

SCHEDULES

SCHEDULE 5

Property and affairs: supplementary provisions

Wills: effect of execution

4.—(1) This paragraph applies where a will is executed in accordance with paragraph 3.

(2) The Wills and Administration Proceedings (Northern Ireland) Order 1994 (“the 1994 Order”) has effect in relation to the will as if it were signed by P by P’s own hand, except that—

- (a) Article 5 of the 1994 Order (formalities for execution) does not apply; and
- (b) in the subsequent provisions of the 1994 Order any reference to execution in accordance with Article 5 or execution in the manner in which a will is required to be executed is to be read as a reference to execution in the manner in which a will is required to be executed under paragraph 3(2).

(3) The will has the same effect for all purposes as if—

- (a) P had had the capacity to make a valid will; and
- (b) the will had been executed by P in the manner required by the 1994 Order.

(4) But sub-paragraph (3) does not have effect in relation to the will—

- (a) in so far as it disposes of immovable property outside Northern Ireland; or
- (b) in so far as it relates to any property or matter other than immovable property if, when the will is executed—

- (i) P is domiciled outside Northern Ireland; and
- (ii) the condition in sub-paragraph (5) is met.

(5) The condition is that, under the law of P’s domicile, any question of P’s testamentary capacity would fall to be determined in accordance with the law of a place outside Northern Ireland.