

Law Commission - Review of Succession Law

TERMS OF REFERENCE

The Law Commission will review the law of succession. The law of succession is the system of rules that governs who gets a person's property when they die.

The review will include (but not be limited to) consideration of:

- who should be entitled to claim property despite what the deceased said in their will, with a particular focus on a surviving spouse or partner and other members of the deceased's family;
- who should be entitled to share in property when a person dies without a will, with a particular focus on a surviving spouse or partner and other members of the deceased's family;
- what the policy justifications should be for such entitlements;
- what property should be available to meet entitlements;
- how succession law should address areas of particular concern to Māori;
- ancillary and procedural matters.

The review will require consideration of various statutes including the:

- Property (Relationships) Act 1976
- Family Protection Act 1955
- Law Reform (Testamentary Promises) Act 1949
- Administration Act 1969.

The Law Commission will not review the regime for succession to Māori land under Te Ture Whenua Māori Act 1993 but will consider questions relating to succession generally that may be of particular concern to Māori. In doing so, the Law Commission may comment on aspects of Te Ture Whenua Māori Act 1993.

The Law Commission will refer to its previous work including *Succession Law: A Succession (Adjustment) Act* (NZLC, R39, 1997) and *Review of the Property (Relationships) Act 1976 – Te Arotake i te Property (Relationships) Act 1976* (NZLC, R143, 2019).

The Law Commission will hold a public consultation process. The Law Commission intends to report to the Minister with its recommendations by the end of 2021.