



Navy and Marines (Property Of Deceased) Act 1865

1865 CHAPTER 111 28 and 29 Vict

8 †Residue not exceeding 100*L.*, and no representation, power to pay it to widow, &c.

Where the residue does not exceed [^{F1}£5,000], and representation is not taken out, then, subject to the other provisions of this Act, the Admiralty shall, as soon as may be, dispose of the residue as follows:—

- (1) They shall, if they think fit, pay the residue to any person showing herself or himself to their satisfaction to be entitled to take out representation to the deceased (otherwise than as a creditor)—to the end that the residue may be applied by the person to whom it is so paid in a due course of administration; and the same shall be so applied accordingly (for which application the Admiralty may require such security as they think fit):
- (2) Or else the Admiralty shall, if they think fit, pay to the persons (if any) beneficially interested in the residue their respective shares thereof:
- (3) And in cases where the foregoing provisions of the present section do not apply, and the amount of the residue appears to the Admiralty insufficient to cover the expense of representation, the Admiralty shall dispose of the residue in manner prescribed by Order in Council.

Textual Amendments

- F1** Figure substituted by virtue of [Administration of Estates \(Small Payments\) Act 1965 \(c. 32, SIF 116:1\)](#), s. 1(1), [Sch. 1 Pt. I](#) and [S.I. 1984/539](#), [art. 2\(a\)](#)

Modifications etc. (not altering text)

- C1** A dagger appended to a marginal note means that it is no longer accurate
- C2** Power to amend s. 8 given by [Administration of Estates \(Small Payments\) Act 1965 \(c. 32\)](#), [s. 6](#).
- C3** 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 8 is up to date with all changes known to be in force on or before 26 September 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)