STATUTORY INSTRUMENTS

1977 No. 415

FAMILY PROVISION

The Family Provision (Intestate Succession) Order 1977

Laid before Parliament in draft

Made - - - - 4*th March* 1977

Coming into Operation 15*th March* 1977

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 1977 and shall come into operation on 15th March 1977.

(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 £25,000; and

(*b*) under paragraph (3) of the Table, the sum of £55,000.

Dated 4th March 1977.

Elwyn-Jones, 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.)

The estate of a person dying intestate is charged with a fixed sum (the statutory legacy) in favour of the surviving spouse. This Order increases the statutory legacy from £15,000 to £25,000 where the intestate is survived by issue, and from £40,000 to £55,000 where there is no surviving issue but the intestate is survived by certain close relatives.

By virtue of section 1(3) of the Family Provision Act 1966, this Order supersedes the Family Provision (Intestate Succession) Order 1972 (S.I. 1972/916) in relation to the estate of a person dying on or after 15th March 1977.

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