



Inheritance (Provision for Family and Dependants) Act 1975

1975 CHAPTER 63

Miscellaneous and supplementary provisions

25 Interpretation.

(1) In this Act—

“beneficiary”, in relation to the estate of a deceased person, means—

- (a) a person who under the will of the deceased or under the law relating to intestacy is beneficially interested in the estate or would be so interested if an order had not been made under this Act, and
- (b) a person who has received any sum of money or other property which by virtue of section 8(1) or 8(2) of this Act is treated as part of the net estate of the deceased or would have received that sum or other property if an order had not been made under this Act;

“child” includes an illegitimate child and a child en ventre sa mere at the death of the deceased;

“the court” means [^{F1}unless the context otherwise requires] the High Court, or where [^{F2}the county] court has jurisdiction by virtue of section [^{F3}25 of the County Courts Act 1984], [^{F2}the county] court;

[^{F4} “ former civil partner ” means a person whose civil partnership with the deceased was during the lifetime of the deceased either—

- (a) dissolved or annulled by an order made under the law of any part of the British Islands, or
- (b) dissolved or annulled in any country or territory outside the British Islands by a dissolution or annulment which is entitled to be recognised as valid by the law of England and Wales;]

[^{F5}[^{F6} “ former spouse ”] means a person whose marriage with the deceased was during the lifetime of the deceased either—

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- (a) dissolved or annulled by a [^{F7}divorce order or nullity of marriage order made, or a decree of divorce or of nullity of marriage granted,] under the law of any part of the British Islands, or
- (b) dissolved or annulled in any country or territory outside the British Islands by a divorce or annulment which is entitled to be recognised as valid by the law of England and Wales;]

“net estate”, in relation to a deceased person, means:—

- (a) all property of which the deceased had power to dispose by his will (otherwise than by virtue of a special power of appointment) less the amount of his funeral, testamentary and administration expenses, debts and liabilities, including any capital transfer tax payable out of his estate on his death;
- (b) any property in respect of which the deceased held a general power of appointment (not being a power exercisable by will) which has not been exercised;
- (c) any sum of money or other property which is treated for the purposes of this Act as part of the net estate of the deceased by virtue of section 8(1) or (2) of this Act;
- (d) any property which is treated for the purposes of this Act as part of the net estate of the deceased by virtue of an order made under section 9 of the Act;
- (e) any sum of money or other property which is, by reason of a disposition or contract made by the deceased, ordered under section 10 or 11 of this Act to be provided for the purpose of the making of financial provision under this Act;

“property” includes any chose in action;

“reasonable financial provision” has the meaning assigned to it by section 1 of this Act;

“valuable consideration” does not include marriage or a promise of marriage;

“will” includes codicil.

- (2) For the purposes of paragraph (a) of the definition of “net estate” in subsection (1) above a person who is not of full age and capacity shall be treated as having power to dispose by will of all property of which he would have had power to dispose by will if he had been of full age and capacity.
- (3) Any reference in this Act to provision out of the net estate of a deceased person includes a reference to provision extending to the whole of that estate.
- (4) For the purposes of this Act any reference to a [^{F8}spouse,] wife or husband shall be treated as including a reference to a person who in good faith entered into a void marriage with the deceased unless either—
 - (a) the marriage of the deceased and that person was dissolved or annulled during the lifetime of the deceased and the dissolution or annulment is recognised by the law of England and Wales, or
 - (b) that person has during the lifetime of the deceased [^{F9}formed a subsequent marriage or civil partnership].

[^{F10}(4A) For the purposes of this Act any reference to a civil partner shall be treated as including a reference to a person who in good faith formed a void civil partnership with the deceased unless either—

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- (a) the civil partnership between the deceased and that person was dissolved or annulled during the lifetime of the deceased and the dissolution or annulment is recognised by the law of England and Wales, or
 - (b) that person has during the lifetime of the deceased formed a subsequent civil partnership or marriage.
- (5) Any reference in this Act to the formation of, or to a person who has formed, a subsequent marriage or civil partnership includes (as the case may be) a reference to the formation of, or to a person who has formed, a marriage or civil partnership which is by law void or voidable.
- (5A) The formation of a marriage or civil partnership shall be treated for the purposes of this Act as the formation of a subsequent marriage or civil partnership, in relation to either of the spouses or civil partners, notwithstanding that the previous marriage or civil partnership of that spouse or civil partner was void or voidable.]
- [^{F11}(5B) In sections 1(2), 3(2), 14, 15 and 19(2)—
- (a) a reference to a divorce order includes a decree of divorce,
 - (b) a reference to a nullity of marriage order includes a decree of nullity of marriage;
 - (c) a reference to a judicial separation order includes a decree of judicial separation;
 - (d) a reference to making includes granting;
 - (e) a reference to an order being made final includes a decree being made absolute.]
- (6) Any reference in this Act to an order or decree made under the ^{M1}Matrimonial Causes Act 1973 or under any section of that Act shall be construed as including a reference to an order or decree which is deemed to have been made under that Act or under that section thereof, as the case may be.
- [^{F12}(6A) Any reference in this Act to an order made under, or under any provision of, the Civil Partnership Act 2004 shall be construed as including a reference to anything which is deemed to be an order made (as the case may be) under that Act or provision.]
- (7) Any reference in this Act to any enactment is a reference to that enactment as amended by or under any subsequent enactment.

Textual Amendments

- F1** Words inserted by [Matrimonial and Family Proceedings Act 1984 \(c. 42, SIF 49:3\)](#), **s. 8(2)**
- F2** Words in [s. 25\(1\)](#) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), **s. 61(3)**, **Sch. 9 para. 92(a)**; [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F3** Words in [s. 25\(1\)](#) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), **s. 61(3)**, **Sch. 9 para. 92(b)**; [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F4** [S. 25\(1\)](#): definition of "former civil partner" inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), **ss. 71, 263(2)**, **Sch. 4 para. 27(3)**; [S.I. 2005/3175, art. 2\(1\)](#), **Sch. 1**
- F5** Definition substituted by [Matrimonial and Family Proceedings Act 1984 \(c. 42, SIF 49:3\)](#), **s. 25(2)**
- F6** [S. 25\(1\)](#): definition of ""former husband" or "former wife"" becomes definition of "former spouse" (5.12.2005) by virtue of [Civil Partnership Act 2004 \(c. 33\)](#), **ss. 71, 263(2)**, **Sch. 4 para. 27(2)**; [S.I. 2005/3175, art. 2\(1\)](#), **Sch. 1**

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- F7** Words in s. 25(1) substituted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), s. 8(1)(8), **Sch. para. 44(7)(a)**; S.I. 2022/283, reg. 2
- F8** Word in s. 25(4) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 71, 263(2), **Sch. 4 para. 27(4)(a)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F9** Words in s. 25(4)(b) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 71, 263(2), **Sch. 4 para. 27(4)(b)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F10** S. 25(4A)-(5A) substituted for s. 25(5) (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 71, 263(2), **Sch. 4 para. 27(5)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F11** S. 25(5B) inserted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), s. 8(1)(8), **Sch. para. 44(7)(b)**; S.I. 2022/283, reg. 2
- F12** S. 25(6A) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 71, 263(2), **Sch. 4 para. 27(6)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1

Marginal Citations

- M1** 1973 c. 18.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 25 (defns. of "former wife" and "former husband") amended (prosp.) by [1996 c. 27 s. 66\(1\)Sch. 8 Pt. 1 para. 27\(8\)](#)