



Family Provision Act 1966

1966 CHAPTER 35

An Act to amend the law of England and Wales in relation to the rights after a person's death of that person's spouse or former spouse and children, and to repeal section 47(5) of the Administration of Estates Act 1925, as amended. [17th November 1966]

1 Increase of net sum payable to surviving husband or wife on intestacy.

- (1) In the case of a person dying after the coming into force of this section, section 46(1) of the ^{M1}Administration of Estates Act 1925, as amended by section 1 of the ^{M2}Intestates' Estates Act 1952 and set out in Schedule 1 to that Act, shall apply as if the net sums charged by paragraph (i) on the residuary estate in favour of a surviving husband or wife were as follows, that is to say,—
- (a) under paragraph (2) of the Table (which charges a net sum of £5,000 where the intestate leaves issue) a sum of £8,750 or of such larger amount as may from time to time be fixed by order of the Lord Chancellor; and
 - (b) under paragraph (3) of the Table (which charges a net sum of £20,000 where the intestate leaves certain close relatives but no issue) a sum of £30,000 or of such larger amount as may from time to time be so fixed.
- (2) Accordingly in relation to the estate of a person dying after the coming into force of this section sections 46, 48 and 49 (as so amended and set out) of the Administration of Estates Act shall be further amended as follows:—
- (a) in the Table in section 46(1)(i) for the words “net sum of £5,000” in paragraph (2), and for the words “net sum of £20,000” in paragraph (3), there shall in each case be substituted the words “fixed net sum”, and at the end of the Table there shall be added—

“The fixed net sums referred to in paragraphs (2) and (3) of this Table shall be of the amounts provided by or under section 1 of the Family Provision Act 1966”;
 - (b) in sections 46(4) and 48(2)(a) for the words “the net sum of £5,000 or, as the case may be, £20,000”, and in section 49(1)(aa) for the words “the net sum of £5,000 or £20,000”, there shall in each case be substituted the words “the fixed net sum”;

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and any reference in any other enactment to the said net sum of £5,000 or the said net sum of £20,000 shall have effect as a reference to the corresponding net sum of the amount fixed by or under this section.

- (3) Any order of the Lord Chancellor under this section fixing the amount of either of the said net sums shall have effect (and, so far as relates to that sum, shall supersede any previous order) in relation to the estate of any person dying after the coming into force of the order.
- (4) Any order of the Lord Chancellor under this section shall be made by statutory instrument, and a draft of the statutory instrument shall be laid before Parliament.

Annotations:

Modifications etc. (not altering text)

C1 1.1.1967 appointed for the coming into force of s. 1 by [S.I. 1966/1453](#)

Marginal Citations

M1 [1925 c. 23.](#)

M2 [1952 c. 64.](#)

2—9. F1

Annotations:

Amendments (Textual)

F1 [Ss. 2–9, 10\(2\)\(4\), Schs. 1–3](#) repealed with saving by [Inheritance \(Provisions for Family and Dependents\) Act 1975 \(c. 63, SIF 116:1\)](#), s. 26(3), [Sch.](#)

10 †Short title, repeal, etc.

- (1) This Act may be cited as the Family Provision Act 1966.
- (2) F2
- (3) Nothing in this Act extends to Scotland or to Northern Ireland.
- (4)

Annotations:

Amendments (Textual)

F2 [Ss. 2–9, 10\(2\)\(4\), Schs. 1–3](#) repealed with saving by [Inheritance \(Provisions for Family and Dependents\) Act 1975 \(c. 63, SIF 116:1\)](#), s. 26(3), [Sch.](#)

Modifications etc. (not altering text)

C2 Unreliable margin note.

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F3

SCHEDULES 1–3

Annotations:

Amendments (Textual)

- F3** Ss. 2–9, 10(2)(4), Schs. 1–3 repealed with saving by [Inheritance \(Provisions for Family and Dependents\) Act 1975 \(c. 63, SIF 116:1\)](#), s. 26(3), **Sch.**
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Changes and effects yet to be applied to :

- s. 1(1) text amended by [2004 c. 33 Sch. 4 para. 14](#)

Commencement Orders yet to be applied to the Family Provision Act 1966:

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2005/3175 art. 2 3](#) commences ([2004 c. 33](#))