



Statutory Legacy Increase for Spouses & Civil Partners

Under the new [Administration of Estates Act 1925 \(Fixed Net Sum\) Order 2020](#), from 6 February 2020, the Statutory Legacy paid to spouses or civil partners under the [Intestacy Rules](#) is due to increase.

This means that in intestate estates (where there is no will), the fixed sum which a surviving spouse or living partner is entitled to receive (known as the Statutory Legacy) will increase from £250,000 to £270,000. This only applies to those intestate estates where the deceased had children. Once the Statutory Legacy is paid, the balance of the estate is split equally between the surviving spouse/civil partner and any children.

If the deceased had no children, the Intestacy Rules provide that their spouse or civil partner will inherit their entire estate.

Can the Statutory Legacy be challenged?

Potentially. The Intestacy Rules (where the deceased had children) may not always make sufficient financial provision for spouses or civil partners.

A spouse or civil partner who is concerned about the amount which they are due to receive under an intestacy should also consider their position under the [Inheritance \(Provision for Family and Dependants\) Act 1975](#).

The Inheritance Act allows spouses, civil partners, certain relatives and financial dependants to apply to the court for “reasonable financial provision” to be made to them from an estate. Such claims must be usually brought within 6 months from the date of the grant of probate, so it is important to take action before that deadline expires.

If you require legal advice about a claim involving an estate, please contact our [disputed wills solicitors](#) in our [Bournemouth office](#) on 01202 786152.