



Inheritance (Provision for Family and Dependants) Act 1975

1975 CHAPTER 63

Special provisions relating to cases of divorce, separation etc.

14 Provision as to cases where no financial relief was granted in divorce proceedings etc.

- (1) Where, within twelve months from the date on which a [^{F1}divorce order or nullity of marriage order has been made final or a judicial separation order has been made,] a party to the marriage dies and—
- (a) an application for a financial provision order under section 23 of the ^{M1}Matrimonial Causes Act 1973 or a property adjustment order under section 24 of that Act has not been made by the other party to that marriage, or
 - (b) such an application has been made but the proceedings thereon have not been determined at the time of the death of the deceased,

then, if an application for an order under section 2 of this Act is made by that other party, the court shall, notwithstanding anything in section 1 or section 3 of this Act, have power, if it thinks it just to do so, to treat that party for the purposes of that application as if the [^{F2}divorce order or nullity of marriage order had not been made final or the judicial separation order had not been made,] as the case may be.

- (2) This section shall not apply in relation to a [^{F3}judicial separation order] unless at the date of the death of the deceased [^{F4}the order] was in force and the separation was continuing.

Textual Amendments

- F1** Words in s. 14(1) substituted (6.4.2022) by [Divorce, Dissolution and Separation Act 2020 \(c. 11\)](#), s. 8(1)(8), [Sch. para. 44\(4\)\(a\)\(i\)](#); S.I. 2022/283, reg. 2
- F2** Words in s. 14(1) substituted (6.4.2022) by [Divorce, Dissolution and Separation Act 2020 \(c. 11\)](#), s. 8(1)(8), [Sch. para. 44\(4\)\(a\)\(ii\)](#); S.I. 2022/283, reg. 2

Changes to legislation: *Inheritance (Provision for Family and Dependants) Act 1975, Section 14 is up to date with all changes known to be in force on or before 06 September 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) View outstanding changes*

- F3** Words in s. 14(2) substituted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), s. 8(1)(8), **Sch. para. 44(4)(b)(i)**; S.I. 2022/283, reg. 2
- F4** Words in s. 14(2) substituted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), s. 8(1)(8), **Sch. para. 44(4)(b)(ii)**; S.I. 2022/283, reg. 2
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Marginal Citations

- M1** 1973 c. 18.

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Changes and effects yet to be applied to :

- s. 14 amended (prosp.) by [1996 c. 27 s. 66\(1\)Sch. 8 Pt. 1 para. 27\(4\)\(c\)](#)
- s. 14(1)s. 14(1)(a) amended (prosp.) by [1996 c. 27 s. 66\(1\)Sch. 8 Pt. 1 para. 27\(4\)\(a\)\(b\)](#)
- s. 14(2) amended (prosp.) by [1996 c. 27 s. 66\(1\)Sch. 8 Pt. 1 para. 27\(4\)\(d\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 25 (defns. of "former wife" and "former husband") amended (prosp.) by [1996 c. 27 s. 66\(1\)Sch. 8 Pt. 1 para. 27\(8\)](#)