



Navy and Marines (Property Of Deceased) Act 1865

1865 CHAPTER 111 28 and 29 Vict

11 Provision for payment of debts out of residue.

In the case of a seaman or marine, where representation is not taken out, the Admiralty shall before disposing of the residue or any part thereof satisfy out of the residue (as far as the same will extend) any debt of the deceased of which they have notice, subject to the following conditions:

First.—That the debt accrued due within three years before the death:

Second.—That payment of it is claimed within two years after the death:

Third.—That the claimant proves the debt to the satisfaction of the Admiralty:

Fourth.—That six months have elapsed from the receipt by the Admiralty of notice of the death, and no person has shown herself or himself to the satisfaction of the Admiralty to be entitled to take out representation to the deceased.

In any such case, any person claiming to be a creditor of the deceased shall not be entitled to obtain payment of his debt out of any money being under this Act in the hands of the Admiralty by any means or proceeding whatever except by means of a claim lodged with the Admiralty and proceedings thereon under and according to this Act.

Modifications etc. (not altering text)

C1 Ss. 5-11 applied (6.4.2005) by [Armed Forces \(Pensions and Compensation\) Act 2004 \(c. 32\)](#), **ss. 2(2)**, 8; S.I. 2005/356, art. 2(2), Sch. 2

Changes to legislation:

Navy and Marines (Property Of Deceased) Act 1865, Section 11 is up to date with all changes known to be in force on or before 31 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Commencement Orders yet to be applied to the Navy and Marines (Property Of Deceased) Act 1865

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2005/356 art. 2Sch. 12](#) commences (2004 c. 32)
- [S.I. 2005/3175 art. 23Sch. 12](#) commences (2004 c. 33)