

*These notes refer to the Presumption of Death Act 2013
(c.13) which received Royal Assent on 26 March 2013*

PRESUMPTION OF DEATH ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 5: Varying and revoking declaration

24. **Section 5** provides that the High Court can order the variation or revocation of a declaration of presumed death (an obvious example of circumstances in which this would be appropriate being where the missing person returns, still alive; or where there is clear evidence of the missing person having been alive at a time later than that declared as the time of death in the original declaration). Such an order can be made on the application of any person, but the court must refuse to consider an application if it considers the applicant does not have a sufficient interest in the outcome. As in relation to section 1, it is for the court to define what amounts to a sufficient interest for these purposes. Orders under section 5 are referred to in the Act as variation orders (*subsection (1)*).