

## SCHEDULES

### SCHEDULE 15

#### FINANCIAL RELIEF IN THE HIGH COURT OR A COUNTY COURT ETC.: NORTHERN IRELAND

#### PART 12

##### CONSENT ORDERS AND MAINTENANCE AGREEMENTS

##### *Alteration of agreements by court after death of one party*

- 66 (1) This paragraph applies if—
- (a) a maintenance agreement provides for the continuation of payments under the agreement after the death of one of the parties, and
  - (b) that party (“A”) dies domiciled in Northern Ireland.
- (2) Subject to sub-paragraphs (4) and (5), the surviving party or A’s personal representatives may apply to the High Court or a county court for an order under paragraph 62 and accordingly, for the purposes of this paragraph, any reference in that paragraph to the court includes a reference to a county court (whether a civil partnership proceedings county court or not).
- (3) If a maintenance agreement is altered by a court on an application made under sub-paragraph (2), the same consequences follow as if the alteration had been made immediately before the death by agreement between the parties and for valuable consideration.
- (4) An application under this paragraph may not, without the leave of the High Court or a county court, be made after the end of 6 months from the date on which representation in regard to A’s estate is first taken out.
- (5) A county court has jurisdiction under this paragraph only if it is shown to the satisfaction of the court that, at the relevant date, the property included in A’s net estate did not exceed £15,000 in value.
- (6) A’s personal representatives are not liable for having distributed any part of A’s estate after the end of the 6 month period on the ground that they ought to have taken into account the possibility that a court might allow an application by virtue of this paragraph to be made by the surviving party after that period.
- (7) Sub-paragraph (6) does not affect any power to recover any part of the estate so distributed arising by virtue of the making of an order in pursuance of this paragraph.
- (8) Paragraph 53(6) applies for the purposes of sub-paragraph (4) as it applies for the purposes of paragraph 53(3).
- (9) In sub-paragraph (5)—

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*Status: This is the original version (as it was originally enacted).*

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“the property included in A’s net estate” means all property of which A had power to dispose by will, otherwise than by virtue of a special power of appointment, less the amount of A’s funeral, testamentary and administration expenses, debts and liabilities, including any inheritance tax payable out of A’s estate on A’s death;

“relevant date” means the date of A’s death.