



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]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Increase in amounts disposable on death without representations.

- (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 £500 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 £500.

- (2) In section 5(1) of the National Debt Act 1958 (which enables government stock of an amount not exceeding £100 to be transferred on the death of the holder from the books of the Bank of England or Bank of Ireland to the Post Office register) for the reference to £100 there shall be substituted a reference to £500.

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 £500 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 £500.
- (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.

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 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 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 London Midland and Scottish Railway Act 1924, section 99(12) of the Southern Railway Act 1924 and section 3(12) of the London and North Eastern Railway Act 1944 (which relate to the railway savings banks) as contains corresponding provisions shall cease to have effect.
- (2) Nothing in this Act shall affect section 8(1) of the Finance Act 1894 (which applies, in relation to estate duty, certain provisions of the law relating to probate duty).
- (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.

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 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 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.

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) section 8 of the Superannuation Act 1887, section 38(2) of the Finance Act 1918 and section 14(2) of the Ministerial Salaries and Members' Pensions Act 1965 (which contain provisions similar to the enactments to which section 1 of this Act relates but subject to a limit 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.
- (3) Where an order under this section 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.

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.

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- (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.

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
The Friendly Societies Act 1829 (10 Geo. 4. c. 56).	Section 24.
The Army Pensions Act 1830 (11 Geo. 4 & 1 Will. 4. c. 41).	Section 5.
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.
The Provident Nominations and Small Intestacies Act 1883 (46 & 47 Vict. c. 47).	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.
The Merchant Shipping Act 1894 (57 & 58 Vict. c. 60).	Section 176(1)(a) and (b).
The Taff Vale Railway Act 1895 (58 & 59 Vict. c. cxxii).	Section 18(10).
The Friendly Societies Act 1896 (59 & 60 Vict. c. 25).	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.
The School Teachers (Superannuation) Act 1918 (8 & 9 Geo. 5. c. 55).	Section 8.
The Constabulary (Ireland) Act 1922 (12 & 13 Geo. 5. c. 55).	Paragraph 15(3) of Part II of the Schedule.

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Short title and chapter	Provision amended by section 1
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).
The Teachers (Superannuation) Act 1925 (15 & 16 Geo. 5. c. 59).	Paragraph 8 of Schedule 1.
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 1944 (7 & 8 Geo. 6. c. x).	Section 3(12)(b).
The U.S.A. Veterans' Pensions (Administration) Act 1949 (12, 13 & 14 Geo. 6. c. 45).	Section 1(3)(c).
The Local Government Superannuation Act 1953 (1 & 2 Eliz. 2. c. 25).	Section 25(1).
The Building Societies Act 1962 (10 & 11 Eliz. 2. c. 37).	Section 46(1), but not so as to affect paragraph 7 of Schedule 8.
The Industrial and Provident Societies Act 1965 (1965 c. 12).	Section 25.

PART II

ENABLING ENACTMENTS

Short title and chapter	Provision amended by section 1
The Pensions and Yeomanry Pay Act 1884 (47 & 48 Vict. c. 55).	Section 4.
The Elementary School Teachers (Superannuation) Act 1898 (61 & 62 Vict. c. 57).	Section 6(1)(d).
The Post Office Savings Bank Act 1954 (2 & 3 Eliz. 2. c. 62).	Section 7(2).
The Trustee Savings Banks Act 1954 (2 & 3 Eliz. 2. c. 63).	Section 21(5).

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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.
Treasury Order dated 8th April 1938 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).	Article 2 and the Schedule.
The Superannuation (Various Services) Regulations 1938 (S.R. & O. 1938/304).	Article 1 and the Schedule.
The Post Office Savings Bank Regulations 1938 (S.R. & O. 1938/556).	Regulation 39(1).

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Title and number	Provision amended by section 1
The Compensation to Seamen (War Damage to Effects) Scheme 1945 (S.R. & O. 1945/1164).	Article 4.
The Navy and Marines (Property of Deceased) Order 1956 (S.I. 1956/1217).	Article 16.
The Premium Savings Bonds Regulations 1956 (S.I. 1956/1657).	Regulation 9.
The Teachers (Superannuation) (Scotland) Regulations 1957 (S.I. 1957/356).	Regulation 58(1).
The Military Pensions (Commonwealth Relations Office) Regulations 1959 (S.I. 1959/735).	Regulation 2 and the Schedule.
The Court of Protection Rules 1960 (S.I. 1960/1146).	Rule 83(2).
The Police Pensions Regulations 1962 (S.I. 1962/2756).	Regulation 57(3).
The Firemen's Pension Scheme Order 1964 (S.I. 1964/1148).	Article 47(3).

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).
The Friendly Societies Act 1896 (59 & 60 Vict. c. 25).	Sections 56(1) and 57(1), except as they apply in Northern Ireland.
The London Midland and Scottish Railway Act 1924 (14 & 15 Geo. 5. c. liv).	Section 61(9).
The Southern Railway Act 1924 (14 & 15 Geo. 5. c. lxvi).	Section 99(10).
The Trustee Savings Banks Regulations 1929 (S.R. & O. 1929/1048).	Regulations 11, 21 and 22.
The Industrial and Provident Societies Act 1965 (1965 c. 12).	Section 23(3)(c).

SCHEDULE 3

Section 3.

EXTENSION OF ENACTMENTS RELATING TO INTESTACIES

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 wilt of the deceased has been or will be proved ";
the words " under the Statute of Distribution " and the word " intestate " in each place where it occurs, shall be omitted; and
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 has been granted ".

The Provident Nominations and Small Intestacies Act 1883

(46 & 47 Vict. c. 47)

In section 7—

the words "intestate and" shall be omitted;
after the words " without letters of administration " there shall be inserted the words " or probate of any will ".

In section 8, the words " intestate, and " shall be omitted.

The Great Western Railway Act 1885

(48 & 49 Vict. c. cxlvii)

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

The Taff Vale Railway Act 1895

(58 & 59 Vict. c. cxxii)

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

The Friendly Societies Act 1896

(59 & 60 Vict. c. 25)

In section 58(1) the words " intestate and " shall be omitted, and after the words " without letters of administration " there shall be inserted the words " or probate of any will ".

The London Midland and Scottish Railway Act 1924

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

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

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The Southern Railway Act 1924

(14 & 15 Geo. 5. c. lxvi)

In section 99(12) the words " intestate and " shall be omitted, and after the words " without letters of administration " there shall be inserted the words " or probate of any will ".

The Building Societies Act 1962

(10 & 11 Eliz. 2. c. 37)

In section 46—

- in subsection (1) the word " intestate " shall be omitted;
- in subsection (2), after the words " without the grant of letters of administration" there shall be inserted the words " or probate of any will " , and the words from " with respect to the distribution" to the end of the subsection shall be omitted;
- in subsection (3), for the words " died intestate " there shall be substituted the words " has died "; and
- in subsection (4) the words " in the belief that he died intestate " shall be omitted.

The Industrial and Provident Societies Act 1965

(1965 c. 12)

In section 25(1) the word " intestate " shall be omitted, and after the words " without letters of administration " there shall be inserted the words " or probate of any will ".

SCHEDULE 4

Section 7.

REPEALS

Session and Chapter	Short Title	Extent of Repeal
3 & 4 Vict. c. 100.	The Loan Societies Act 1840.	In section 11 the words " under the Statute of Distribution " and the word " intestate " in both places where it occurs.
46 & 47 Vict. c. 47.	The Provident Nominations and Small Intestacies Act 1883.	Except as the Act applies in Northern Ireland— In section 7 the words " intestate and " In section 8 the words " intestate and ".
48 & 49 Vict. c. cxlvii.	The Great Western Railway Act 1885.	In section 45(8) the words " intestate and ".
58 & 59 Vict. c. cxxii.	The Taff Vale Railway Act 1895.	In section 18(10) the words " intestate and ".

Session and Chapter	Short Title	Extent of Repeal
59 & 60 Vict. c. 25.	The Friendly Societies Act 1896.	In section 58(1), except as it applies in Northern Ireland, the words " intestate and ".
14 & 15 Geo. 5. c. liv.	The London Midland and Scottish Railway Act 1924.	In section 61(11), except as it applies in Northern Ireland, the words " intestate and " and the Words from " and section 6 " to the end.
14 & 15 Geo. 5. c. lxvi.	The Southern Railway Act 1924.	In section 99(12) the words " intestate and " and the words from " and section 6 " to the end.
7 & 8 Geo. 6. c. x.	The London and North Eastern Railway Act 1944.	Section 3(12)(c).
11 & 12 Geo. 6. c. 39.	The Industrial Assurance and Friendly Societies Act 1948.	Section 18(3).
1 & 2 Eliz. 2. c. 25.	The Local Government Superannuation Act 1953.	Section 25(2).
10 & 11 Eliz. 2. c. 37.	The Building Societies Act 1962.	In section 46, in subsection (1) the word " intestate", in subsection (2) the words from " with respect to the distribution " to the end of the subsection and in subsection (4) the words " in the belief that he died intestate ",
1965 c. 12.	The Industrial and Provident Societies Act 1965.	Section 24(4). In section 25(1) the word " intestate "