2007 No. 452

ADMINISTRATION OF ESTATES

The Administration of Estates (Rights of Surviving Spouse or Civil Partner) Order (Northern Ireland) 2007

Made - - - - -	*29th October 2007*
Affirmed by resolution of the Assembly on	*10th December 2007*
Coming into operation	*1st January 2008*

The Department of Finance and Personnel makes the following Order in exercise of the powers conferred by section 7(4A) of the Administration of Estates Act (Northern Ireland) 1955(**a**), and now vested in it(**b**):

Citation and commencement

1. This Order may be cited as the Administration of Estates (Rights of Surviving Spouse or Civil Partner) Order (Northern Ireland) 2007 and shall come into operation on 1st January 2008.

Increase of surviving spouse's or civil partner's rights on intestacy

2. In relation to the estate of a person dying after the coming into operation of this Order, section 7 (rights of surviving spouse or civil partner)(**c**) of the Administration of Estates Act (Northern Ireland) 1955 shall be amended as follows:

(a) in subsection (2) for "£125,000"(**d**) wherever it occurs there shall be substituted "£250,000"; and

(b) in subsection (4) for "£200,000"(**d**) wherever it occurs there shall be substituted "£450,000".

Sealed with the Official Seal of the Department of Finance and Personnel on 29th October 2007.

(L.S.) *Anthony Canavan*

A senior officer of the Department of Finance and Personnel

(**a**) 1955 c. 24 (N.I.). Section 7(4A) was inserted by 1969 c. 38 (N.I.) section 1(c).

(**b**) Functions transferred from the Minister of Home Affairs to the Department of Finance by S.R. & O. (N.I.) 1973 No. 504 Art. 5(d). The Department of Finance became the Department of Finance and Personnel by S.I. 1982/338 (N.I. 6) Art. 3.

(**c**) Section 7 was amended by 2004 c.33 Sched. 14 para 9 to include references to a civil partner of the deceased intestate.

(**d**) See S.R. 1993 No. 426.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order further amends section 7 of the Administration of Estates Act (Northern Ireland) 1955 by increasing the amounts by reference to which a surviving spouse's or civil partner's rights in relation to an intestate's estate are determined.

Where an intestate dies leaving a spouse or civil partner and issue, the surviving spouse or civil partner will take the personal chattels, the first £250,000 (with interest) and a share of the residue. The previous amount taken by the surviving spouse or civil partner was £125,000.

Where an intestate dies leaving a spouse or civil partner and no issue but also leaving other near relatives, the surviving spouse or civil partner will take the personal chattels, the first £450,000 (with interest) and a share of the residue. The previous amount taken by the surviving spouse or civil partner was £200,000.

The increases take effect in relation to the estates of persons dying on or after 1st January 2008.

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