



# Law Reform (Succession) Act 1995

## 1995 CHAPTER 41

### *Distribution of estates*

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

- (1) The <sup>M1</sup>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;

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*Changes to legislation: There are currently no known outstanding effects for the Law Reform (Succession) Act 1995, Section 2. (See end of Document for details)*

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- (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**

M1 1975 c. 63.

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