

Your Legal Questions

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Q My Mother died many years ago and now my Father has recently died. I've just been told that he has not left me anything in his Will. Is there anything I can do?

A In this country the general principle is that a person is free to leave their assets by Will as they choose unlike in many other countries where there are requirements which force a parent to leave a portion of their estate to their spouse and children. Accordingly your Father was free to leave his assets to whoever he chose.

The only time that the Courts will be prepared to interfere with a validly drawn Will is where the deceased had a legal obligation to support or was supporting another person at the date of his death and the Will does not make adequate provision for that person. So if you are still under 18, or were financially dependent upon your Father at the time of his death it follows that the Court would expect some provision to have been made for you. Conversely, if you are adult and are financially independent it is unlikely that the Court would be inclined to change the Will in your favour.

As a child of the deceased, even if you are over 18, you will be entitled to bring an action under the Inheritance (Provision for Family and Dependents) Act 1975 however the Court will follow Guidelines laid down by the Act and as a general rule the Courts have shown a reluctance to make awards to able bodied sons and daughters.

There are strict time limits involved and I would strongly advise that you take legal advice in order to assess whether any claim by you has merit.

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