

## SCHEDULES

### SCHEDULE 1

Article 36.

#### 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<sup>F1</sup> (as explained by the Wills Act Amendment Act 1852<sup>F2</sup>);

(b) paragraph (1)(d)(ii) and the reference to acknowledgment in paragraph (2) do not apply.

**F1** 1837 c. 26

**F2** 1852 c. 24

**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.

**Changes to legislation:** The Wills and Administration Proceedings (Northern Ireland) Order 1994 is up to date with all changes known to be in force on or before 26 May 2023. 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](#)

## Savings

**13.** Nothing in Part II prejudices section 11 of the Wills Act 1837<sup>F3</sup> or the Wills (Soldiers and Sailors) Act 1918<sup>F4</sup> (wills made by soldiers, sailors or airmen in certain circumstances).

**F3** 1837 c. 26  
**F4** 1918 c. 58

**14.—**(1) Nothing in Part II prejudices the Wills Act 1963<sup>F5</sup> (conflict of laws relating to the form of testamentary dispositions) or sections 27 and 28 of, and Schedule 2 to, the Administration of Justice Act 1982<sup>F6</sup> (international wills).

(2) A will executed in accordance with the statutory provisions mentioned in sub-paragraph (1) is, for the purposes of Article 6, as valid as a will executed in accordance with Article 5.

**F5** 1963 c. 44  
**F6** 1982 c. 53

**15.—**(1) The repeal of section 9 of the Wills Act 1837 does not affect a will made before the commencement of Article 5.

(2) The repeal of section 33 of the Wills Act 1837 does not affect its application to the will of a testator who died before the repeal took effect.

(3) The repeal of section 26 of the Wills Act 1837 does not affect its application to a will made before the commencement of Article 26.

**16.** The repeal of the Wills Act Amendment Act 1852<sup>F7</sup> does not affect a will made before the commencement of Article 5.

**F7** 1852 c. 24

**17.** The repeal of the Wills (Amendment) Act (Northern Ireland) 1954<sup>F8</sup> does not affect a will made before the commencement of Article 12.

**F8** 1954 c. 20 (NI)

**18.** The repeal of Article 5 of the Family Law Reform (Northern Ireland) Order 1977<sup>F9</sup> does not affect the will of a testator who died before the repeal took effect.

**F9** 1977 NI 17

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### *Schedule 3—Repeals*

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**Changes and effects yet to be applied to :**

- art. 5 excluded by [2016 c. 18 \(N.I.\) Sch. 5 para. 4\(2\)\(a\)](#)

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

- Order modified by [2016 c. 18 \(N.I.\) Sch. 5 para. 4\(2\)](#)