.
- (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.

**F3** Mod. by SR 2004/68

**F4** Increased to £5,000 for nominations effected after 31.3.1985, SR 1985/9

*S.3, with Schedule 3, effects amendments*

*S.4(1) repeals s.28(2) of 1893 c.39, s.61 (pt.) of 1924 c.liv; subs.(2) rep. by 1975 c.7*

## **5 Power to amend or repeal corresponding transferred provisions.**

- (1) If it appears to the Ministry of Finance (in this Act referred to as “the Ministry”) that any transferred provision (including a local Act) passed before this Act corresponds to any provision amended by section 1 or section 2 and contains a limit of less than £500, the Ministry may by order substitute a limit of £500<sup>F5</sup> for the limit contained in that provision; and an order under this section may make such consequential amendments in the transferred provision to which it relates as appear to the Ministry to be expedient.
- (2) An order under this section amending a local Act may repeal any provision of that Act corresponding to any provision repealed by section 4.
- (3) 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.
- (4) Any order under this section shall be subject to negative resolution.

**F5** See s.6(3)

## **6 Power to provide for further increases.**

- (1) The Ministry may from time to time by order direct that—
  - (a) sections 1 and 2, so far as they relate to any transferred provision other than an instrument; and
  - (b) section 13 of the Ministerial Salaries and Members' Pensions Act (Northern Ireland) 1965<sup>F6</sup>... (which [<sup>F7</sup> contain] provisions similar to the transferred provisions to which section 1 relates but subject to a limit of £500); [<sup>F8</sup> and

*Para. (c) rep. by 1992 c. 40*

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

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into force, except that, so far as section 2 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.

- (3) Where an order under this section specifying any amount is in force, references in section 5(1) to £500 shall be construed as references to the amount specified in the order.
- (4) Any order under this section shall be subject to affirmative resolution.

<b>F6</b>	1992 c. 40
<b>F7</b>	1970 c.31 (NI)
<b>F8</b>	1970 c.31 (NI)

## **7 Interpretation.**

- (1) In this Act—
  - “instrument” has the meaning assigned to it by section 1( c) of the Interpretation Act (Northern Ireland) 1954;
  - “the Ministry” has the meaning assigned to it by section 5(1);
  - “transferred provision” has the meaning assigned to it by section 1( g) of the said Act of 1954 .
- (2) Any reference in this Act to a transferred provision shall be construed as including a reference to that provision as extended or applied by any other transferred provision.

## **8 Short title, saving, commencement and repeals.**

- (1) This Act may be cited as the Administration of Estates (Small Payments) Act (Northern Ireland) 1967.
- (2) The amendment of any instrument by this Act shall be without prejudice to any power of amending or revoking that instrument.
- (3) Subject to sections 2(2) and 6(2), 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.

*Subs.(4), with Schedule 4, effects repeals*

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## SCHEDULES

### SCHEDULE 1

Section 1.

#### TRANSFERRED PROVISIONS AUTHORISING DISPOSAL OF PROPERTY ON DEATH WITHOUT REPRESENTATION

#### PART I

#### ACTS

Session or Year and Chapter	Short Title	Provision amended by section 1
F9	F9	F9
...	...	...
F10	F10	F10
...	...	...
56 & 57 Vict. c.39	The Industrial and Provident Societies Act 1893.	Section 27.
...	...	...
F11	F11	F11
14 & 15 Geo.5. c.liv.	The London Midland and Scottish Railway Act 1924.	Section 61(11).
...	...	...
F12	F12	F12

<b>F9</b>	1986 C. 53
<b>F10</b>	1992 NI 5
<b>F11</b>	1970 c.31 (NI)
<b>F12</b>	1972 NI 10

#### PART II

#### ENABLING ACTS

Year and Chapter	Short Title	Provision amended by section 1
...	...	...
F13	F13	F13

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1950, c.10.	The Local Government (Superannuation) Act (Northern Ireland 1950.	Section 2(1)(hi).
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**F13** [1971 c.1 \(NI\)](#)

### PART III

#### INSTRUMENTS

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<b>Year and Number</b>	<b>Title</b>	<b>Provision amended by section 1</b>
1923, No. 29.	The Royal Ulster Constabulary Pensions Order 1923.	Article 17(3).
1924, No. 109.	The Ulster Special Constabulary Pensions Order 1924.	Article 16(3).
1949, No. 211.	The Royal Ulster Constabulary Pensions Order 1949.	Paragraph 47(2) of the Schedule.
1950, No. 97.	The Ulster Special Constabulary Pensions Regulations 1950.	Regulation 49(2).
1955, No. 181.	The Fire Services (Fire Officers and Firemen) Pensions Order (Northern Ireland) 1955.	Paragraph 47(2) of the Schedule
1955, No. 182.	The Fire Services (Part-time Fire Officers and Firemen) Pensions Order (Northern Ireland) 1955.	Regulation 49(2) of the Schedule
<b>F14</b>	<b>F15</b>	<b>F16</b>
...	...	...
1962, No. 210.	The Local Government (Superannuation) Regulations (Northern Ireland) 1962.	Regulation 46.
1962, No. 237.	The Health Services (Superannuation) Regulations (Northern Ireland) 1962.	Regulation 46.
1964, No. 57.	The Ulster Transport Authority Salaried Staff Superannuation Regulations 1964.	Rule 25(3) of the Schedule

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**F14** 2004 NI 22

**F15** 2004 NI 22

**F16** 2004 NI 22

## SCHEDULE 2

Section 2.

### TRANSFERRED PROVISIONS AUTHORISING DISPOSAL OF PROPERTY ON DEATH BY NOMINATION

Session and Chapter	Short Title	Provision amended by section 2
F17	F17	F17
...	...	...
56 & 57 Vict. c.39.	The Industrial and Provident Societies Act 1893.	Section 25(1).
...	...	...
<b>F18</b>	<b>F18</b>	<b>F18</b>

**F17** 1992 NI 5

**F18** 1970 c.31 (NI)

*Schedule 3 — Amendments*

*Schedule 4 — Repeals*

**Status:**

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**Changes to legislation:**

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