



Isle of Man

Ellan Vannin

AT 11 of 1985

WILLS ACT 1985



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**Isle of Man***Ellan Vannin*

WILLS ACT 1985

<i>Received Royal Assent:</i>	<i>19 June 1985</i>
<i>Passed:</i>	<i>9 July 1985</i>
<i>Commenced:</i>	<i>See section 32</i>

AN ACT to re-enact with certain amendments the Wills Acts 1869 to 1983.

Application of Act

1 Application of Act

This Act applies to any will made after the 5th July 1869, but has effect subject to the modifications specified in Schedule 1 in relation to wills made before the 1st January 1986.

Capacity

2 Will of person under 18 invalid

[III p465/2; 1971/26/3(1)]

Subject to section 6, no will made by a person under the age of 18 shall be valid.

Formalities

3 Execution of will

[III p465/3; P1982/53/17]

Subject to sections 6, 21 to 25 and 28, no will shall be valid unless —

- (a) it is in writing, and signed by the testator, or by some other person in his presence and by his direction; and
- (b) it appears that the testator intended by his signature to give effect to the will; and
- (c) the signature is made or acknowledged by the testator in the presence of 2 or more witnesses present at the same time; and
- (d) each witness either —

- (i) attests and signs the will; or
- (ii) acknowledges his signature, in the presence of the testator (but not necessarily in the presence of any other witness),

but no form of attestation shall be necessary.

4 Gift to witness void

- (1) Subject to subsection (2), if —
 - (a) any person attests the execution of a will, and
 - (b) any gift is made by the will to that person or to that person's spouse or civil partner,the gift shall be void so far as it concerns that person or that person's spouse or civil partner, or any person claiming under either of them.¹
- (2) If a will is duly executed without the attestation of any person to whom, or to whose spouse or civil partner, a gift is made by the will, such attestation shall be disregarded for the purposes of subsection (1).²
- (3) In this section "gift" means any beneficial devise, legacy, estate, interest, gift or appointment affecting any property, other than a charge or direction for the payment of a debt.

5 Evidence

[III p465/9-12]

- (1) If a person who attests the execution of a will is, either at the time of execution or at any time afterwards, incompetent to be admitted as a witness to prove the execution of the will, the will shall not on that account be invalid.
- (2) Notwithstanding any gift made by a will to any person, or to that person's spouse or civil partner, that person shall be admitted as a witness to prove the execution of the will, or its validity or invalidity.
In this subsection "gift" has the same meaning as in section 4.³
- (3) If any property is charged by a will with a debt, and a creditor whose debt is so charged, or that person's spouse or civil partner, attests the execution of the will, he shall, notwithstanding such charge, be admitted as a witness to prove the execution of the will, or its validity or invalidity.⁴
- (4) A person shall not, on account of his being an executor of a will, be incompetent to be admitted as a witness to prove the execution of the will, or its validity or invalidity.

*Soldiers' and sailors' wills***6 Soldiers' and sailors' wills**

[1971/26/3(3)]

- (1) Notwithstanding sections 2 and 3, —
 - (a) a soldier being in actual military service, or
 - (b) a mariner or seaman being at sea,may dispose of his personal estate, and of real estate in the Island, as he might have disposed of his personal estate before the passing of the *Wills Act 1869*.
- (2) Any will made by a person under the age of 18, which is valid by virtue of subsection (1), may be revoked by that person even if he is still under that age, whether or not the circumstances are such that he would be entitled to make a valid will under subsection (1).
- (3) In this section “soldier” includes a member of Her Majesty’s air forces.
- (4) This section applies to any member of Her Majesty’s naval and marine forces, not only when he is at sea, but also when the circumstances are such that, if he were a soldier, he would be in actual military service within the meaning of this section.

*Revocation and alteration of will***7 Revocation of will by marriage**

[P1982/53/18]

- (1) Subject to subsections (2) to (5), a will shall be revoked by the testator’s marriage.⁵
- (2) A disposition in a will in exercise of a power of appointment shall take effect notwithstanding the testator’s subsequent marriage, unless the property so appointed would in default of appointment pass to his personal representatives.
- (3) Where it appears from a will that at the time it was made the testator was expecting to be married to a particular person and that he intended that the will should not be revoked by the marriage, the will shall not be revoked by his marriage to that person.
- (4) Where it appears from a will that at the time it was made the testator was expecting to be married to a particular person and that he intended that a disposition in the will should not be revoked by his marriage to that person —
 - (a) that disposition shall take effect notwithstanding the marriage; and

- (b) any other disposition in the will shall take effect also, unless it appears from the will that the testator intended the disposition to be revoked by the marriage.
- (5) Nothing in this section applies in the case of marriage which results from the conversion of a civil partnership into a marriage under section 27A of the *Civil Partnership Act 2011* and regulations made under that section.⁶

8 Effect of divorce, etc on will

[P1837/26/18A; P1982/53/18]

- (1) Where, after a testator has made a will, a decree of the High Court dissolves or annuls his marriage, or his marriage is dissolved or annulled and the divorce or annulment is entitled to recognition in the Island by virtue of the *Recognition of Divorces etc. Act 1987* —
 - (a) provisions of the will appointing executors or trustees or conferring a power of appointment, if they appoint or confer the power on the former spouse, shall take effect as if the former spouse had died on the date on which the marriage is dissolved or annulled, and
 - (b) any property which, or an interest in which, is devised or bequeathed to the former spouse shall pass as if the former spouse had died on that date,except in so far as a contrary intention appears by the will.⁷
- (2) Subsection (1)(b) is without prejudice to any right of the former spouse to apply for financial provision under the *Inheritance (Provision for Family and Dependents) Act 1982*.
- (3) Where —
 - (a) by the terms of a will an interest in remainder is subject to a life interest; and
 - (b) the life interest lapses by virtue of subsection (1)(b),the interest in remainder shall be treated as if it had not been subject to the life interest and, if it was contingent on the termination of the life interest, as if it had not been so contingent.

8A Will to be revoked by civil partnership

- (1) Subject to subsections (2) to (6), a will is revoked by the formation of a civil partnership between the testator and another person.
- (2) A disposition in a will in exercise of a power of appointment takes effect despite the formation of a subsequent civil partnership between the testator and another person unless the property so appointed would in default of appointment pass to the testator's personal representatives.
- (3) If it appears from a will —

- (a) that at the time it was made the testator was expecting to form a civil partnership with a particular person, and
 - (b) that the testator intended that the will should not be revoked by the formation of the civil partnership,the will is not revoked by its formation.
- (4) Subsections (5) and (6) apply if it appears from a will —
 - (a) that at the time it was made the testator was expecting to form a civil partnership with a particular person, and
 - (b) that the testator intended that a disposition in the will should not be revoked by the formation of the civil partnership.
- (5) The disposition takes effect despite the formation of the civil partnership.
- (6) Any other disposition in the will also takes effect, unless it appears from the will that the testator intended the disposition to be revoked by the formation of the civil partnership.⁸

8B Effect of dissolution or annulment of civil partnership on wills

- (1) This section applies if, after a testator has made a will —
 - (a) the High Court dissolves his or her civil partnership or makes a nullity order in respect of it, or
 - (b) his or her civil partnership is dissolved or annulled and the dissolution or annulment is entitled to recognition by virtue of Chapter 1 of Part 3 of the *Civil Partnership Act 2011*.
- (2) Except in so far as a contrary intention appears by the will —
 - (a) provisions of the will appointing executors or trustees or conferring a power of appointment, if they appoint or confer the power on the former civil partner, take effect as if the former civil partner had died on the date on which the civil partnership is dissolved or annulled, and
 - (b) any property which, or an interest in which, is devised or bequeathed to the former civil partner shall pass as if the former civil partner had died on that date.
- (3) Subsection (2)(b) does not affect any right of the former civil partner to apply for financial provision under the *Inheritance (Provision for Family and Dependents) Act 1982*.
- (4) Where —
 - (a) by the terms of a will an interest in remainder is subject to a life interest; and
 - (b) the life interest lapses by virtue of subsection (2)(b),

the interest in remainder shall be treated as if it had not been subject to the life interest and, if it is contingent on the termination of the life interest, as if it had not been so contingent.⁹

8C Effect on subsisting will of conversion of civil partnership into marriage

- (1) The conversion of a civil partnership into a marriage does not —
 - (a) revoke any will made by a party to the civil partnership before the conversion; or
 - (b) affect any disposition in such a will.
- (2) The conversion of a civil partnership into a marriage does not affect any previous application of section 8A(2) to (6) to —
 - (a) a will made by a party to the civil partnership before the conversion; or
 - (b) a disposition in such a will.
- (3) Subsections (1) and (2) are subject to subsection (4).
- (4) Any reference in a will to a civil partnership or civil partners (however expressed) is to be read in relation to any civil partnership that has been converted into a marriage, or civil partners who have converted their civil partnership into a marriage, as referring to that marriage or married couple, as appropriate.
- (5) Subsection (4) is subject to any contrary intention appearing from the will.
- (6) In this section “conversion” means the conversion of a civil partnership into a marriage under section 27A of the *Civil Partnership Act 2011* and regulations made under that section, and “converted” is to be read accordingly.¹⁰

9 Mode of revoking will

[III p465/14 and 15]

- (1) No will or any part thereof shall be revoked except —
 - (a) by virtue of section 7, 8, 8A or 8B;¹¹
 - (b) by another will executed in the manner required by this Act;
 - (c) by some writing declaring an intention to revoke the same, and executed in the manner in which a will is required by this Act to be executed; or
 - (d) by the burning, tearing or otherwise destroying the same by the testator, or by some person in his presence and by his direction, with the intention of revoking the same.

- (2) No will shall be revoked by any presumption of an intention on the ground of an alteration in circumstances.

10 Mode of altering will

[III p465/16]

- (1) No obliteration, interlineation or other alteration made in any will after its execution shall be valid or have any effect, except so far as the words or effect of the will before the alteration are not apparent, unless the alteration is executed in the manner in which a will is required by this Act to be executed.
- (2) For the purposes of subsection (1), a will, with an alteration as to part of it, shall be deemed to be duly executed if the signatures of the testator and the witnesses are made —
- (a) in the margin, or in some other part of the will, opposite or near to the alteration; or
 - (b) at the foot or end of the alteration; or
 - (c) opposite to a memorandum referring to the alteration and written at the end or some other part of the will.

11 Revival of revoked will

[III p465/17]

- (1) No will, or any part of it, which has been revoked in any manner shall be revived otherwise than by —
- (a) the re-execution thereof; or
 - (b) a codicil executed in the manner in which a will is required by this Act to be executed, and showing an intention to revive the same.
- (2) Where a will is partly revoked, and afterwards wholly revoked, and is then revived, the revival shall not extend to so much of the will as was revoked before it was wholly revoked, unless an intention to the contrary is shown.

12 Effect of subsequent acts

[III p465/18]

No conveyance or other act, made or done after the execution of a will, of or relating to any property comprised in the will shall prevent the operation of the will with respect to any estate or interest in that property which the testator has power to dispose of by will at the time of his death.

*Construction of will***13 Wills speaks from death**

[III p465/19]

Every will shall be construed, with reference to the property of the testator, to speak and take effect as if it had been executed immediately before his death, unless a contrary intention appears by the will.

14 Change of domicile

The construction of a will shall not be altered by reason of a change in the testator's domicile after the execution of the will.

15 Gift to spouse or civil partner

[P1982/53/22]

Except where a contrary intention is shown, it shall be presumed that if a testator —

- (a) devises or bequeaths property to his spouse or civil partner in terms which in themselves would give an absolute interest to the spouse or civil partner, but¹²
- (b) by the same instrument purports to give his issue an interest in the same property,

the gift to the spouse or civil partner is absolute notwithstanding the purported gift to the issue.¹³

16 Gift to issue pre-deceasing testator

[III p465/22; P1982/53/19]

(1) Where —

- (a) a will contains a devise or bequest to a child or remoter descendant of the testator; and
 - (b) the intended beneficiary dies before the testator, leaving issue; and
 - (c) issue of the intended beneficiary are living at the testator's death,
- then, unless a contrary intention appears by the will, the devise or bequest shall take effect as a devise or bequest to the issue living at the testator's death.

(2) Where —

- (a) a will contains a devise or bequest to a class of persons consisting of children or remoter descendants of the testator; and
- (b) a member of that class dies before the testator, leaving issue; and
- (c) issue of that member are living at the testator's death,

then, unless a contrary intention appears by the will, the devise or bequest shall take effect as if the class included the issue of the deceased member living at the testator's death.

- (3) Issue shall take under this section through all degrees, according to their stock, in equal shares if more than one, any gift or share which their parent would have taken and so that no issue shall take whose parent is living at the testator's death and so capable of taking.
- (4) For the purposes of this section —
 - (a) the illegitimacy of any person is to be disregarded; and
 - (b) a person conceived before the testator's death and born living thereafter is to be taken as living at the testator's death.

17 Failure of issue

[III p465/21]

In any devise or bequest of property, the words "die without issue", "die without leaving issue" or "have no issue", or any other words importing either a want or failure of issue of any person in his lifetime or at the time of his death, or an indefinite failure of his issue, shall be construed to mean a want or failure of issue in the lifetime or at the death of that person, and not an indefinite failure of his issue, unless a contrary intention appears by the will.

18 Words of limitation

[III p465/20]

Where any real property is devised to any person without any words of limitation, the devise shall be construed to pass the fee simple or other the whole estate or interest which the testator had power to dispose of by will in the property, unless a contrary intention appears by the will.

19 Interpretation of wills: evidence

[P1982/53/21]

- (1) This section applies to a will in so far as —
 - (a) any part of it is meaningless;
 - (b) the language used in any part of it is ambiguous on the face of it; or
 - (c) evidence, other than evidence of the testator's intention, shows that the language used in any part of it is ambiguous in the light of surrounding circumstances.
- (2) In so far as this section applies to a will, extrinsic evidence, including evidence of the testator's intention, may be admitted to assist in its interpretation.

*Rectification of will***20 Rectification of will**

[P1982/53/20]

- (1) If the High Court is satisfied that a will is so expressed that it fails to carry out the testator's intentions, in consequence of a clerical error, or of a failure to understand his instructions, it may order that the will shall be rectified so as to carry out his intentions.
- (2) An application for an order under this section shall not, except with the permission of the High Court, be made after the end of the period of 6 months from the date on which representation with respect to the estate of the deceased is first taken out.
- (3) This section shall not render the personal representatives of a deceased person liable for having distributed any part of the estate of the deceased, after the end of the period of 6 months from the date on which representation with respect to the estate of the deceased is first taken out, on the ground that they ought to have taken into account the possibility that the High Court might permit the making of an application for an order under this section after the end of that period; but this subsection shall not prejudice any power to recover, by reason of the making of an order under this section, any part of the estate so distributed.
- (4) In considering for the purposes of this section when representation with respect to the estate of a deceased person was first taken out —
 - (a) a grant limited to settled land or to trust property shall be left out of account; and
 - (b) a grant limited to real estate or to personal estate shall be left out of account unless a grant limited to the remainder of the estate has previously been made or is made at the same time.

*Wills executed abroad, etc.***21 General rule as to formal validity**

A will shall be treated as properly executed if its execution conformed to the internal law in force in —

- (a) the territory where it was executed, or
- (b) the territory where, at the time of its execution or of the testator's death, he was domiciled or had his habitual residence, or
- (c) a state of which, at either of those times, he was a national.

22 Additional rules

- (1) Without prejudice to section 21, the following shall be treated as properly executed —
 - (a) a will executed on board a vessel or aircraft of any description, if the execution of the will conformed to the internal law in force in the territory with which, having regard to its registration (if any) and other relevant circumstances, the vessel or aircraft may be taken to have been most closely connected;
 - (b) a will, so far as it disposes of immovable property, if its execution conformed to the internal law in force in the territory where the property was situated;
 - (c) a will so far as it revokes a will which under section 21 or this section would be treated as properly executed, or revokes a provision which under section 21 or this section would be treated as comprised in a properly executed will, if the execution of the later will conformed to any law by reference to which the revoked will or provision would be so treated;
 - (d) a will so far as it exercises a power of appointment, if the execution of the will conformed to the law governing the essential validity of the power.
- (2) A will so far as it exercises a power of appointment shall not be treated as improperly executed by reason only that its execution was not in accordance with any formal requirements contained in the instrument creating the power.

23 Provisions supplemental to ss 21 and 22

- (1) In sections 21 and 22 —

“**internal law**”, in relation to any territory or state, means the law which would apply in a case where no question of the law in force in any other territory or state arose;

“**state**” means a territory or group of territories having its own law of nationality.
- (2) Where under section 21 or 22 the internal law in force in any territory or state is to be applied in the case of a will, but there are in force in that territory or state two or more systems of internal law relating to the formal validity of wills, the system to be applied shall be ascertained as follows —
 - (a) if there is in force throughout the territory or state a rule indicating which of those systems can be properly applied in the case in question, that rule shall be followed; or
 - (b) if there is no such rule, the system shall be that with which the testator was most closely connected at the relevant time, and for

this purpose the relevant time is the time of the testator's death where the matter is to be determined by reference to circumstances prevailing at his death, and the time of the execution of the will in any other case.

- (3) In determining for the purposes of section 21 or 22 whether or not the execution of a will conformed to a particular law, regard shall be had to the formal requirements of that law at the time of execution, but this shall not prevent account being taken of an alteration of the law affecting wills executed at that time if the alteration enables the will to be treated as properly executed.

24 Certain requirements to be treated as formal

Where (whether in pursuance of this Act or not) a law in force outside the Island falls to be applied in relation to a will, any requirements of that law whereby —

- (a) special formalities are to be observed by testators answering a particular description, or
- (b) witnesses to a will are to possess certain qualifications,

shall be treated, notwithstanding any rule of law to the contrary, as a formal requirement only.

25 International wills

[1983/14/3]

- (1) The Annex to the International Wills Convention, set out in Schedule 2, shall have the force of law in the Island.
- (2) The persons authorised to act in the Island in connection with international wills are advocates.¹⁴

Registration of wills

26 Registration of wills

[1983/14/1]

- (1) The Chief Registrar shall provide and maintain at the General Registry a safe and convenient depository for the custody of wills of living persons.
- (2) Any person may deposit his will in the depository provided under subsection (1) in accordance with regulations under section 27(1) and on payment of the fee prescribed by order under section 27(2).
- (3) The Chief Registrar shall register in accordance with regulations under section 27(1) —
 - (a) any will deposited under subsection (2); and

- (b) any other will whose registration is requested under Article 6 of the Registration Convention.¹⁵

27 Regulations and fees

[1983/14/2]

- (1) The Clerk of the Rolls may make regulations providing for —
 - (a) the conditions and procedure for the deposit of a will under section 26(2);
 - (b) the manner of and procedure for the registration of a will under section 26(3);
 - (c) the withdrawal of a will which has been deposited and the cancellation of the registration of a will; and
 - (d) the performance by the Chief Registrar of functions in connection with the registration of wills and the provision of information under the Registration Convention.
- (2) The Treasury may by order prescribe any fees payable in respect of the deposit, registration or withdrawal of wills under section 26 or 27, the obtaining of information from the register, and any other thing which the Chief Registrar is required or empowered to do by regulations under subsection (1).¹⁶
- (3) Regulations under subsection (1), and an order under subsection (2), may make special provision for international wills.
- (4) Regulations and orders under this section shall not have effect unless they are approved by Tynwald.¹⁷

Supplemental

28 Will of mentally disordered person

[1974/34/73(2)]

This Act shall have effect in relation to a will executed for a patient in pursuance of an order, direction or authority under section 100(1) of the *Mental Health Act 1998* as if it were signed by the patient by his own hand, except that —

- (a) section 3 shall not apply; and
- (b) any reference to execution in the manner in which a will is required by this Act to be executed shall be construed as a reference to execution in the manner required by section 101(1) of that Act.^{18 19}

29 Real property

[III p465/24]

All real property, of whatever description, may be devised by will.

30 Interpretation

[cmd. 5950; cmd. 5073]

In this Act —

“**international will**” means a will made in accordance with the requirements of the Annex to the International Wills Convention, set out in Schedule 2;

“**the International Wills Convention**” means the Convention providing a Uniform Law on the Form of an International Will concluded at Washington on the 26th October 1973;

“**property**” includes real estate and personal estate;

“**the Registration Convention**” means the Convention on the Establishment of a Scheme of Registration of Wills concluded at Basle on the 16th May 1972;

“**will**” includes any codicil or other testamentary instrument or act, and “**testator**” shall be construed accordingly.

31 Amendments

(1) The enactments specified in Schedule 3 are amended in accordance with that Schedule.

(2) [Repealed]²⁰

32 Short title and commencement

(1) This Act may be cited as the Wills Act 1985.

(2) If, on the 1st January 1986, the *Wills Act 1983* has not come into operation, sections 25 to 27 and Schedule 2 shall come into operation on such day as the Governor in Council may by order appoint.

(3) Subject to subsection (2), this Act shall come into operation on the 1st January 1986.

SCHEDULE 1

APPLICATION TO EXISTING WILLS

Section 1

Capacity

1. Section 2 applies in relation to a will made before the 1st April 1972 with the substitution for “18 years” of “21 years”.

Execution of will

2. (1) Section 3 does not apply to a will of a person dying before the 1st January 1986.
(2) Section 3 of the *Wills Act 1869* continues to apply to a will of a person dying before the 1st January 1986, other than a will referred to in section 28.

Gift to witness

3. Section 4(2) does not apply to a will of a person dying before the 21st October 1969.

Soldiers' and sailors' wills

4. (1) Section 6, in so far as it relates to real estate in the Island, does not apply to a will of a person dying before the 5th July 1919.
(2) Section 6(2) does not apply so as to permit revocation of a will before the 1st April 1972.

Revocation by marriage

5. (1) Section 7(1) and (2) does not apply, and section 13 of the *Wills Act 1869* (as amended by section 7(1) of the *Inheritance (Family Provision) Act 1939*, in the case of a person dying on or after the 10th April 1940) continues to apply, to a will of a person dying before the 1st January 1986.
(2) Section 7(3) and (4) does not apply to a will made before the 1st January 1986.
(3) Section 32 of the *Administration of Estates Act 1960* continues to apply to a will made before the 1st January 1986, except a will of a person dying before 5th July 1961.
(4) Section 7(2) of the *Inheritance (Family Provision) Act 1939* continues to apply to a will of a person dying on or after the 10th April 1940 and before the 5th July 1961.

Effect of divorce, etc.

6. Section 8 does not apply to a will of a person dying before the 1st January 1986.

Change of domicile

7. Section 14 does not apply, and section 6 of the *Wills Act 1869* (notwithstanding its repeal by section 6 of the *Wills Act 1964*) continues to apply, to a will of a person dying before the 1st January 1965.

Gift to spouse

8. Section 15 does not apply to a will of a person dying before the 1st January 1986.

Gift to issue predeceasing testator

9. Section 16 does not apply, and section 22 of the *Wills Act 1869* continues to apply, to a will of a person dying before the 1st January 1986.

Interpretation: evidence

10. Section 19 does not apply to a will of a person dying before the 1st January 1986.

Rectification

11. Section 20 does not apply to a will of a person dying before the 1st January 1986.

Wills made abroad, etc.

12. Sections 21 and 22 do not apply, and sections 4 and 5 of the *Wills Act 1869* (notwithstanding their repeal by section 6 of the *Wills Act 1964*) continue to apply, to a will of a person dying before the 1st January 1965.

SCHEDULE 2²¹**THE ANNEX TO THE INTERNATIONAL WILLS
CONVENTION**

Section 25(1)

UNIFORM LAW ON THE FORM OF AN INTERNATIONAL WILL

ARTICLE 1

1. A will shall be valid as regards form, irrespective particularly of the place where it is made, of the location of the assets and of the nationality, domicile or residence of the testator, if it is made in the form of an international will complying with the provisions set out in Articles 2 to 5 hereinafter.

2. The invalidity of the will as an international will shall not affect its formal validity as a will of another kind.

ARTICLE 2

This law shall not apply to the form of testamentary dispositions made by two or more persons in one instrument.

ARTICLE 3

1. The will shall be made in writing.
2. It need not be written by the testator himself.
3. It may be written in any language, by hand or by any other means.

ARTICLE 4

1. The testator shall declare in the presence of two witnesses and of a person authorised to act in connection with international wills that the document is his will and that he knows the contents thereof.
2. The testator need not inform the witnesses, or the authorised person, of the contents of the will.

ARTICLE 5

1. In the presence of the witnesses and of the authorised person, the testator shall sign the will or, if he has previously signed it, shall acknowledge his signature.
2. When the testator is unable to sign, he shall indicate the reason therefor to the authorised person who shall make note of this on the will. Moreover, the testator may be authorised by the law under which the authorised person was designated to direct another person to sign on his behalf.
3. The witnesses and the authorised person shall there and then attest the will by signing in the presence of the testator.

ARTICLE 6

1. The signatures shall be placed at the end of the will.
2. If the will consists of several sheets, each sheet shall be signed by the testator or, if he is unable to sign, by the person signing on his behalf or, if there is no such person, by the authorised person. In addition, each sheet shall be numbered.

ARTICLE 7

1. The date of the will shall be the date of its signature by the authorised person.

2. This date shall be noted at the end of the will by the authorised person.

ARTICLE 8

In the absence of any mandatory rule pertaining to the safekeeping of the will, the authorised person shall ask the testator whether he wishes to make a declaration concerning the safekeeping of his will. If so and at the express request of the testator the place where he intends to have his will kept shall be mentioned in the certificate provided for in Article 9.

ARTICLE 9

The authorised person shall attach to the will a certificate in the form prescribed in Article 10 establishing that the obligations of this law have been complied with.

ARTICLE 10

The certificate drawn up by the authorised person shall be in the following form or in a substantially similar form:

CERTIFICATE

(Convention of October 26, 1973)

1. I, (name, address and capacity), a person authorised to act in connection with international wills
 2. Certify that on (date) at
.....(place)
 3. (testator)(name, address, date and place of birth)
in my presence and that of the witnesses
 4. (a) (name, address, date and place of birth)
(b) (name, address, date and place of birth)
has declared that the attached document is his will and that he knows the contents thereof.
 5. I furthermore certify that:
 6. (a) in my presence and in that of the witnesses
 - (1) the testator has signed the will or has acknowledged his signature previously affixed;
 - *(2) following a declaration of the testator stating that he was unable to sign his will for the following reason
.....
- I have mentioned this declaration on the will

- the signature has been affixed by.....
(name, address)

7. (b) the witnesses and I have signed the will;

8. *(c) each page of the will has been signed by
and numbered;

9. (d) I have satisfied myself as to the identity of the testator and of the
witnesses as designated above;

10. (e) the witnesses met the conditions requisite to act as such according to the
law under which I am acting;

11. *(f) the testator has requested me to include the following statement
concerning the safe keeping of his will

.....

12. PLACE

13. DATE

14. SIGNATURE and, if necessary, SEAL

*To be completed if appropriate.

ARTICLE 11

The authorised person shall keep a copy of the certificate and deliver another to the
testator.

ARTICLE 12

In the absence of evidence to the contrary, the certificate of the authorised person shall
be conclusive of the formal validity of the instrument as a will under this Law.

ARTICLE 13

The absence or irregularity of a certificate shall not affect the formal validity of a will
under this Law.

ARTICLE 14

The international will shall be subject to the ordinary rules of revocation of wills.

ARTICLE 15

In interpreting and applying the provisions of this law, regard shall be had to its
international origin and to the need for uniformity in its interpretation.

SCHEDULE 3²²

SCHEDULE 4²³



ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ Subs (1) amended by Civil Partnership Act 2011 Sch 4.

Ed. note: Sch 4 of the *Civil Partnership Act 2011* provides as follows: ‘Section 4 of the 1985 Act applies in relation to the attestation of a will by a person to whose civil partner there is given or made any such disposition as is described in that section as it applies in relation to a person to whose spouse there is given or made any such disposition.’

² Subs (2) amended by Civil Partnership Act 2011 Sch 14.

³ Subs (2) amended by Civil Partnership Act 2011 Sch 4.

⁴ Subs (3) amended by Civil Partnership Act 2011 Sch 4.

⁵ Subs (1) amended by SD2016/0193.

⁶ Subs (5) inserted by SD2016/0193.

⁷ Subs (1) substituted by Law Reform (Miscellaneous Provisions) Act 1996 s 3(1), but see also s 3(3).

⁸ S 8A inserted by Civil Partnership Act 2011 Sch 4.

⁹ S 8B inserted by Civil Partnership Act 2011 Sch 4.

¹⁰ S 8C inserted by SD2016/0193.

¹¹ Para (a) amended by Civil Partnership Act 2011 Sch 4.

¹² Para (a) amended by Civil Partnership Act 2011 Sch 14.

¹³ S 15 amended by Civil Partnership Act 2011 Sch 14.

¹⁴ S 25 not in operation.

¹⁵ S 26 not in operation.

¹⁶ Subs (2) amended by Treasury Act 1985 Sch 2.

¹⁷ S 27 not in operation.

¹⁸ Para (b) amended by Mental Health Act 1998 Sch 5.

¹⁹ S 28 amended by Mental Health Act 1998 Sch 5.

²⁰ Subs (2) repealed by Statute Law Revision Act 1992 Sch 2.

²¹ Sch 2 not in operation.

²² Sch 3 repealed by Matrimonial Proceedings Act 2003 Sch 6.

²³ Sch 4 repealed by Statute Law Revision Act 1992 Sch 2.