



Wills Act 1837

1837 CHAPTER 26 7 Will 4 and 1 Vict

[^{F1}18] Wills to be revoked by marriage, except in certain cases.

- (1) Subject to subsections (2) to [^{F2}(5)] below, a will shall be revoked by the testator's marriage.
- (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.

[Nothing in this section applies in the case of a marriage which results from—

- ^{F3}(5) (a) the conversion of a civil partnership into a marriage under section 9 of the Marriage (Same Sex Couples) Act 2013 and regulations made under that section;
[the conversion of a civil partnership into a marriage under Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020;
- ^{F4}(aa) (ab) the conversion of a civil partnership into a marriage under Part 3 or 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 where the civil partnership is a convertible Northern Ireland civil partnership as defined by regulation 2 of those Regulations;] or
- (b) the changing of a civil partnership formed under Part 3 of the Civil Partnership Act 2004 into a marriage under—
 - (i) the Marriage (Scotland) Act 1977;
 - (ii) the Marriage and Civil Partnership (Scotland) Act 2014; or

Changes to legislation: There are currently no known outstanding effects for the Wills Act 1837, Section 18. (See end of Document for details)

(iii) any order made under section 104 of the Scotland Act 1998 in consequence of the Marriage and Civil Partnership (Scotland) Act 2014.]]

Textual Amendments

- F1** S. 18 substituted by [Administration of Justice Act 1982 \(c. 53, SIF 116:5\)](#), **s. 18(1)**
- F2** Figure in s. 18(1) substituted (10.12.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) and Marriage and Civil Partnership \(Scotland\) Act 2014 \(Consequential Provisions\) Order 2014 \(S.I. 2014/3168\)](#), art. 1(2)(3), **Sch. para. 1(2)(a)**
- F3** S. 18(5) inserted (10.12.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) and Marriage and Civil Partnership \(Scotland\) Act 2014 \(Consequential Provisions\) Order 2014 \(S.I. 2014/3168\)](#), art. 1(2)(3), **Sch. para. 1(2)(b)**
- F4** S. 18(5)(aa)(ab) inserted (E.W.) (7.12.2020) by [The Marriage and Civil Partnership \(Northern Ireland\) \(No. 2\) Regulations 2020 \(S.I. 2020/1143\)](#), regs. 1(2), **32(2)**

Changes to legislation:

There are currently no known outstanding effects for the Wills Act 1837, Section 18.