

SCHEDULES

SCHEDULE 14

WILLS, ADMINISTRATION OF ESTATES AND FAMILY PROVISION: NORTHERN IRELAND

PART 2

ADMINISTRATION OF ESTATES AND FAMILY PROVISION

Inheritance (Provision for Family and Dependants) (Northern Ireland) Order 1979 (S.I. 1979/924 (N.I. 8))

- 16 (1) Amend Article 2 (interpretation) as follows.
- (2) In paragraph (2), after the definition of “child” insert—
- ““civil partnership proceedings county court” has the same meaning as in the Civil Partnership Act 2004;”.
- (3) In that paragraph, in the definition of “former wife” and “former husband”, for ““former wife” or “former husband”” substitute ““former spouse””.
- (4) In that paragraph, before that definition insert—
- ““former civil partner” means a person whose civil partnership with the deceased was during the lifetime of the deceased either—
- (a) dissolved or annulled by an order made under the law of any part of the United Kingdom or the Channel Islands or the Isle of Man, or
- (b) dissolved or annulled in any country or territory outside the United Kingdom, the Channel Islands and the Isle of Man by a dissolution or annulment which is entitled to be recognised as valid by the law of Northern Ireland;”.
- (5) In that paragraph, in the definition of “reasonable financial provision”, after paragraph (a) insert—
- “(aa) in the case of an application made by virtue of Article 3(1)(a) by the civil partner of the deceased (except where, at the date of death, a separation order under Chapter 2 of Part 4 of the Civil Partnership Act 2004 was in force in relation to the civil partnership and the separation was continuing), means such financial provision as it would be reasonable in all the circumstances of the case for a civil partner to receive, whether or not that provision is required for his or her maintenance;”.
- (6) In paragraph (5)—
- (a) before “wife” insert “spouse,” and

Status: This is the original version (as it was originally enacted).

- (b) in sub-paragraph (b), for “entered into a later marriage” substitute “formed a subsequent marriage or civil partnership”.

(7) For paragraph (6) substitute—

“(5A) For the purposes of this Order any reference to a civil partner shall be treated as including a reference to a person who in good faith formed a void civil partnership with the deceased unless either—

- (a) the civil partnership between 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 Northern Ireland, or
- (b) that person has during the lifetime of the deceased formed a subsequent civil partnership or marriage.

(6) Any reference in this Order to the formation of, or to a person who has formed, a subsequent marriage or civil partnership includes (as the case may be) a reference to the formation of, or to a person who has formed, a marriage or civil partnership which is by law void or voidable.

(6A) The formation of a marriage or civil partnership shall be treated for the purposes of this Order as the formation of a subsequent marriage or civil partnership, in relation to either of the spouses or civil partners, notwithstanding that the previous marriage or civil partnership of that spouse or civil partner was void or voidable.”