
STATUTORY INSTRUMENTS

1996 No. 3163

The Succession (Northern Ireland) Order 1996

Application for financial provision by person who lived with deceased as husband or wife

4.—(1) The Inheritance (Provision for Family and Dependants) (Northern Ireland) Order 1979 shall be amended as follows.

(2) In Article 3(1) (persons who may apply for financial provision from deceased's estate) after sub-paragraph (b) there shall be inserted the following sub-paragraph—

“(ba) any person (not being a person included in sub-paragraph (a) or (b) to whom paragraph (1 A) applies;” .

(3) In that Article after paragraph (1) there shall be inserted the following paragraph—

“(1A) This paragraph applies to a person if the deceased died after the coming into operation of the Succession (Northern Ireland) Order 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 Article 5 (matters to which the court is to have regard in exercising its power to make orders), after paragraph (2) there shall be inserted the following paragraph—

“(2A) Without prejudice to the generality of sub-paragraph (g) of paragraph (1), where an application for an order under Article 4 is made by virtue of Article 3(1)(ba), the court shall, in addition to the matters specifically mentioned in sub-paragraphs (a) to (f) of that paragraph, 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; and
- (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.” .

Changes to legislation:

There are currently no known outstanding effects for the The Succession (Northern Ireland) Order 1996, Section 4.