

How does the court value a claim under the Inheritance (Provision for Family and Dependants) Act 1975?



When deciding whether to make an award the court will consider whether, objectively, the distribution of the deceased's estate (whether by Will or intestacy) failed to make reasonable financial provision for the claimant in the circumstances of the case.

What constitutes reasonable provision will depend on identity of the Claimant. Broadly, provision for a spouse or civil partner will be based on what is reasonable for them to receive and for any other applicant what is reasonable for their maintenance (a lower standard).

In assessing reasonable financial provision, the Court will take into account prescribed factors set out in the 1975 Act. These main factors the Court will consider are:

- The financial resources of the Claimant;
- The financial needs of the Claimant;
- The financial resources and needs of beneficiaries of the Estate;
- The value of the estate; and
- The nature of the relationship between the Claimant and the Deceased.

If the Court concludes that provision or further provision should be made to the Claimant, it can exercise its powers to make an award to the Claimant.

If you would like to discuss making a claim under the 1975 Act, please contact [Philip Youdan](mailto:philip.youdan@cripps.co.uk) at philip.youdan@cripps.co.uk. For further information about [Will disputes](#) and disputes involving [trusts and estates](#)



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