

SCHEDULES

SCHEDULE 1

TRANSITIONAL PROVISIONS AND SAVINGS

Transitional provisions

1. Except where otherwise expressly provided, the provisions of Part II apply to wills made before or after the commencement of this Order (“the commencement”) whether the testator died before or after the commencement.
2. The reference in the definition of “witness” in Article 2(2) to a witness acknowledging his signature applies only to wills made after the commencement.
3. In the application of Article 5 to a will made before the commencement—
 - (a) paragraph (1)(b) does not apply, but instead the will must be signed by the testator at the foot or end thereof as required by section 9 of the Wills Act 1837⁽¹⁾ (as explained by the Wills Act Amendment Act 1852⁽²⁾);
 - (b) paragraph (1)(d)(ii) and the reference to acknowledgment in paragraph (2) do not apply.
4. In the application of Article 6 to a will made before the commencement, the references to Article 5 are to that Article as it applies by virtue of paragraph 3.
5. Article 8(3) applies only to the will of a person dying after the commencement, but in relation to such a person it applies whether the will was executed before or after the commencement.
6. In relation to an alteration made before the commencement, the reference in Article 11 to the manner in which a will is required to be executed is a reference to the manner so required at the time when the alteration was made.
7. Article 12(3) and (4) do not apply to a will made before the commencement.
8. Article 13 does not affect the will of a testator who died before the commencement.
9. In relation to writing made before the commencement declaring an intention to revoke a will, the reference in Article 14(1)(c) to the manner in which a will is required to be executed is a reference to the manner so required at the time when the writing was made.
10. Article 18(2), and Articles 21 to 25, do not affect the will of a testator who died before the commencement.
11. Article 26 does not apply to a will made before the commencement, but in such a will “land” includes a leasehold estate (legal or equitable).
12. Article 27(3), in relation to wills coming into operation before the commencement, applies—
 - (a) only to executory limitations; and
 - (b) as if the words “or married” were omitted.

(1) 1837 c. 26

(2) 1852 c. 24

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.