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STATUTORY INSTRUMENTS

2022 No. 18

ADMINISTRATION OF ESTATES, ENGLAND AND WALES

The Wills Act 1837 (Electronic Communications) (Amendment) Order 2022

<i>Made</i>	- - - -	<i>10th January 2022</i>
<i>Laid before Parliament</i>		<i>11th January 2022</i>
<i>Coming into force</i>	- -	<i>1st February 2022</i>

The Secretary of State, in exercise of the powers conferred by sections 8, 9(5) and (6) of the Electronic Communications Act 2000(a), makes the following Order.

In accordance with section 8(3) of the Electronic Communications Act 2000, the Secretary of State considers that the authorisation of the use of electronic communications by this Order for any purpose is such that the extent (if any) to which records of things done for that purpose will be available will be no less satisfactory in cases where use is made of electronic communications than in other cases.

Citation and commencement

1. This Order may be cited as the Wills Act 1837 (Electronic Communications) (Amendment) Order 2022 and comes into force on 1st February 2022.

Amendment of the Wills Act 1837

- 2.—(1) The Wills Act 1837(b) is amended as follows.
(2) In section 9(2), for “2022” substitute “2024”.

Amendment of the Wills Act 1837 (Electronic Communications) (Amendment) (Coronavirus) Order 2020

3.—(1) The Wills Act 1837 (Electronic Communications) (Amendment) (Coronavirus) Order 2020(c) is amended as follows.

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- (a) 2000 c. 7. Section 9(1) of the Act provides that “the appropriate Minister” to make an order is the Secretary of State of the department related to the matter.
(b) 1837 c. 26. Section 9 was substituted by section 17 of the Administration of Justice Act 1982 (c. 53), revoked in relation to Northern Ireland by S.I. 1994/1899 and amended by S.I. 2020/952.
(c) S.I. 2020/952.

(2) For article 3 substitute—

“3. Nothing in this Order affects—

(a) any grant of probate made; or

(b) anything done pursuant to a grant of probate,

prior to this Order coming into force.”.

10th January 2022

David Wolfson
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends section 9(2) of the Wills Act 1837 (c. 26) to provide that the application of the provisions for witnessing of wills via live video link inserted by the Wills Act 1837 (Electronic Communications) (Amendment) (Coronavirus) Order 2020 (S.I. 2020/952) is extended to wills made on or before 31st January 2024.

This Order also corrects a typographical error relating to formatting in article 3 of the Wills Act 1837 (Electronic Communications) (Amendment) (Coronavirus) Order 2020 (S.I. 2020/952) to make clear that the words “prior to this Order coming into force” apply to the provisions of both (a) and (b) in that article and is being issued free of charge to all known recipients of that Statutory Instrument.

No impact assessment has been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

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