
STATUTORY INSTRUMENTS

1994 No. 1899

**The Wills and Administration Proceedings
(Northern Ireland) Order 1994**

PART II

WILLS

Effect of marriage, divorce, etc.

Effect of marriage

12.—(1) Subject to paragraphs (2) to [F1(5)], a will is revoked by the testator's marriage.

(2) A disposition in a will in exercise of a power of appointment takes 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 is not 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 gift in the will should not be revoked by his marriage to that person—

- (a) that gift takes effect notwithstanding the marriage; and
- (b) any other gift in the will takes effect also, unless it appears from the will that the testator intended the gift to be revoked by the marriage.

[F2(5) Nothing in this Article applies in the case of a marriage which results from—

- (a) the conversion of a civil partnership into a marriage under Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020;
- (b) the conversion of a civil partnership into a marriage under Part 2, 3 or 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014; or
- (c) the changing of a civil partnership into a marriage under—
 - (i) the Marriage (Scotland) Act 1977;
 - (ii) the Marriage Between Civil Partners (Procedure for Change and Fees) (Scotland) Regulations 2014; or
 - (iii) Part 5 of the Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014.]

F1 Word in art. 12(1) substituted (7.12.2020) by [The Marriage and Civil Partnership \(Northern Ireland\) \(No. 2\) Regulations 2020 \(S.I. 2020/1143\)](#), regs. 1(2), **41(2)(a)**

Changes to legislation: *The Wills and Administration Proceedings (Northern Ireland) Order 1994, Section 12 is up to date with all changes known to be in force on or before 21 September 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

F2 Art. 12(5) inserted (7.12.2020) by [The Marriage and Civil Partnership \(Northern Ireland\) \(No. 2\) Regulations 2020 \(S.I. 2020/1143\)](#), regs. 1(2), **41(2)(b)**

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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Order modified by [2016 c. 18 \(N.I.\) Sch. 5 para. 4\(2\)](#)