



Inheritance (Provision for Family and Dependants) Act 1975

1975 CHAPTER 63

Special provisions relating to cases of divorce, separation etc.

17 Variation and revocation of maintenance agreements.

- (1) Where an application for an order under section 2 of this Act is made to the court by any person who was at the time 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 section 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 section the court shall have regard to all the circumstances of the case, including any order which the court proposes to make under section 2 or section 5 of this Act 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 section 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 section “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 Act, by the deceased with any person with whom he [^{F1}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 [^{F2}or of the civil partners](whether or not the marriage [^{F3}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

Changes to legislation: Inheritance (Provision for Family and Dependants) Act 1975, Section 17 is up to date with all changes known to be in force on or before 20 October 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

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 [^{F3}or civil partnership].

Textual Amendments

- F1** Words in s. 17(4) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 71, 263(2), [Sch. 4 para. 24\(a\)](#); S.I. 2005/3175, [art. 2\(1\)](#), Sch. 1
- F2** Words in s. 17(4) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 71, 263(2), [Sch. 4 para. 24\(b\)](#); S.I. 2005/3175, [art. 2\(1\)](#), Sch. 1
- F3** Words in s. 17(4) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 71, 263(2), [Sch. 4 para. 24\(c\)](#); S.I. 2005/3175, [art. 2\(1\)](#), Sch. 1

Changes to legislation:

Inheritance (Provision for Family and Dependants) Act 1975, Section 17 is up to date with all changes known to be in force on or before 20 October 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.

[View outstanding changes](#)

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\(8\)](#)