
STATUTORY INSTRUMENTS

1994 No. 1899

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

PART II

WILLS

Gifts

Gifts to children etc. who predecease testator

22.—(1) Where—

- (a) a will contains a gift to a child or remoter descendant of the testator; and
- (b) the intended beneficiary dies before the testator, leaving issue; and
- (c) issue of the intended beneficiary are living at the testator's death,

then, unless a contrary intention appears from the will, the gift takes effect as a gift to the issue living at the testator's death.

(2) Where—

- (a) a will contains a gift to a class of persons consisting of children or remoter descendants of the testator; and
- (b) a member of the class dies before the testator, leaving issue; and
- (c) issue of that member are living at the testator's death,

then, unless a contrary intention appears from the will, the gift takes effect as if the class included the issue of its deceased member living at the testator's death.

(3) Issue take under this Article through all degrees, according to their stock, in equal shares if more than one, any gift or share which their parent would have taken and so that no issue take whose parent is living at the testator's death and so capable of taking.

(4) For the purposes of this Article—

- (a) the illegitimacy of any person is to be disregarded; and
- (b) a person conceived before the testator's death and born living thereafter is to be taken to have been living at the testator's death.

(5) This Article applies to a devise of an estate tail with the substitution for references to issue of references to issue who would be inheritable under the entail.