



Law Reform (Succession) Act 1995

1995 CHAPTER 41

Distribution of estates

1 Intestacy and partial intestacy.

- (1) In the ^{M1}Administration of Estates Act 1925 (“the 1925 Act”), in section 46 (succession on intestacy) the following subsection shall be inserted after subsection (2)—
- “(2A) Where the intestate’s husband or wife survived the intestate but died before the end of the period of 28 days beginning with the day on which the intestate died, this section shall have effect as respects the intestate as if the husband or wife had not survived the intestate.”
- (2) The following provisions of the 1925 Act (which require certain payments made by an intestate, and certain interests acquired under a will of an intestate, to be brought into account) shall cease to have effect—
- (a) in section 47 (statutory trusts in favour of issue and other relatives of intestate), subsection (1)(iii);
 - (b) in section 49 (partial intestacy), in subsection (1) paragraphs (aa) and (a), and subsections (2) and (3).
- (3) Subsections (1) and (2) above have effect as respects an intestate dying on or after 1st January 1996.
- (4) In section 50 of the 1925 Act (construction of documents), the references in subsection (1) to Part IV of that Act and to the foregoing provisions of that Part shall, in relation to an instrument inter vivos made or a will or codicil coming into operation on or after 1st January 1996 (but not in relation to instruments inter vivos made or wills or codicils coming into operation earlier), be construed as including references to this section.
- (5) In this section “intestate” shall be construed in accordance with section 55(1)(vi) of the 1925 Act.

Changes to legislation: There are currently no known outstanding effects for the Law Reform (Succession) Act 1995, Cross Heading: Distribution of estates. (See end of Document for details)

Marginal Citations

M1 1925 c. 23.

2 Application for financial provision by person who lived with deceased as husband or wife.

- (1) The ^{M2}Inheritance (Provision for Family and Dependants) Act 1975 shall be amended as follows.
- (2) In section 1 (application for financial provision from deceased's estate), in subsection (1) (persons who may apply) the following paragraph shall be inserted after paragraph (b)—
 - “(ba) any person (not being a person included in paragraph (a) or (b) above) to whom subsection (1A) below applies;”.
- (3) In that section, the following subsection shall be inserted after subsection (1)—

“(1A) This subsection applies to a person if the deceased died on or after 1st January 1996 and, during the whole of the period of two years ending immediately before the date when the deceased died, the person was living—

 - (a) in the same household as the deceased, and
 - (b) as the husband or wife of the deceased.”
- (4) In section 3 (matters to which court is to have regard in exercising its powers to make orders), the following subsection shall be inserted after subsection (2)—

“(2A) Without prejudice to the generality of paragraph (g) of subsection (1) above, where an application for an order under section 2 of this Act is made by virtue of section 1(1)(ba) of this Act, the court shall, in addition to the matters specifically mentioned in paragraphs (a) to (f) of that subsection, have regard to—

 - (a) the age of the applicant and the length of the period during which the applicant lived as the husband or wife of the deceased and in the same household as the deceased;
 - (b) the contribution made by the applicant to the welfare of the family of the deceased, including any contribution made by looking after the home or caring for the family.”

Marginal Citations

M2 1975 c. 63.

Changes to legislation:

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