

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: Mental Capacity Act (Northern Ireland) 2016, Cross Heading: Wills: effect of execution is up to date with all changes known to be in force on or before 24 April 2024. 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

SCHEDULES

PROSPECTIVE

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 immoveable 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.

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

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 285(2)(a)-(c) substituted for s. 285(2)(a)(b) by [2022 c. 18 \(N.I.\) Sch. 3 para. 77\(b\)](#)