1993 No. 426

ADMINISTRATION OF ESTATES

Administration of Estates (Rights of Surviving Spouse) Order (Northern Ireland) 1993

Made . . . . . 20th October 1993

Coming into operation . . 1st January 1994

To be laid before Parliament under paragraph 3(3) of Schedule 1 to the Northern Ireland Act 1974

The Department of Finance and Personnel(**a**), in exercise of the powers conferred by section 7(4A)(**b**) of the Administration of Estates Act (Northern Ireland) 1955(**c**) and now vested in it(**d**), and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Administration of Estates (Rights of Surviving Spouse) Order (Northern Ireland) 1993 and shall come into operation on 1st January 1994.

Increase of surviving spouse'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) of the Administration of Estates Act (Northern Ireland) 1955 shall be amended as follows:

(*a*) in subsection (2) for "£75,000"(**e**) wherever it occurs there shall be substituted "£125,000"; and

(*b*) in subsection (4) for "£125,000"(**e**) wherever it occurs there shall be substituted "£200,000".

Sealed with the Official Seal of the Department of Finance and Personnel on 20th October 1993.

(L.S.) *James McKeown*
Assistant Secretary

(**a**) Formerly the Department of Finance: *see* S.I. 1982/338 (N.I. 6) Art. 3
(**b**) As inserted by 1969 c. 38 (N.I.) section 1(*c*)
(**c**) 1955 c. 24 (N.I.)
(**d**) Functions transferred from the Minister of Home Affairs by S.R. & O. (N.I.) 1973 No. 504 Art. 5(*d*) and 1974 c. 28 Sch. 1 para 2(1)(*b*))
(**e**) *See* S.R. 1987 No. 378

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 rights in relation to an intestate's estate are determined.

The increases take effect in relation to the estates of persons dying on or after 1st January 1994.

Where the intestate dies leaving a spouse and issue, the spouse takes personal chattels and the whole of the remaining estate where its net value does not exceed £75,000; or, where its net value exceeds that amount, the spouse takes personal chattels, £75,000 (with interest) and a share of the residue. The Order increases that amount to £125,000 (Article 2(*a*)).

Where the intestate dies leaving a spouse and no issue but also leaving other near relatives, the surviving spouse takes personal chattels and the whole of the remaining estate where its net value does not exceed £125,000; or, where its net value exceeds that amount, the spouse takes personal chattels, £125,000 (with interest) and a share of the residue. The Order increases that amount to £200,000 (Article 2(*b*)).