STATUTORY INSTRUMENTS

1996 No. 3163 (N.I. 26)

The Succession (Northern Ireland) Order 1996

- - - - - - *19th December 1996*

Title and commencement N.I.

1. This Order may be cited as the Succession (Northern Ireland) Order 1996 and shall come into operation on the expiration of two months from the day on which it is made.

Interpretation N.I.

2. The Interpretation Act (Northern Ireland) 1954 shall apply toArticle 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

Distribution of estates on intestacy N.I.

3.—(1) In the Administration of Estates Act (Northern Ireland) 1955 ("the 1955 Act"), after section 6 there shall be inserted the following section—

"**Spouse dying within 28 days of intestate.**

6A. Where—

(a) the intestate dies leaving a spouse, but

(b) the spouse dies before the end of the period of 28 days beginning on (and including) the day on which the intestate died,

this Part shall have effect as respects the intestate as if the spouse had not survived the intestate.".

(2) Section 17 of the 1955 Act (advancements to children of intestate to be brought into account) is hereby repealed.

(3) Paragraphs (1) and (2) have effect as respects an intestate dying after the coming into operation of this Order.

(4) In section 19(1) of the 1955 Act (construction of documents) the references to Part II of that Act and to the foregoing provisions of that Part shall, in relation to an instrument inter vivos made or a will coming into operation after the coming into operation of this Order (but not in relation to instruments inter vivos made and wills coming into operation earlier), be construed as including references to this Article.

Application for financial provision by person who lived with deceased as husband or wife N.I.

4.—(1) The Inheritance (Provision for Family and Dependants) (Northern Ireland) Order 1979 shall be amended as follows.

(2) In Article 3(1) (persons who may apply for financial provision from deceased's estate) after sub-paragraph (b) there shall be inserted the following sub-paragraph—

"(ba) any person (not being a person included in sub-paragraph (a) or (b)) to whom paragraph (1 A) applies;" .

(3) In that Article after paragraph (1) there shall be inserted the following paragraph—

"(1A) This paragraph applies to a person if the deceased died after the coming into operation of the Succession (Northern Ireland) Order 1996 and, during the whole of the period of two years ending immediately before the date when the deceased died, the person was living—

(a) in the same household as the deceased; and

(b) as the husband or wife of the deceased." .

(4) In Article 5 (matters to which the court is to have regard inexercising its power to make orders), after paragraph (2) there shall be inserted the following paragraph—

"(2A) Without prejudice to the generality of sub-paragraph (g) of paragraph (1), where an application for an order under Article 4 is made by virtue of Article 3(1)(ba), the court shall, in addition to the matters specifically mentioned in sub-paragraphs (a) to (f) of that paragraph, have regard to—

(a) the age of the applicant and the length of the period during which the applicant lived as the husband or wife of the deceased and in the same household as the deceased; and

(b) the contribution made by the applicant to the welfare of the family of the deceased, including any contribution made by looking after the home or caring for the family." .

Changes to legislation:
There are currently no known outstanding effects for the The Succession (Northern Ireland) Order 1996.