



Ministry of
JUSTICE

BILLS (12-13) 140

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Our reference: 340125

March 2013

DRAFT INHERITANCE AND TRUSTEES' POWERS BILL

I am writing to make you and you Committee aware of a consultation I am launching today on the draft Inheritance and Trustees' Powers Bill. I enclose a copy of the consultation document and draft Bill for your information.

This Bill was originally published alongside the Law Commission's 2011 report, *Intestacy and family provision claims on death* (Law Com No 331), and gives effect to the majority of the recommendations in the report (save those on rights for cohabitants, which are contained in a separate draft Bill). The recommendations cover three main areas: entitlement of the surviving spouse; problems with family provision claims; and legal traps for beneficiaries and administrators. The Government has accepted these recommendations as we consider they will modernise and simplify this area of law to create a fairer, more comprehensible set of rules and make the process of administering an estate faster and easier for those involved, at what will always be a difficult time.

This consultation, which will run until 3 May, is intended as a first step towards implementation, offering those with an interest in this area a final opportunity to comment on the Bill's provisions and identify any issues that have arisen since the original report was published. Subject to the outcome and to the agreement of my Ministerial colleagues, I am minded to introduce this legislation when Parliamentary time allows. I also plan to seek agreement from Usual Channels to introduce the Bill under the special procedure from uncontroversial Law Commission Bills, as I believe it to be precisely the sort of necessary technical reform that the procedure was designed to facilitate.

Please do let me know if you have any comments or wish to discuss this matter further.

TOM MCNALLY