SCHEDULES

[F1SCHEDULE 1A

DETERMINATION OF THE FIXED NET SUM

Textual Amendments

F1 Sch. 1A inserted (1.10.2014) by Inheritance and Trustees' Powers Act 2014 (c. 16), ss. 2(1), 12(2), **Sch. 1** (with s. 12(4)); S.I. 2014/2039, art. 2

1 This Schedule has effect for determining the fixed net sum referred to in paragraph (B) of case (2) of the Table in section 46(1)(i).

[F2 2 On the coming into force of this Schedule, the amount of the fixed net sum is the amount fixed by order under section 1(1)(a) of the Family Provision Act 1966 immediately before the coming into force of this Schedule.]

Textual Amendments

F2 Sch. 1A para. 2 superseded (6.2.2020) by The Administration of Estates Act 1925 (Fixed Net Sum) Order 2020 (S.I. 2020/33), by virtue of para. 3(3) of this Schedule

3 (1) The Lord Chancellor may from time to time by order made by statutory instrument specify the amount of the fixed net sum.

(2) An order under sub-paragraph (1) relates only to deaths occurring after the coming into force of the order.

(3) The first order under sub-paragraph (1) supersedes paragraph 2 of this Schedule.

(4) A statutory instrument containing an order under sub-paragraph (1) is subject to annulment pursuant to a resolution of either House of Parliament.

(5) Sub-paragraph (4) does not apply in the case mentioned in paragraph 6(3), or in the case of an instrument which also contains provision made by virtue of paragraph 8.

4 (1) This paragraph applies where—

(a) a figure for the consumer prices index for a month has become available, and

(b) the consumer prices index for that month is more than 15% higher than the consumer prices index for the base month.

(2) The Lord Chancellor must, before the end of the period of 21 days beginning with the day on which the figure mentioned in sub-paragraph (1)(a) becomes available (" the publication date "), make an order under paragraph 3(1).

(3) But if the Lord Chancellor determines under paragraph 6 that the order should specify an amount other than that mentioned in paragraph 6(1), the Lord Chancellor is to be taken to have complied with sub-paragraph (2) if, within the period of 21 days beginning with the publication date—

Changes to legislation: *There are currently no known outstanding effects for the Administration of Estates Act 1925, SCHEDULE 1A. (See end of Document for details)*

(a) a draft of a statutory instrument containing the order is laid before each House of Parliament, and

(b) paragraph 6(4) is complied with.

(4) In this paragraph—

"the base month" means—

(a) the month in which this Schedule came into force, or

(b) if one or more orders under paragraph 3(1) have been made before the publication date, the most recent month for which a figure for the consumer prices index was available when the Lord Chancellor made the most recent of those orders;

"consumer prices index" means—

(a) the all items consumer prices index published by the Statistics Board, or

(b) if that index is not published for a relevant month, any substituted index or index figures published by the Statistics Board.

5 The Lord Chancellor must ensure that the power under paragraph 3(1) is exercised in such a way that an order is made—

(a) before the end of the period of 5 years beginning with the date this Schedule comes into force, and then

(b) before the end of the period of 5 years since the date on which the last order under paragraph 3(1) was made, and so on.

6 (1) Unless the Lord Chancellor otherwise determines, an order under paragraph 3(1) must specify the amount given by paragraph 7(2) or (as the case requires) 7(3).

(2) If the Lord Chancellor does otherwise determine—

(a) an order under paragraph 3(1) may provide for the fixed net sum to be of any amount (including an amount equal to or lower than the previous amount), and

(b) the Lord Chancellor must prepare a report stating the reason for the determination.

(3) A statutory instrument containing an order under paragraph 3(1) that specifies an amount other than that mentioned in sub-paragraph (1) of this paragraph may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(4) The Lord Chancellor must lay the report before Parliament no later than the date on which the draft of the instrument containing the order is laid before Parliament.

7 (1) The amount mentioned in paragraph 6(1) is found as follows.

(2) If the consumer prices index for the current month is higher than that for the base month, the amount to be specified in the order is found by—

(a) increasing the amount of the previous fixed net sum by the same percentage as the percentage increase in the consumer prices index between the base month and the current month, and

(b) if the resulting figure is not a multiple of £1,000, rounding it up to the nearest multiple of £1,000.

(3) If the consumer prices index for the current month is the same as, or lower than, that for the base month, the amount specified in the order is to be the same as the amount of the previous fixed net sum.

(4) In this paragraph—

"the base month" means—

(a) in the case of the first order under paragraph 3(1), the month in which this Schedule came into force, and

(b) in the case of each subsequent order, the month which was the current month in relation to the previous order;

"the current month" means the most recent month for which a figure for the consumer prices index is available when the Lord Chancellor makes the order;

"consumer prices index" has the same meaning as in paragraph 4.

8 (1) The Lord Chancellor may by order made by statutory instrument amend paragraphs 4 and 7 so as to—

(a) substitute for references to the consumer prices index (as defined) references to another index, and

(b) make amendments in those paragraphs consequential on that substitution.

(2) A statutory instrument containing an order under sub-paragraph (1) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.**]**

Changes to legislation:
There are currently no known outstanding effects for the Administration of Estates Act 1925, SCHEDULE 1A.