



Inheritance (Provision for Family and Dependants) Act 1975

1975 CHAPTER 63

1 Application for financial provision from deceased's estate.

- (1) Where after the commencement of this Act a person dies domiciled in England and Wales and is survived by any of the following persons:—
- (a) the wife or husband of the deceased;
 - (b) a former wife or former husband of the deceased who has not remarried;
 - [^{F1}(ba) any person (not being a person included in paragraph (a) or (b) above) to whom subsection (1A) below applies;]
 - (c) a child of the deceased;
 - (d) any person (not being a child of the deceased) who, in the case of any marriage to which the deceased was at any time a party, was treated by the deceased as a child of the family in relation to that marriage;
 - (e) any person (not being a person included in the foregoing paragraphs of this subsection) who immediately before the death of the deceased was being maintained, either wholly or partly, by the deceased;

that person may apply to the court for an order under section 2 of this Act on the ground that the disposition of the deceased's estate effected by his will or the law relating to intestacy, or the combination of his will and that law, is not such as to make reasonable financial provision for the applicant.

- [^{F2}(1A) This subsection applies to a person if the deceased died on or after 1st January 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.]
- (2) In this Act “reasonable financial provision”—
- (a) in the case of an application made by virtue of subsection (1)(a) above by the husband or wife of the deceased (except where the marriage with the deceased was the subject of a decree of judicial separation and at the date of death the

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decree was in force and the separation was continuing), means such financial provision as it would be reasonable in all the circumstances of the case for a husband or wife to receive, whether or not that provision is required for his or her maintenance;

(b) in the case of any other application made by virtue of subsection (1) above, means such financial provision as it would be reasonable in all the circumstances of the case for the applicant to receive for his maintenance.

(3) For the purposes of subsection (1)(e) above, a person shall be treated as being maintained by the deceased, either wholly or partly, as the case may be, if the deceased, otherwise than for full valuable consideration, was making a substantial contribution in money or money's worth towards the reasonable needs of that person.

Annotations:

Amendments (Textual)

F1 S. 1(1)(ba) inserted (8.11.1995) by 1995 c. 41, s. 2(2)

F2 S. 1(1A) inserted (8.11.1995) by 1995 c. 41, s. 2(3)

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Changes and effects yet to be applied to :

- s. 1(1)(a)(b) substituted by 2004 c. 33 Sch. 4 para. 15(1)(2)
- s. 1(1)(d) text amended by 2004 c. 33 Sch. 4 para. 15(1)(4)
- s. 1(1)(ba) text amended by 2004 c. 33 Sch. 4 para. 15(1)(3)
- s. 1(1B) inserted by 2004 c. 33 Sch. 4 para. 15(1)(5)
- s. 1(2)(aa) inserted by 2004 c. 33 Sch. 4 para. 15(1)(6)

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. 14A inserted by 2004 c. 33 Sch. 4 para. 20
- s. 15B inserted by 2004 c. 33 Sch. 4 para. 22
- s. 15ZA inserted by 2004 c. 33 Sch. 4 para. 21
- s. 18A inserted by 2004 c. 33 Sch. 4 para. 25

Commencement Orders yet to be applied to the Inheritance (Provision for Family and Dependants) Act 1975:

Commencement Orders bringing legislation that affects this Act into force:

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