



# Administration of Estates (Small Payments) Act 1965

## 1965 CHAPTER 32

### 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 [<sup>F1</sup>£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 [<sup>F1</sup>£5,000].

<sup>F2</sup>(2) .....

#### Textual Amendments

- F1** 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
- F2** S. 1(2) repealed by [National Debt Act 1972 \(c. 65\)](#), [Sch.](#)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

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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)

- C1** 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 <sup>M1</sup>Local 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 <sup>M2</sup>Industrial 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 <sup>M3</sup>London Midland and Scottish Railway Act 1924, section 99(12) of the <sup>M4</sup>Southern Railway Act 1924 and section 3(12) of the <sup>M5</sup>London and North Eastern Railway Act 1944 (which relate to the railway savings banks) as contains corresponding provisions shall cease to have effect.

[<sup>F3</sup>(2) Nothing in this Act shall affect section 8(1) of the <sup>M6</sup>Finance Act 1894 (which applies, in relation to estate duty, certain provisions of the law relating to probate duty).]

[<sup>F3</sup>(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

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

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<b>M3</b>	1924 c. liv.
<b>M4</b>	1924 c. lxvi.
<b>M5</b>	1944 c. x.
<b>M6</b>	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 [<sup>F4</sup>or to section 66(1) and (2), 67 or 68 of the Friendly Societies Act 1974][<sup>F5</sup>or to section 6(1) of the National Debt Act 1972] . . . <sup>F6</sup> 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 <sup>M7</sup>Local 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\(3\)](#)
- F6** 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) . . . <sup>F7</sup>, . . . <sup>F8</sup> . . . <sup>F9</sup> . . . [<sup>F10</sup><sup>F11</sup>and section 68 of the <sup>M8</sup>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

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- <sup>F12</sup>(c) . . . . .
- [<sup>F13</sup>(d) section 6(1) of the <sup>M9</sup>National Debt Act 1972]; and
- [<sup>F14</sup>(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 [<sup>F15</sup>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 . . . <sup>F16</sup> 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. 1](#)
- 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\(1\)\(c\)](#) repealed (1.1.1996) by [1995 c. 21](#), ss. 314(1), 316(2), [Sch. 12](#) (with s. 312(1), [Sch. 14 para. 1](#))
- 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\(b\)](#)
- 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)

- C2** [S. 6\(1\)](#) extended by [Judicial Pensions Act 1981 \(c. 20, SIF 71:2\)](#), s. 14, [Sch. 1 para. 20\(4\)](#)
- C3** [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\(3\)](#)
- C4** [S. 6\(1\)](#) extended (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52\)](#), ss. [18\(4\)](#), 302.
- [S. 6\(1\)](#) extended (with modifications) (1.4.1998) by [S.I. 1998/633](#), [art. J20\(3\)](#)

#### Marginal Citations

- M8** [1974 c. 46](#).

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**M9** 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.