



# Inheritance (Provision for Family and Dependants) Act 1975

## 1975 CHAPTER 63

### 1 Application for financial provision from deceased's estate.

- (1) Where after the commencement of this Act a person dies domiciled in England and Wales and is survived by any of the following persons:—
- [<sup>F1</sup>(a) the spouse or civil partner of the deceased;
  - (b) a former spouse or former civil partner of the deceased, but not one who has formed a subsequent marriage or civil partnership;]
  - [<sup>F2</sup>(ba) any person (not being a person included in paragraph (a) or (b) above) to whom subsection (1A) <sup>F3</sup>... below applies;]
  - (c) a child of the deceased;
  - (d) any person (not being a child of the deceased) [<sup>F4</sup>who in relation to any marriage or civil partnership to which the deceased was at any time a party, or otherwise in relation to any family in which the deceased at any time stood in the role of a parent, was treated by the deceased as a child of the family;]
  - (e) any person (not being a person included in the foregoing paragraphs of this subsection) who immediately before the death of the deceased was being maintained, either wholly or partly, by the deceased;

that person may apply to the court for an order under section 2 of this Act on the ground that the disposition of the deceased's estate effected by his will or the law relating to intestacy, or the combination of his will and that law, is not such as to make reasonable financial provision for the applicant.

- [<sup>F5</sup>(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) [<sup>F6</sup>as if that person and the deceased were a married couple or civil partners].]

[<sup>F7</sup>(1B) .....

- (2) In this Act "reasonable financial provision"—

*Status: Point in time view as at 02/12/2019. This version of this provision has been superseded.*

**Changes to legislation:** *Inheritance (Provision for Family and Dependants) Act 1975, Section 1 is up to date with all changes known to be in force on or before 05 June 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) in the case of an application made by virtue of subsection (1)(a) above by the husband or wife of the deceased (except where the marriage with the deceased was the subject of a decree of judicial separation and at the date of death the decree was in force and the separation was continuing), means such financial provision as it would be reasonable in all the circumstances of the case for a husband or wife to receive, whether or not that provision is required for his or her maintenance;
- [<sup>F8</sup>(aa) in the case of an application made by virtue of subsection (1)(a) above by the civil partner of the deceased (except where, at the date of death, a separation order under Chapter 2 of Part 2 of the Civil Partnership Act 2004 was in force in relation to the civil partnership and the separation was continuing), means such financial provision as it would be reasonable in all the circumstances of the case for a civil partner to receive, whether or not that provision is required for his or her maintenance;]
- (b) in the case of any other application made by virtue of subsection (1) above, means such financial provision as it would be reasonable in all the circumstances of the case for the applicant to receive for his maintenance.
- [<sup>F9</sup>(2A) The reference in subsection (1)(d) above to a family in which the deceased stood in the role of a parent includes a family of which the deceased was the only member (apart from the applicant).]
- [<sup>F10</sup>(3) For the purposes of subsection (1)(e) above, a person is to be treated as being maintained by the deceased (either wholly or partly, as the case may be) only if the deceased was making a substantial contribution in money or money's worth towards the reasonable needs of that person, other than a contribution made for full valuable consideration pursuant to an arrangement of a commercial nature.]

#### Textual Amendments

- F1** S. 1(1)(a)(b) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 71, 263(2), **Sch. 4 para. 15(2)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F2** S. 1(1)(ba) inserted (8.11.1995) by 1995 c. 41, s. 2(2)
- F3** Words in s. 1(1)(ba) omitted (2.12.2019) by virtue of The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 3(2)(a)**
- F4** Words in s. 1(1)(d) substituted (1.10.2014) by Inheritance and Trustees' Powers Act 2014 (c. 16), s. 12(2), **Sch. 2 para. 2(2)** (with s. 12(4)); S.I. 2014/2039, art. 2
- F5** S. 1(1A) inserted (8.11.1995) by 1995 c. 41, s. 2(3)
- F6** Words in s. 1(1A)(b) substituted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 3(2)(b)**
- F7** S. 1(1B) omitted (2.12.2019) by virtue of The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 3(2)(c)**
- F8** S. 1(2)(aa) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 71, 263(2), **Sch. 4 para. 15(6)**; S.I. 2005/3175, art. 2(1), **Sch. 1**
- F9** S. 1(2A) inserted (1.10.2014) by Inheritance and Trustees' Powers Act 2014 (c. 16), s. 12(2), **Sch. 2 para. 2(3)** (with s. 12(4)); S.I. 2014/2039, art. 2
- F10** S. 1(3) substituted (1.10.2014) by Inheritance and Trustees' Powers Act 2014 (c. 16), s. 12(2), **Sch. 2 para. 3** (with s. 12(4)); S.I. 2014/2039, art. 2

**Status:**

Point in time view as at 02/12/2019. This version of this provision has been superseded.

**Changes to legislation:**

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