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STATUTORY INSTRUMENTS

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**1979 No. 924**

**Inheritance (Provision for Family and Dependants) (Northern Ireland) Order 1979**

Special provisions relating to cases of divorce, separation, etc.

**Variation and revocation of maintenance agreements**

**19.**—(1) Where an application for an order under Article 4 is made to the court by any person who was at the date of the death of the deceased entitled to payments from the deceased under a maintenance agreement which provided for the continuation of payments under the agreement after the death of the deceased, then, in the proceedings on that application, the court shall have power, if an application is made under this Article by that person or by the personal representative of the deceased, to vary or revoke that agreement.

(2) In exercising the powers conferred by this Article the court shall have regard to all the circumstances of the case, including any order which the court proposes to make under Article 4 or 7 and any change (whether resulting from the death of the deceased or otherwise) in any of the circumstances in the light of which the agreement was made.

(3) If a maintenance agreement is varied by the court under this Article the like consequences shall ensue as if the variation had been made immediately before the death of the deceased by agreement between the parties and for valuable consideration.

(4) In this Article “maintenance agreement”, in relation to a deceased person, means any agreement made, whether in writing or not and whether before or after the commencement of this Order by the deceased with any person with whom he<sup>F1</sup> formed a marriage or civil partnership], being an agreement which contained provisions governing the rights and liabilities towards one another when living separately of the parties to that marriage<sup>F1</sup> or of the civil partners] (whether or not the marriage<sup>F1</sup> or civil partnership] has been dissolved or annulled) in respect of the making or securing of payments or the disposition or use of any property, including such rights and liabilities with respect to the maintenance or education of any child, whether or not a child of the deceased or a person who was treated by the deceased as a child of the family in relation to that marriage<sup>F1</sup> or civil partnership].

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**F1** 2004 c. 33

**Changes to legislation:**

There are currently no known outstanding effects for the Inheritance (Provision for Family and Dependants) (Northern Ireland) Order 1979, Section 19.