

## SCHEDULE

### Consequential Amendments to Acts of Parliament

#### Wills Act 1837

- 1.—(1) The Wills Act 1837<sup>(1)</sup> is amended as follows.
- (2) In section 18<sup>(2)</sup> (will to be revoked by marriage)—
  - (a) in subsection (1), for “(4)” substitute “(5)”, and
  - (b) after subsection (4) insert—
    - “(5) Nothing in this section applies in the case of a marriage which results from—
      - (a) the conversion of a civil partnership into a marriage under section 9 of the Marriage (Same Sex Couples) Act 2013 and regulations made under that section; or
      - (b) the changing of a civil partnership formed under Part 3 of the Civil Partnership Act 2004 into a marriage under—
        - (i) the Marriage (Scotland) Act 1977<sup>(3)</sup>;
        - (ii) the Marriage and Civil Partnership (Scotland) Act 2014; or
        - (iii) any order made under section 104 of the Scotland Act 1998 in consequence of the Marriage and Civil Partnership (Scotland) Act 2014.”.
  - (3) After section 18C<sup>(4)</sup> insert—

#### “Effect on subsisting will of conversion of civil partnership into marriage

- 18D.**—(1) The conversion of a civil partnership into a marriage does not—
  - (a) revoke any will made by a party to the civil partnership before the conversion; or
  - (b) affect any disposition in such a will.(2) The conversion of a civil partnership into a marriage does not affect any previous application of section 18B(2) to (6) to—
  - (a) a will made by a party to the civil partnership before the conversion; or
  - (b) a disposition in such a will.(3) Subsections (1) and (2) are subject to subsection (4).
- (4) Any reference in a will to a civil partnership or civil partners (howsoever expressed) is to be read in relation to any civil partnership that has been converted into a marriage, or civil partners who have converted their civil partnership into a marriage, as referring to that marriage or married couple, as appropriate.
- (5) Subsection (4) is subject to any contrary intention appearing from the will.
- (6) In this section “conversion” means—
  - (a) the conversion of a civil partnership into a marriage under section 9 of the Marriage (Same Sex Couples) Act 2013 and regulations made under that section;
  - (b) the changing of a civil partnership formed under Part 3 of the Civil Partnership Act 2004 into a marriage under—

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(1) 1837 c. 26.

(2) Section 18 was substituted in relation to England and Wales by the Administration of Justice Act 1982 (c. 53) section 18(1).

(3) 1977 c. 15.

(4) Section 18C was inserted by the Civil Partnership Act 2004, Schedule 4, paragraphs 1, 2 and 5.

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

- (i) the Marriage (Scotland) Act 1977;
  - (ii) the Marriage and Civil Partnership (Scotland) Act 2014; or
  - (iii) any order made under section 104 of the Scotland Act 1998 in consequence of the Marriage and Civil Partnership (Scotland) Act 2014, and
- “converted” is to be read accordingly.”.