



Law Reform (Succession) Act 1995

1995 CHAPTER 41

Effect of dissolution or annulment of marriage

3 Effect of dissolution or annulment of marriage on will.

(1) In section 18A of the ^{M1}Wills Act 1837 (effect of dissolution or annulment of marriage on will), in subsection (1) for paragraphs (a) and (b) (abrogation of appointment of spouse as executor and lapse of devise or bequest to spouse) there shall be substituted—

- “(a) provisions of the will appointing executors or trustees or conferring a power of appointment, if they appoint or confer the power on the former spouse, shall take effect as if the former spouse had died on the date on which the marriage is dissolved or annulled, and
- (b) any property which, or an interest in which, is devised or bequeathed to the former spouse shall pass as if the former spouse had died on that date.”.

(2) Subsection (1) above has effect as respects a will made by a person dying on or after 1st January 1996 (regardless of the date of the will and the date of the dissolution or annulment).

Marginal Citations

M1 1837 c. 26.

4 Effect of dissolution or annulment of marriage on appointment of guardian.

(1) In section 6 of the ^{M2}Children Act 1989 (revocation of appointment of guardian) the following subsection shall be inserted after subsection (3)—

- “(3A) An appointment under section 5(3) or (4) (including one made in an unrevoked will or codicil) is revoked if the person appointed is the spouse of the person who made the appointment and either—

Changes to legislation: There are currently no known outstanding effects for the Law Reform (Succession) Act 1995, Cross Heading: Effect of dissolution or annulment of marriage. (See end of Document for details)

- (a) a decree of a court of civil jurisdiction in England and Wales dissolves or annuls the marriage, or
- (b) the marriage is dissolved or annulled and the divorce or annulment is entitled to recognition in England and Wales by virtue of Part II of the Family Law Act 1986,

unless a contrary intention appears by the appointment.”

- (2) Subsection (1) above has effect as respects an appointment made by a person dying on or after 1st January 1996 (regardless of the date of the appointment and the date of the dissolution or annulment).

Marginal Citations

M2 1989 c. 41.

Changes to legislation:

There are currently no known outstanding effects for the Law Reform (Succession) Act 1995,
Cross Heading: Effect of dissolution or annulment of marriage.