
STATUTORY INSTRUMENTS

1987 No. 799

FAMILY PROVISION

The Family Provision (Intestate Succession) Order 1987

Made - - - - *1st May 1987*
Coming into force - - *1st June 1987*

Whereas a draft of this Order has been laid before Parliament and a period of forty days beginning with the day of laying has expired:

Now therefore, the Lord Chancellor, in exercise of the powers conferred on him by section 1(1)(a) and (b) of the Family Provision Act 1966(1), hereby makes the following Order:—

1. This Order may be cited as the Family Provision (Intestate Succession) Order 1987 and shall come into force on 1st June 1987.

2. In the case of a person dying after the coming into force of this Order, section 46(1) of the Administration of Estates Act 1925(2) shall apply as if the net sums charged by paragraph (i) on the residuary estate were:—

- (a) under paragraph (2) of the Table, the sum of £75,000; and
- (b) under paragraph (3) of the Table, the sum of £125,000.

Dated 1st May 1987.

Hailsham of St. Marylebone, C.

(1) 1966 c. 35.

(2) 1925 c. 23; section 46(1) was, so far as is relevant, amended by section 1 of the Intestates' Estates Act 1952 (c. 64) and section 1 of the Family Provision Act 1966.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

The estate of a person dying intestate is charged with a fixed sum (the statutory legacy) in favour of the surviving spouse. This Order increases the statutory legacy from £40,000 to £75,000 where the intestate is survived by issue, and from £85,000 to £125,000 where there is no surviving issue but the intestate is survived by certain close relatives.

By virtue of section 1(3) of the Family Provision Act 1966, this Order supersedes the Family Provision (Intestate Succession) Order 1981 (S.I.1981/255) in relation to the estate of a person dying on or after 1st June 1987.