



Administration of Estates Act (Northern Ireland) 1955

1955 CHAPTER 24

PART II ^{F1}

DISTRIBUTION ON INTESTACY

7 **Rights of surviving spouse^{F1} or civil partner^{F1}.**

- (1) The surviving spouse^{F1} or civil partner^{F1} of the intestate shall take the personal chattels.
- (2) If an intestate dies leaving a spouse^{F1} or civil partner^{F1} and issue the surviving spouse^{F1} or civil partner^{F1} shall, in addition to the personal chattels, take—
 - (a) where the net value of the remaining estate does not exceed^{F2} £250,000, the whole of the remaining estate;
 - (b) ^{F3} where the net value of the remaining estate exceeds^{F2} £250,000, the sum of^{F2} £250,000, free of all duties, charges and costs, and shall have a charge upon the remaining estate for that sum with interest thereon at the rate of four^{F4} pounds per centum per annum [^{F5} or at such other rate as the head of the Department of Finance may specify by an order made subject to affirmative resolution] from the date of the death of the intestate until the date of payment thereof, together with—
 - (i) where only one child of the intestate also survives, one-half of any residue left of the remaining estate after providing for that sum and the interest thereon;
 - (ii) where more than one child of the intestate also survives, one-third of any residue left of the remaining estate after providing for that sum and the interest thereon.
- (3) For the purposes of the last preceding sub-section, if a child of the intestate predeceased him leaving issue who survive the intestate, the surviving spouse^{F1} or civil partner^{F1} of the intestate shall take the same share of the estate as if the child had survived the intestate.

Changes to legislation: There are currently no known outstanding effects for the Administration of Estates Act (Northern Ireland) 1955, Section 7. (See end of Document for details)

- (4) If an intestate dies leaving a spouse^{F1} or civil partner] and no issue, but leaving parents or brothers or sisters or issue of deceased brothers or sisters, the spouse^{F1} or civil partner] shall, in addition to the personal chattels, take—
- (a) where the net value of the remaining estate does not exceed^{F6} £450,000], the whole of the remaining estate;
 - (b) where the net value of the remaining estate exceeds^{F6} £450,000]
 - (i) ^{F3} the sum of^{F6} £450,000], free of all duties, charges and costs, and shall have a charge upon the remaining estate for that sum with interest thereon at the rate of four^{F4} pounds per centum per annum [^{F5} or at such other rate as the head of the Department of Finance may specify by an order made subject to affirmative resolution] from the date of the death of the intestate until the date of payment thereof together with—
 - (ii) one-half of any residue left of the remaining estate after providing for that sum and the interest thereon.
- ^{F7}(4A) The Minister of Home Affairs^{F8} may from time to time by order, subject to affirmative resolution, substitute larger amounts for the amounts mentioned in sub-sections (2) and (4) of this section but the amounts substituted in sub-section (2)(b) by any such order shall be the same as the amount substituted by that order in sub-section (2)(a) and the amounts substituted in sub-section (4)(b) by any such order shall be the same as the amount substituted by that order in sub-section (4)(a).
- (4B) Any order under sub-section (4A) shall have effect, and shall supersede any previous order, in relation to the estate of any person dying after the coming into force of the order.]
- (5) If an intestate dies leaving a spouse^{F1} or civil partner] but neither issue nor parents nor brothers nor sisters nor issue of deceased brothers or sisters, the spouse^{F1} or civil partner] shall take the whole of his estate.
- (6) In this section references to the net value of the estate, or any part of the estate, of an intestate are references to the estimated market value thereof as at the date of the death of the intestate, after payment of all duties and charges thereon and of debts, funeral expenses and expenses of administration.
- (7) Nothing in this section shall prejudice or affect the operation of section fifteen^{F9} of the Matrimonial Causes Act (Northern Ireland), 1939 ^{F10}... with respect to the property of a wife who has been judicially separated from her husband^{F1}, or of section 180 of the Civil Partnership Act 2004^{F11}, or of Article 20(2) of the Matrimonial Causes (Northern Ireland) Order 1978] .

F1 [2004 c.33](#)

F2 Words in s. 7(2) substituted (1.1.2008) by [Administration of Estates \(Rights of Surviving Spouse or Civil Partner\) Order \(Northern Ireland\) 2007 \(S.R. 2007/452\)](#), **art. 2(a)**

F3 mod. by SR 1985/8

F4 Increased to 7 per cent., SR 1980/90

F5 [1979 NI 14](#)

F6 Words in s. 7(4) substituted (1.1.2008) by [Administration of Estates \(Rights of Surviving Spouse or Civil Partner\) Order \(Northern Ireland\) 2007 \(S.R. 2007/452\)](#), **art. 2(b)**

F7 [1969 c. 38 \(NI\)](#)

F8 Functions transf. to Head of D/Fin., SRO (NI) 1973/504

F9 Rep. (with saving for deaths before 18.4.1979), [1978 NI 15](#)

Changes to legislation: *There are currently no known outstanding effects for the Administration of Estates Act (Northern Ireland) 1955, Section 7. (See end of Document for details)*

- F10** Words in s. 7(7) omitted (13.1.2020) by virtue of The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **126(2)(a)** (with regs. 6-9, 126(3))
- F11** Words in s. 7(7) inserted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **126(2)(b)** (with regs. 6-9, 126(3))

Changes to legislation:

There are currently no known outstanding effects for the Administration of Estates Act (Northern Ireland) 1955, Section 7.