



Family Law Reform Act 1987

1987 CHAPTER 42

PART III

PROPERTY RIGHTS

19 Dispositions of property.

- (1) In the following dispositions, namely—
 - (a) dispositions inter vivos made on or after the date on which this section comes into force; and
 - (b) dispositions by will or codicil where the will or codicil is made on or after that date,references (whether express or implied) to any relationship between two persons shall be construed in accordance with section 1 above.
- (2) It is hereby declared that the use, without more, of the word “heir” or “heirs” or any expression [^{F1}purporting to create] an entailed interest in real or personal property does not show a contrary intention for the purposes of section 1 as applied by subsection (1) above.
- (3) In relation to the dispositions mentioned in subsection (1) above, section 33 of the ^{M1}Trustee Act 1925 (which specifies the trust implied by a direction that income is to be held on protective trusts for the benefit of any person) shall have effect as if any reference (however expressed) to any relationship between two persons were construed in accordance with section 1 above.
- (4) Where under any disposition of real or personal property, any interest in such property is limited (whether subject to any preceding limitation or charge or not) in such a way that it would, apart from this section, devolve (as nearly as the law permits) along with a dignity or title of honour, then—
 - (a) whether or not the disposition contains an express reference to the dignity or title of honour; and
 - (b) whether or not the property or some interest in the property may in some event become severed from it,

Changes to legislation: There are currently no known outstanding effects for the Family Law Reform Act 1987, Section 19. (See end of Document for details)

nothing in this section shall operate to sever the property or any interest in it from the dignity or title, but the property or interest shall devolve in all respects as if this section had not been enacted.

- (5) This section is without prejudice to section 42 of the ^{M2}Adoption Act 1976 [^{F2} or section 69 of the Adoption and Children Act 2002] (construction of dispositions in cases of adoption).
- (6) In this section “disposition” means a disposition, including an oral disposition, of real or personal property whether inter vivos or by will or codicil.
- (7) Notwithstanding any rule of law, a disposition made by will or codicil executed before the date on which this section comes into force shall not be treated for the purposes of this section as made on or after that date by reason only that the will or codicil is confirmed by a codicil executed on or after that date.

Textual Amendments

- F1** Words in s. 19(2) substituted (1.1.1997) by 1996 c. 47, s. 25(1), **Sch. 3 para. 25** (with ss. 24(2), 25(4)); S.I. 1996/2974, **art. 2**
- F2** Words in s. 19(5) inserted (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), **Sch. 3 para. 52** (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o)

Marginal Citations

- M1** 1925 c. 19.
- M2** 1976 c. 36.

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