

---

*Status: Point in time view as at 01/10/2007.*

**Changes to legislation:** *Mental Capacity Act 2005, Cross Heading: Intestates' Estates Act 1952 (c. 64) is up to date with all changes known to be in force on or before 24 April 2024. 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)*

---

## SCHEDULES

### SCHEDULE 6

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Intestates' Estates Act 1952 (c. 64)*

- 8 In Schedule 2 to the Intestates' Estates Act 1952 (c. 64) (rights of surviving spouse or civil partner in relation to home), for paragraph 6(1) substitute—

“(1) Where the surviving spouse or civil partner lacks capacity (within the meaning of the Mental Capacity Act 2005) to make a requirement or give a consent under this Schedule, the requirement or consent may be made or given by a deputy appointed by the Court of Protection with power in that respect or, if no deputy has that power, by that court.”.

**Status:**

Point in time view as at 01/10/2007.

**Changes to legislation:**

Mental Capacity Act 2005, Cross Heading: Intestates' Estates Act 1952 (c. 64) is up to date with all changes known to be in force on or before 24 April 2024. 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.