



# Presumption of Death Act 2013

## 2013 CHAPTER 13

### *Declaration of presumed death*

#### **1 Applying for declaration**

- (1) This section applies where a person who is missing—
  - (a) is thought to have died, or
  - (b) has not been known to be alive for a period of at least 7 years.
- (2) Any person may apply to the High Court for a declaration that the missing person is presumed to be dead.
- (3) The court has jurisdiction to hear and determine an application under this section only if—
  - (a) the missing person was domiciled in England and Wales on the day on which he or she was last known to be alive,
  - (b) the missing person had been habitually resident in England and Wales throughout the period of 1 year ending with that day, or
  - (c) subsection (4) is satisfied.
- (4) This subsection is satisfied if the application is made by the spouse or civil partner of the missing person and—
  - (a) the applicant is domiciled in England and Wales on the day on which the application is made, or
  - (b) the applicant has been habitually resident in England and Wales throughout the period of 1 year ending with that day.
- (5) The court must refuse to hear an application under this section if—
  - (a) the application is made by someone other than the missing person's spouse, civil partner, parent, child or sibling, and
  - (b) the court considers that the applicant does not have a sufficient interest in the determination of the application.
- (6) This section has effect subject to section 21(2).