

Jayne Holliday

University of Aberdeen, School of Law, Taylor Building, Aberdeen, Scotland

Characterisation within Private International Law: Maintenance or Succession?

This paper discusses the issue of characterisation within Private International Law. Focussing on the relationship between maintenance and the laws on succession, it will argue that where a dependent is able to make a claim for aliment from the estate of the deceased, that the character of the claim is one of maintenance. The laws of England and Wales will be used as an example. It will also consider whether the laws relating to the effective international recovery of family maintenance, the Council Regulation (EC) No4/2009 and the 2007 Hague Child Support Convention should be read to include maintenance claims of this type.