

## 1981 No. 255

## FAMILY PROVISION

## The Family Provision (Intestate Succession) Order 1981

*Laid before Parliament in draft*

Made - - - - - 23rd February 1981

Coming into Operation 1st March 1981

Whereas a draft of this Order has been laid before Parliament and a period of forty days beginning with the day of laying has expired: Now, therefore, the Lord Chancellor, in exercise of the powers conferred on him by section 1(1)(a) and (b) of the Family Provision Act 1966(a), hereby makes the following Order:—

1. This Order may be cited as the Family Provision (Intestate Succession) Order 1981 and shall come into operation on 1st March 1981.

2. In the case of a person dying after the coming into operation of this Order, section 46(1) of the Administration of Estates Act 1925(b) shall apply as if the net sums charged by paragraph (i) on the residuary estate were:—

(a) under paragraph (2) of the Table, the sum of £40,000; and

(b) under paragraph (3) of the Table, the sum of £85,000.

Dated 23rd February 1981.

*Hailsham of St. Marylebone, C.*

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

The estate of a person dying intestate is charged with a fixed sum (the statutory legacy) in favour of the surviving spouse. This Order increases the statutory legacy from £25,000 to £40,000 where the intestate is survived by issue, and from £55,000 to £85,000 where there is no surviving issue but the intestate is survived by certain close relatives.

By virtue of section 1(3) of the Family Provision Act 1966, this Order supersedes the Family Provision (Intestate Succession) Order 1977 (S.I. 1977/415) in relation to the estate of a person dying on or after 1st March 1981.

(a) 1966 c. 35.

(b) 1925 c. 23; section 46(1) was, so far as is relevant, amended by section 1 of the Intestates' Estates Act 1952 (c.64), section 1 of the Family Provision Act 1966 (c.35), section 14(3) of the Family Law Reform Act 1969 (c.46) and S.I. 1977/415.

SI 1981/255  
ISBN 0-11-016255-2



780110 162553