

INHERITANCE ACT CLAIMS

A Step-by-Step Guide

How the Inheritance Act
Claims Process Works in
England and Wales



NJS Law

Disputes over inheritance can arise at an already difficult time for families. The death of a loved one often brings **grief, uncertainty, and practical concerns** about the administration of the estate. When someone has been left out of a will, or has received less than they **reasonably need**, the position can quickly become both **legally** and **emotionally** complex.

An Inheritance Act claim is different from a claim that challenges the **validity of a will**. In many cases, the will itself may be perfectly valid. The issue is whether the will, or the intestacy rules where there is no will, fails to make **reasonable financial provision** for someone who falls within a category of **eligible applicant**.

Many people assume that a person can leave their estate to **whoever they choose** and that nothing can be done once the will has been signed. While testamentary freedom remains an **important principle** in England and Wales, the law recognises that certain **family members** and **dependants** may be entitled to seek reasonable financial provision from the estate.

It is also common for individuals to feel unsure about whether they qualify, whether they need to have been **financially dependent** on the deceased, what **evidence** is required, and how quickly they need to act.

This guide explains how **Inheritance Act claims** work, who may be **eligible** to bring a claim, what the **court** considers, and what happens at **each stage** of the process - from the initial assessment through to negotiation, mediation, or court proceedings.

WHY WILL DISPUTES ARISE

Inheritance Act claims usually arise where the distribution of an estate leaves someone **without reasonable** financial support.

Sometimes the deceased made a will that excluded a **spouse, partner, child, or dependant**. In other cases, a person may have been left something in the will, but the amount is **not enough** to meet their **financial needs**. Claims may also arise where there is **no will** and the intestacy rules produce an outcome that does not reflect the **realities of the family** or **dependency relationship**.

At NJS Law, we regularly advise clients who are unsure whether they can bring a claim or who are concerned that a will or intestacy outcome has left them without reasonable provision.

These disputes are often sensitive because they can involve close **family relationships, blended families, second marriages, step-children, long-term partners, estranged relatives**, or people who **relied** on the deceased **financially**. Common situations that may lead to an Inheritance Act claim include:

- A **spouse** or **civil partner** being left with **insufficient financial support**
- An unmarried partner being **excluded** from the will
- A child receiving **little** or **nothing** from the estate
- A person treated as a child of the family being **overlooked**
- A dependant losing **financial support** after the death
- A will made **many years earlier** no longer reflecting the **family circumstances**
- The intestacy rules failing to provide for a person who **relied** on the deceased



Understanding What an Inheritance Act Claim Is

Not every disagreement about a will leads to a valid legal claim. The law allows wills to be challenged only on specific legal grounds.

A close-up photograph of a hand gripping a wooden handle. A small, vibrant rainbow light effect is visible on the back of the hand. The background is plain white.

STEP ONE

What Are Inheritance Act Claims?

Inheritance Act claims are brought under the **Inheritance (Provision for Family and Dependants) Act 1975**.

The purpose of the Act is to allow certain people to ask the court to make **financial provision** from a deceased person's estate where **the will**, or the **intestacy rules**, does not make reasonable financial provision for them.

These claims do not usually involve arguing that the will is **invalid**. Instead, the court is asked to consider whether the financial outcome is reasonable in light of the claimant's **circumstances** and **relationship** with the deceased.

WHAT ARE INHERITANCE CLAIMS?

A claim may be possible whether:

- The deceased **left a will**
- The deceased died **without** a will
- The claimant was left nothing
- The claimant received something, but says it is **not enough**
- The estate has not yet been **fully distributed**

The court will not rewrite a will simply because someone is **disappointed**. The central question is whether reasonable financial provision has been made for an **eligible claimant**.

ESTATE

Checking Whether You Are Eligible to Claim

Only certain categories of people can bring a claim under the Inheritance Act.

STEP TWO

ELIGIBILITY

Eligibility is one of the **first issues** a solicitor will consider. Being related to the deceased does not automatically mean that a claim will **succeed**, and in some cases it may not be enough to bring a claim **at all**.

The categories of eligible applicants include:

- A **spouse** or **civil partner** of the deceased
- A **former** spouse or former civil partner who has not remarried or entered a new **civil** partnership
- A person who lived with the deceased as a spouse or civil partner for at least **two years** before death
- A **child** of the deceased
- A person treated by the deceased as a **child of the family**
- A person who was being **maintained, wholly or partly**, by the deceased immediately before death

ELIGIBILITY

Each category has its own considerations. For example, a **spouse** or **civil partner** is assessed differently from an **adult child** or a **financial dependant**. A cohabiting partner will usually need to show that they lived with the deceased in the same household as if they were married or civil partners for the required period.

Where a person claims as a dependant, **evidence** of financial support is important. This may include payments toward **living costs, housing, bills, care, education**, or other **regular support**.



es
t
a
t
e

Reasonable Financial Provision

The key question in an Inheritance Act claim is whether the estate makes reasonable financial provision for the claimant.

STEP THREE

FINANCIAL PROVISION

What is reasonable depends on the **type** of claimant and the **facts** of the case.

For a **spouse** or **civil partner**, the court may consider what provision would be **reasonable** in all the circumstances, whether or not that provision is required for maintenance. For most other applicants, the focus is usually on what would be reasonable for their maintenance.

Maintenance does not simply mean bare survival. However, it also does not guarantee the claimant the inheritance they **expected** or an **equal share of the estate**. The court looks at what is reasonable in the circumstances.

000

Date _____

\$

_____ Dollars

Pay To The
Order Of _____

FACTORS THE COURT MAY CONSIDER

- The claimant's financial **needs** and **resources**
- The financial needs and resources of **other** beneficiaries
- The **size** and **nature** of the estate
- Any **obligations** or **responsibilities** the deceased had toward the claimant
- Any obligations the deceased had toward other people
- The claimant's **relationship** with the deceased
- The physical or mental disability of any **claimant** or **beneficiary**
- Any other matter the court considers relevant, including conduct in some cases

These cases are highly **fact-specific**. Two claims that appear similar at first may have very different outcomes depending on the **evidence**, the **size of the estate**, and the **competing needs** of other beneficiaries.



ESTATE

Gathering Evidence

Inheritance Act claims are evidence-driven. Before deciding whether to proceed, a solicitor will usually gather information about the estate, the claimant's financial position, and the relationship with the deceased.

OUR IMPORTANT EVIDENCE INCLUDES STEP

A copy of the will

The grant of probate or letters of administration

Bank statements and financial documents

Evidence of income, benefits, pensions, debts, and outgoings

Housing documents, mortgage statements, or tenancy agreements

Evidence of financial support provided by the deceased

Correspondence, messages, or documents showing the relationship with the deceased

Medical or care evidence where health needs are relevant

FINANCIAL EVIDENCE

The claimant's financial position is often central to the claim. A solicitor may ask for **detailed information** about income, expenditure, debts, savings, property, and future needs.

This evidence helps assess whether the current provision is **reasonable** and what form of provision may be **appropriate**.

ESTATE EVIDENCE

It is also important to understand the **size and nature** of the estate. A claim involving a modest estate may be approached differently from one involving **substantial** property, **investments**, or **business assets**.

The needs of beneficiaries and other potential claimants must also be considered. The court will balance competing **financial needs** rather than looking at the claimant in isolation.

STARTING

Starting the Legal Process

If concerns about a will remain after the initial investigation, legal action may be considered.

STEP FIVE

THE LEGAL PROCESS

If there appears to be a potential claim, the next step is usually to **notify** the personal representatives and **relevant beneficiaries**.

The process may involve:

- Obtaining the **will** and **probate** documents
- Confirming the date of the **grant of representation**
- Assessing the **estate value**
- Reviewing the claimant's eligibility
- Preparing **financial information**
- Sending a **formal letter** of claim
- Requesting that the estate is not distributed while the claim is considered

In many cases, early communication can help prevent **unnecessary escalation**. Personal representatives may be asked to preserve estate assets while the claim is investigated. Where there is a risk that the estate may be distributed **before** the claim is resolved, urgent advice may be needed.

ESTATE

Negotiation and Mediation |

Many Inheritance Act
claims are resolved
without a final court
hearing.

Negotiation often begins once the parties have exchanged **enough information** to understand the **strengths and weaknesses** of the claim. The aim is to reach a practical settlement that avoids the **cost, delay, and uncertainty** of litigation.

Mediation is commonly used in **inheritance disputes**. It involves an independent mediator who helps the parties explore possible **settlement options**.

Advantages of mediation include:

- Confidential discussions
- Greater control over the outcome
- Faster resolution
- Reduced legal costs
- Less emotional pressure than a contested trial
- Flexible settlement options

Settlement may involve a **lump sum payment, provision of housing, transfer of property, payment of debts, or another arrangement** suited to the circumstances of the estate and the claimant.

CONCLUSION

Inheritance Act claims often arise during **periods of grief, uncertainty, and family tension.**

At NJS Law, we understand that these cases require **clear legal advice, careful evidence** gathering, and a **sensitive approach.** We begin by understanding the **background** to the claim, including the family circumstances, the contents of the will or intestacy position, the financial needs of the claimant, and the value of the estate.

Where appropriate, we help obtain relevant documents, assess **eligibility**, prepare **financial evidence**, and consider the prospects of reaching a **negotiated resolution.**

Successful Inheritance Act claims rely on careful **preparation** and **strong evidence.** Our team works to present the key facts in a clear and structured way.

Throughout the process we aim to communicate **openly** and **honestly** with our clients. We explain the **legal issues involved**, provide realistic advice about **prospects**, and ensure that decisions remain firmly in your hands.

Contacting NJS Law **does not** commit you to bringing a claim. Many clients simply wish to understand their rights and explore their options before deciding how to proceed.

If you are concerned that you have not been reasonably provided for from an estate, we are here to provide **clear advice** and **practical support.**

WHY CHOOSE NJS

Inheritance Act claims often arise during times of **grief, uncertainty**, and **family tension**.

At NJS Law, we provide clear legal advice, **careful** evidence gathering, and a **sensitive approach**. We take time to understand the **family circumstances**, the terms of the will or intestacy position, the claimant's financial needs, and the value of the estate.

Where appropriate, we help obtain **key documents**, **assess eligibility**, **prepare financial evidence**, and explore the **possibility** of a negotiated resolution.

Successful claims depend on careful preparation and strong evidence. Our team presents the **key facts clearly** and provides **honest, realistic** advice about prospects, while ensuring decisions remain **firmly** in your hands.

Contacting NJS Law does not commit you to bringing a claim. Many clients simply want to understand their **rights** and **options** before deciding what to do next.

If you are concerned that you have not been **reasonably provided for** from an estate, we are here to offer clear advice and practical support.

F

What is an Inheritance Act claim?

An Inheritance Act claim is a claim for **reasonable financial provision** from a deceased person's estate under the Inheritance (Provision for **Family and Dependants**) Act 1975. The claim may be brought where a will, or the intestacy rules, does not make **reasonable financial provision** for an eligible applicant.

Do I have to prove the will is invalid?

No. In many Inheritance Act claims, the will is valid. The issue is whether the financial provision made by the **will** or **intestacy** rules is reasonable for the claimant.

A

Who can bring an Inheritance Act claim?

Eligible applicants may include **spouses, civil partners, former spouses** or **civil partners** who have not remarried, certain cohabiting partners, children, people treated as children of the family, and people who were financially maintained by the deceased.

Q

Can an adult child make a claim?

Yes, an adult child **can** bring a claim. However, success will depend on the circumstances, including their **financial needs**, the **size of the estate**, the **relationship with the deceased**, and the needs of other beneficiaries.

Can an unmarried partner make a claim?

An unmarried partner **may** be able to claim if they lived with the deceased in the same household as if they were **married** or **civil partners** for at least two years before the death. They may also be able to claim as a dependant in some circumstances.

What is reasonable financial provision?

Reasonable financial provision means the provision the court considers **reasonable** in the circumstances. For most applicants, this is assessed by reference to maintenance. For spouses and civil partners, the court applies a **broader** standard.

What is the time limit for bringing a claim?

A claim must usually be issued within **six months** of the grant of representation. If this deadline is missed, the court's permission will usually be needed to proceed.

Can a claim be settled without going to court?

Yes. Many Inheritance Act claims are resolved through **negotiation** or **mediation** before a final hearing is needed.

F

A

Q

FAQ

What evidence will I need

You will usually need **evidence** of your financial circumstances, your relationship with the deceased, any **financial support** provided by the deceased, and information about the estate and other beneficiaries.

How do I start an Inheritance Act claim

The first step is usually to seek legal advice **as soon as possible**. A solicitor can assess eligibility, review **the time limit**, gather evidence, and explain the options **available**.