



Inheritance (Provision for Family and Dependants) Act 1975

1975 CHAPTER 63

Miscellaneous and supplementary provisions

26 Consequential amendments, repeals and transitional provisions.

- (1) Section 36 of the Matrimonial Causes Act 1973 (which provides for the alteration of maintenance agreements by the High Court or a county court after the death of one of the parties) shall have effect subject to the following amendments (being amendments consequential on this Act), that is to say—
 - (a) in subsection (3) for the words “section 7 of the Family Provision Act 1966” there shall be substituted the words “section 22 of the Inheritance (Provision for Family and Dependants) Act 1975”, for the words from “the Inheritance (Family Provision) Act” to “net estate” there shall be substituted the words “that Act if the value of the property mentioned in that section” and for the words “section 26 of the Matrimonial Causes Act 1965 (application for maintenance out of deceased’s estate by former spouse)” there shall be substituted the words “section 2 of that Act”;
 - (b) in subsection (7) for the words from “section 7” to “subsection (5)” there shall be substituted the words “section 22 of the Inheritance (Provision for Family and Dependants) Act 1975 (which enables rules of court to provide for the transfer from a county court to the High Court or from the High Court to a county court of proceedings for an order under section 2 of that Act) and paragraphs (a) and (b) of subsection (4)” and for the words “any such proceedings as are referred to in subsection (1) of that section” there shall be substituted the words “proceedings for an order under section 2 of that Act”.
- (2) Subject to the provisions of this section, the enactments specified in the Schedule to this Act are hereby repealed to the extent specified in the third column of the Schedule; and in paragraph 5(2) of Schedule 2 to the ^{M1}Matrimonial Causes Act 1973 for the words “that Act” there shall be substituted the words “the Matrimonial Causes Act 1965.”

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: Inheritance (Provision for Family and Dependants) Act 1975, Section 26 is up to date with all changes known to be in force on or before 17 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) The repeal of the said enactments shall not affect their operation in relation to any application made thereunder (whether before or after the commencement of this Act) with reference to the death of any person who died before the commencement of this Act.
- (4) Without prejudice to the provisions of section 38 of the ^{M2}Interpretation Act 1889 (which relates to the effect of repeals) nothing in any repeal made by this Act shall affect any order made or direction given under any enactment repealed by this Act, and, subject to the provisions of this Act, every such order or direction (other than an order made under section 4A of the ^{M3}Inheritance Family Provision Act 1938 or section 28A of the ^{M4}Matrimonial Causes Act 1965) shall, if it is in force at the commencement of this Act or is made by virtue of subsection (3) above, continue in force as if it had been made under section 2(1)(a) of this Act, and for the purposes of section 6(7) of this Act the court in exercising its powers under that section in relation to an order continued in force by this subsection shall be required to have regard to any change in any of the circumstances to which the court would have been required to have regard when making that order if the order had been made with reference to the death of any person who died after the commencement of this Act.

Modifications etc. (not altering text)

- C1** The text of s. 26(1)(2) and Schedule is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M1** 1973 c. 18.
M2 1889 c. 63.
M3 1938 c. 71.
M4 1965 c. 72.

Status:

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