

Claims Pursuant to the Inheritance (Provision for family and Dependant) Act 1975 otherwise known as Inheritance Act claims

Certain categories of applicants can bring such a claim if they feel that the Will or provision on intestacy does not adequately provide for them. The categories are: surviving spouse or civil partner, former spouse or civil partner, children (including adult children and those treated as children of the family), cohabitants and those who were financially dependent on the deceased.

Where the Court considers that further financial provision should be made, there are two different levels of provision depending on the status of the claimant. In the case of spouses or civil partners the court will consider what “reasonable” financial provision should be made. In all other categories the relevant test is what financial provision should be made that is necessary for the claimant’s “maintenance” only, i.e. a lower threshold.

We have a great deal of experience in dealing with such claims, and have acted from all points of view, i.e. claimant, defendant beneficiary or neutral executor. We are therefore uniquely placed to advise, having considered claims from all angles.

We always look to reach an agreement and actively encourage mediation but will also vigorously pursue matters where appropriate.

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