

---

STATUTORY INSTRUMENTS

---

**1994 No. 1899 (N.I. 13)**

The Wills and Administration Proceedings  
(Northern Ireland) Order 1994

- - - - 19th July 1994

THE WILLS AND ADMINISTRATION PROCEEDINGS  
(NORTHERN IRELAND) ORDER 1994

PART I

INTRODUCTORY

1. Title and commencement
2. Interpretation

PART II

WILLS

*Scope of, and power to make, will*

3. Power to dispose of estate by will
4. Minority

*Execution of will*

5. Formalities for execution
6. Testamentary execution of power
7. Incompetency of witness
8. Gift to witness
9. Witnessing by creditor
10. Witnessing by executor
11. Alteration of will after execution

*Effect of marriage, divorce, etc.*

12. Effect of marriage
13. Effect of dissolution or annulment of marriage
- 13A. Effect of civil partnership
- 13B. Effect of dissolution or annulment of civil partnership
- 13C. Effect on subsisting will of conversion of civil partnership into marriage
- 13D. Effect on subsisting will of conversion of marriage into civil partnership

**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 04 May 2024. 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](#)

*Revocation, revival and confirmation*

14. Revocation
15. Revival of revoked will
16. Effect of re-execution or codicil

*Gifts*

17. Will speaks from death
18. Words of limitation unnecessary
19. Residuary dispositions to carry property comprised in lapsed and void gifts
20. Implied execution of general power of appointment
21. Contingent and future gifts carry the intermediate income
22. Gifts to children etc. who predecease testator
23. Presumption as to effect of gifts to spouses or civil partners
24. Property subject to an option

*Interpretation of wills*

25. Extrinsic evidence
26. Construction of certain expressions
27. Construction and effect of references to failure of issue
28. Operative meaning to be preferred

*Rectification*

29. Rectification of wills

*Personal representatives*

30. Substitute executors: uncertainty about order of deaths

PART III

ADMINISTRATION OF ESTATES AND TRUSTS

*Limitation of actions*

31. Executors de son tort

*Powers of High Court in proceedings relating to estates of deceased persons and trusts*

32. Power to make judgments binding on persons who are not parties
33. Power to authorise action to be taken in reliance on counsel's opinion
34. Powers on compromise of probate action
35. Power to appoint substitute for, or to remove, personal representative

PART IV

GENERAL

36. Transitional provisions and savings  
Article 37—Amendments  
Article 38—Repeals

---

## 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...
2. The reference in the definition of “witness” in Article 2(2) to a witness acknowledging his...
3. In the application of Article 5 to a will made before the commencement—
  - (a) paragraph...
4. In the application of Article 6 to a will made before the commencement, the references...
5. Article 8(3) applies only to the will of a person dying after the commencement, but...
6. In relation to an alteration made before the commencement, the reference in Article 11 to...
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,...
10. Article 18(2), and Articles 21 to 25, do not affect the will of a testator...
11. Article 26 does not apply to a will made before the commencement, but in such...
12. Article 27(3), in relation to wills coming into operation before the commencement, applies— (a) only...

#### — Savings

13. Nothing in Part II prejudices section 11 of the Wills Act 1837 or the Wills...
14. (1) Nothing in Part II prejudices the Wills Act 1963 (conflict of laws relating to...
15. (1) The repeal of section 9 of the Wills Act 1837 does not affect a...
16. The repeal of the Wills Act Amendment Act 1852 does not affect a will made...
17. The repeal of the Wills (Amendment) Act (Northern Ireland) 1954 does not affect a will...
18. The repeal of Article 5 of the Family Law Reform (Northern Ireland) Order 1977 does...

#### — Schedule 2—Amendments

#### — Schedule 3—Repeals

**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 04 May 2024. 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.

[View outstanding changes](#)

**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\(2\)](#)