

## Who is an eligible claimant under the 1975 act?



The Inheritance (Provision for Family and Dependants) Act 1975 (the “1975 Act”) allows certain categories of people to bring a claim for reasonable financial provisions to be made from an estate if a will or the intestacy rules do not make provisions for them.

In order to bring a claim, a person must first establish that they are eligible to apply. Section 1 of the 1975 Act sets out the categories of eligible claimants. These include:

### Spouse or civil partner of the deceased

A spouse or civil partner is automatically eligible to make an application by virtue of their status.

### A person who was living in the same household as the deceased as spouse or civil partner

An eligible applicant under this category must have been living in the same household as the deceased and have lived together ‘as husband and wife or civil partners’ for the two years immediately prior to death.

### A former spouse or former civil partner of the deceased

Former spouses are eligible applicants provided that they have not entered in to a subsequent marriage or civil partnership.

### A child of the deceased

The definition of child under the 1975 Act is not limited to minor children, adult children are eligible claimants.



The definition also includes adopted children but does not include step-children unless they were adopted by the deceased.

1. A person who was treated by the deceased as a child of the family in relation to any marriage or civil partnership to which the deceased was a party or any family in which the deceased stood in the role of a parent. *Step-children are potentially eligible to bring a claim under this category.*
2. Any person who was being maintained by the deceased. *This category includes relatives and non-relatives of the deceased who were being maintained wholly or partly by the deceased immediately before death.*

## How we can help

If you would like to find out more about the services we offer please contact our [inheritance disputes team](#).



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Partner