



# Debts (Deceased Servicemen etc) Act 1893

1893 CHAPTER 5 56 and 57 Vict

## *Collection of Effects and Payment of Preferential Charges*

### **1 On death of person subject to <sup>F1</sup>service law] committee of adjustment to secure effects and pay charges.**

On the death of a person while subject to <sup>F1</sup>service law] the prescribed committee of adjustment shall, as soon as may be, in accordance with the prescribed regulations and subject to any exceptions made thereby,

- (1) secure and make an inventory of all such of the effects of the deceased as are in camp or quarters, and, if the death occurs out of the United Kingdom, are within the prescribed area whether station, colony, or command, or other, (which area is in this Act referred to as the regulation area); and
- (2) ascertain the amount and provide for the payment of the preferential charges on the property of the deceased.

#### **Textual Amendments**

- F1** Words in Act substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\), Sch. 16 para. 6](#); [S.I. 2009/812, art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167, art. 4](#)

### **2 Preferential charges.**

The following shall be the preferential charges on the property of a person dying while subject to <sup>F1</sup>service law], and shall, except so far as other provision may be made for them or any of them, be payable in preference to all other debts and liabilities, and, as among themselves, in the following order:—

- (1) Expenses of last illness and funeral:

*Changes to legislation:* There are currently no known outstanding effects for the Debts (Deceased Servicemen etc) Act 1893, Cross Heading: Collection of Effects and Payment of Preferential Charges. (See end of Document for details)

- (2) [<sup>F2</sup>Service] debts, namely, sums due in respect of, or of any advance in respect of—
- (a) Quarters;
  - (b) Mess, band, and other regimental accounts;
  - (c) [<sup>F2</sup>Service] clothing, appointments and equipments, not exceeding a sum equal to six months pay of the deceased, and having become due within eighteen months before his death;
- to which shall be added, where the death occurs out of the United Kingdom,—
- (3) Servants wages, not exceeding two months wages to each servant; and
- (4) Household expenses incurred within a month before the death, or after the last issue of pay to the deceased, whichever is the shorter period.

#### Textual Amendments

- F1** Words in Act substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\)](#), [Sch. 16 para. 6](#); [S.I. 2009/812, art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167, art. 4](#)
- F2** Word in [s. 2\(2\)](#) substituted (31.10.2009) by [The Armed Forces Act 2006 \(Consequential Amendments\) Order 2009 \(S.I. 2009/2054\), art. 1\(2\)](#), [Sch. 1 para. 1](#)

### 3 Surplus only of personal estate to be deemed personal estate.

So much only of the personal property of a person dying while subject to [<sup>F1</sup>service law] as remains after payment of the preferential charges shall be considered personal estate of the deceased with reference to the calculation of . . . <sup>F3</sup> any . . . <sup>F3</sup> duty, tax, or per-centage, or for any of the purposes of administration.

#### Textual Amendments

- F1** Words in Act substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\)](#), [Sch. 16 para. 6](#); [S.I. 2009/812, art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167, art. 4](#)
- F3** Words repealed with saving by [Finance Act 1975 \(c. 7\), ss. 50, 52, 59\(5\)](#), [Sch. 13 Pt. I](#)

### 4 Decision of question as to preferential charges.

If in any case a doubt or difference arises in relation to any preferential charge or the payment thereof, the decision of the Secretary of State, or of such officer or person as the Secretary of State deposes by writing to act in this behalf, shall be final, and shall be binding on all persons for all purposes.

### 5 Payment of preferential charges by representatives or other persons.

Subject to the prescribed regulations, if any person pays or secures the payment of the preferential charges in full, the committee of adjustment shall not further interfere in relation to the property, except so far as they may be requested so to do by or on behalf of that person.

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## **6 Powers and duties of committee where preferential charges are not paid.**

- (1) If within one month after the death or such further time not exceeding the prescribed time as the committee of adjustment allow, the preferential charges are not paid or secured to their satisfaction, the committee shall proceed to pay those charges.
- (2) If the death occurs out of the United Kingdom, the committee of adjustment, save as may be prescribed, shall, if it appears to them necessary for the payment of the preferential charges, and in any case may, collect all the personal property of the deceased in the regulation area.
- (3) The committee, save as may be prescribed, shall, for the purpose of paying the preferential charges and their expenses, and in any case may, at such time as, subject to the prescribed regulations, they think expedient, sell and convert into money such of the personal property of the deceased as does not consist of money.
- (4) If the death occurs out of the United Kingdom they may also, save as otherwise prescribed, pay all debts which appear to them to be legally payable out of the personal estate of the deceased.
- (5) For the purpose of the exercise of their duties the committee shall, to the exclusion of all authorities and persons whomsoever, have the same rights and powers as if they had taken out representation to the deceased, and also if in a colony the powers which any official administrator has by the law of that colony; and any receipt given by the committee shall have the like effect as if it had been given by the legal personal representative of the deceased.
- (6) The committee of adjustment shall lodge the surplus remaining in their hands after payment of the said charges and expenses and debts with such person (in this Act referred to as the paymaster), at such times, in such manner, and together with such inventory, accounts, vouchers, and information, as may be prescribed.

**Changes to legislation:**

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