Intestates' Estates Act 1952 (c. 64)
SECOND SCHEDULE – Rights of Surviving Spouse or civil partner as respects the Matrimonial or
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Changes to legislation: *There are currently no known outstanding effects for*
the Intestates' Estates Act 1952, Paragraph 6. (See end of Document for details)

S C H E D U L E S

SECOND SCHEDULE

RIGHTS OF SURVIVING SPOUSE [F1OR CIVIL PARTNER]AS RESPECTS THE MATRIMONIAL [F1OR CIVIL PARTNERSHIP]HOME

Textual Amendments

F1 Words in Sch. 2 heading inserted (E.W.) (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 4 para. 13(4)(b)**; S.I. 2005/3175, Sch. 1

6   [F1(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.]

(2) A requirement or consent made or given under this Schedule by a surviving [F2husband or wife][F2spouse or civil partner] who is an infant shall be as valid and binding as it would be if he or she were of age; and, as respects an appropriation in pursuance of paragraph 1 of this Schedule, the provisions of section forty-one of the principal Act as to obtaining the consent of the infant's parent or guardian, or of the court on behalf of the infant, shall not apply.

Textual Amendments

F1 Sch. 2 para. 6(1) substituted (1.10.2007) by Mental Capacity Act 2005 (c. 9), s. 68(1), **Sch. 6 para. 8** (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)

F2 Words in Sch. 2 substituted (E.W.) (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 4 para. 13(2)**; S.I. 2005/3175, Sch. 1

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Changes to legislation:
There are currently no known outstanding effects for the Intestates' Estates Act 1952, Paragraph 6.