Inheritance and Trustees' Powers Act 2014 (c. 16)
SCHEDULE 3 – Determination of date when representation is first taken out
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S C H E D U L E S

SCHEDULE 3

DETERMINATION OF DATE WHEN REPRESENTATION IS FIRST TAKEN OUT

4   (1) Schedule 1 to the Children Act 1989 (financial provision for children) is amended as follows.

(2) In paragraph 7 (variation of orders for secured periodical payments after death of parent), for sub-paragraph (6) substitute—

"(6) The following are to be left out of account when considering for the purposes of sub-paragraph (2) when representation was first taken out—

(a)   a grant limited to settled land or to trust property,

(b)   any other grant that does not permit any of the estate to be distributed,

(c)   a grant limited to real estate or to personal estate, unless a grant limited to the remainder of the estate has previously been made or is made at the same time,

(d)   a grant, or its equivalent, made outside the United Kingdom (but see sub-paragraph (6A)).

(6A) A grant sealed under section 2 of the Colonial Probates Act 1892 counts as a grant made in the United Kingdom for the purposes of sub-paragraph (6), but is to be taken as dated on the date of sealing."

(3) In paragraph 11 (alteration of maintenance agreements after death of one of the parties), for sub-paragraph (4) substitute—

"(4) The following are to be left out of account when considering for the purposes of sub-paragraph (3) when representation was first taken out—

(a)   a grant limited to settled land or to trust property,

(b)   any other grant that does not permit any of the estate to be distributed,

(c)   a grant limited to real estate or to personal estate, unless a grant limited to the remainder of the estate has previously been made or is made at the same time,

(d)   a grant, or its equivalent, made outside the United Kingdom (but see sub-paragraph (4A)).

(4A) A grant sealed under section 2 of the Colonial Probates Act 1892 counts as a grant made in the United Kingdom for the purposes of sub-paragraph (4), but is to be taken as dated on the date of sealing."