



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 the High Court, or where a county court has jurisdiction by virtue of section 22 of this Act, a county court;

"former wife" or "former husband" means a person whose marriage with the deceased was during the deceased's lifetime dissolved or annulled by a decree of divorce or of nullity of marriage made under the Matrimonial Causes Act 1973 ;

"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;

Status: This is the original version (as it was originally enacted).

- (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 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 entered into a later marriage.
 - (5) Any reference in this Act to remarriage or to a person who has remarried includes a reference to a marriage which is by law void or voidable or to a person who has entered into such a marriage, as the case may be, and a marriage shall be treated for the purposes of this Act as a remarriage, in relation to any party thereto, notwithstanding that the previous marriage of that party was void or voidable.
 - (6) Any reference in this Act to an order or decree made under the 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.
 - (7) Any reference in this Act to any enactment is a reference to that enactment as amended by or under any subsequent enactment.