
STATUTORY INSTRUMENTS

1994 No. 1899

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

PART II

WILLS

Rectification

Rectification of wills

29.—(1) If a court is satisfied that a will is so expressed that it fails to carry out the testator's intentions, in consequence—

- (a) of a clerical error; or
- (b) of a failure to understand his instructions,

it may order that the will shall be rectified so as to carry out his intentions.

(2) An application for an order under this Article shall not, except with the permission of the court, be made after the end of the period of six months from the date on which representation with respect to the estate of the deceased is first taken out.

(3) The provisions of this Article do not render the personal representatives of a deceased person liable for having distributed any part of the estate of the deceased, after the end of the period of six months from the date on which representation with respect to the estate of the deceased is first taken out, on the ground that they ought to have taken into account the possibility that the court might permit the making of an application for an order under this Article after the end of that period; but this paragraph does not prejudice any power to recover, by reason of the making of an order under this Article, any part of the estate so distributed.

(4) In considering for the purposes of this Article when representation with respect to the estate of a deceased person was first taken out, a grant limited to settled land or to trust property is to be left out of account, and a grant limited to real estate or to personal estate is to be left out of account unless a grant limited to the remainder of the estate has previously been made or is made at the same time.