STATUTORY INSTRUMENTS

1972 No. 916

FAMILY PROVISION

The Family Provision (Intestate Succession) Order 1972

Laid before Parliament in draft

Made - - - 21*st June* 1972

Coming into Operation 1*st July* 1972

The Lord Chancellor, in exercise of the powers conferred on him by section 1(1)(*a*) and (*b*) of the Family Provision Act 1966(**a**), hereby makes the following Order:—

1.—(1) This Order may be cited as the Family Provision (Intestate Succession) Order 1972 and shall come into operation on 1st July 1972.

(2) The Interpretation Act 1889(**b**) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2. In the case of a person dying after the coming into operation of this Order, section 46(1) of the Administration of Estates Act 1925(**c**), as amended by section 1 of the Intestates' Estates Act 1952(**d**) and section 1 of the Family Provision Act 1966, shall apply as if the net sums charged by paragraph (i) on the residuary estate were:—

(*a*) under paragraph (2) of the Table, the sum of £15,000; and

(*b*) under paragraph (3) of the Table, the sum of £40,000.

Dated 21st June 1972.

Hailsham of St. Marylebone, C.

(a) 1966 c. 35. (b) 1889 c. 63. (c) 1925 c. 23. (d) 1952 c. 64.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order increases the statutory legacies payable to a widow or widower on the intestacy of the other spouse. Where the intestate leaves issue, the sum charged on the intestate's estate is increased from £8,750 to £15,000. Where there are no surviving issue, but the intestate leaves certain close relatives, the sum so charged is increased from £30,000 to £40,000. The Order does not apply to the estate of a person dying before 1st July 1972.

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