

SCHEDULES

SCHEDULE 2

AMENDMENTS OF INHERITANCE (PROVISION FOR FAMILY AND DEPENDANTS) ACT 1975

Matters to which court is to have regard

- 5 (1) Section 3 (matters to which court is to have regard when exercising powers under section 2) is amended as follows.
- (2) In subsection (2), at the end of each of the final two sentences insert “; but nothing requires the court to treat such provision as setting an upper or lower limit on the provision which may be made by an order under section 2.”
- (3) In subsection (3)—
- (a) for paragraph (a) substitute—
 - “(a) to whether the deceased maintained the applicant and, if so, to the length of time for which and basis on which the deceased did so, and to the extent of the contribution made by way of maintenance;
 - (aa) to whether and, if so, to what extent the deceased assumed responsibility for the maintenance of the applicant;”;
 - (b) in paragraph (b) for “assuming and discharging that responsibility” substitute “maintaining or assuming responsibility for maintaining the applicant”.
- (4) In subsection (4), for the words from “regard” to the end substitute “regard—
- (a) to the length of time for which and basis on which the deceased maintained the applicant, and to the extent of the contribution made by way of maintenance;
 - (b) to whether and, if so, to what extent the deceased assumed responsibility for the maintenance of the applicant.”