
STATUTORY INSTRUMENTS

1994 No. 1899

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

PART II

WILLS

Interpretation of wills

Construction and effect of references to failure of issue

27.—(1) Where by a will a person is entitled to any property subject to a condition precedent or subsequent (whether or not giving rise to an executory limitation) importing a default or failure of the issue of any person, whether within or at any specified time or not, in his lifetime, at the time of his death or thereafter (including an indefinite failure of issue), the provisions of this Article apply to that condition.

(2) Unless a contrary intention appears from the will, the words of the condition shall be construed to import a default or failure of the issue of the said person only in the lifetime of that person.

(3) Where the condition gives rise to an executory limitation over, a right of entry or re-entry or any right equivalent thereto, a possibility of reverter or a possibility of a resulting trust on default or failure of any of the said person's issue, whether or not—

(a) the construction is governed by paragraph (2); and

(b) the default or failure is to be within any specified period of time,

then, if and as soon as there is living any issue, who has attained the age of 18 or married, to whose default or failure the condition relates, a default or failure ceases to be possible and the limitation over, right or possibility, as the case may be, ceases to exist.

(4) This Article does not apply to an estate tail.