



Inheritance (Provision for Family and Dependants) Act 1975

1975 CHAPTER 63

Special provisions relating to cases of divorce, separation etc.

15 Restriction imposed in divorce proceedings etc. on application under this Act.

[^{F1}(1) On the [^{F2}making of a divorce, nullity of marriage or judicial separation order] or at any time thereafter the court, if it considers it just to do so, may, on the application of either party to the marriage, order that the other party to the marriage shall not on the death of the applicant be entitled to apply for an order under section 2 of this Act.

In this subsection “ the court ” means the High Court or [^{F3}the family court].]

- (2) In the case of a [^{F4}divorce or nullity of marriage order] an order may be made under subsection (1) above before or [^{F5}after the divorce or nullity of marriage order is made final, but if it is made before that order is made final it shall not take effect unless that order is made final].
- (3) Where an order made under subsection (1) above on the [^{F6}making of a divorce or nullity of marriage order] has come into force with respect to a party to a marriage, then, on the death of the other party to that marriage, the court shall not entertain any application for an order under section 2 of this Act made by the first-mentioned party.
- (4) Where an order made under subsection (1) above on the [^{F7}making of a judicial separation order] has come into force with respect to any party to a marriage, then, if the other party to that marriage dies while the [^{F8}order is] in force and the separation is continuing, the court shall not entertain any application for an order under section 2 of this Act made by the first-mentioned party.

Textual Amendments

- F1** S. 15(1) substituted by [Matrimonial and Family Proceedings Act 1984 \(c. 42, SIF 49:3\)](#), s. 8(1)
- F2** Words in s. 15(1) substituted (6.4.2022) by [Divorce, Dissolution and Separation Act 2020 \(c. 11\)](#), s. 8(1)(8), [Sch. para. 44\(5\)\(a\)](#); S.I. 2022/283, reg. 2

Changes to legislation: Inheritance (Provision for Family and Dependants) Act 1975, Section 15 is up to date with all changes known to be in force on or before 26 May 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. 15(1) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 10 para. 36(2)**; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F4** Words in s. 15(2) substituted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), s. 8(1)(8), **Sch. para. 44(5)(b)(i)**; S.I. 2022/283, reg. 2
- F5** Words in s. 15(2) substituted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), s. 8(1)(8), **Sch. para. 44(5)(b)(ii)**; S.I. 2022/283, reg. 2
- F6** Words in s. 15(3) substituted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), s. 8(1)(8), **Sch. para. 44(5)(c)**; S.I. 2022/283, reg. 2
- F7** Words in s. 15(4) substituted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), s. 8(1)(8), **Sch. para. 44(5)(d)(i)**; S.I. 2022/283, reg. 2
- F8** Words in s. 15(4) substituted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), s. 8(1)(8), **Sch. para. 44(5)(d)(ii)**; S.I. 2022/283, reg. 2

Changes to legislation:

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 15(1) amended (prosp.) by [1996 c. 27 s. 66\(1\)Sch. 8 Pt. 1 para. 27\(5\)](#)
- s. 15(2)-(4) replaced (by s.15(2)(3)) (prosp.) by [1996 c. 27 s. 66\(1\)Sch. 8 Pt. 1 para. 27\(6\)](#)

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\(8\)](#)