
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force those provisions of the Presumption of Death Act 2013 not already in force. By virtue of section 22(1) of the Act, the following provisions of the Act came into force on the day (26th March 2013) on which the Act was passed: sections 17 to 24; section 9 to the extent that it confers power to make rules; and section 15(4) and Schedule 1 to the extent that they confer power to make regulations.

The Act makes provision to introduce into the law of England and Wales a procedure to enable those left behind to obtain a declaration from the High Court that a missing person is to be presumed to have died. Such a declaration is conclusive as to the presumed death and effective for all purposes and against all persons; but the Act also makes provision enabling the making of a variation order should facts subsequently emerge which require the declaration to be revoked or varied.

The new procedure replaces, and repeals the legislation governing, more limited procedures enabling dissolution of a marriage or civil partnership on the grounds that one of the parties is presumed to have died, but transitional and saving provision is made so that proceedings under the repealed legislation which have been commenced before 1st October 2014 can continue to a conclusion, and any resulting declaration be valid, after that date.