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## STATUTORY INSTRUMENTS

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# 1994 No. 1899

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

### PART II

### WILLS

#### *Execution of will*

#### **Formalities for execution**

5.—(1) No will is valid unless it is in writing and is executed in accordance with the following requirements, that is to say,—

- (a) it is signed by the testator, or by some other person in his presence and by his direction; and
- (b) it appears from the will or is shown that the testator intended by his signature to give effect to the will; and
- (c) the signature is made or acknowledged by the testator in the presence of two or more witnesses present at the same time; and
- (d) each witness, in the presence of the testator (but not necessarily in the presence of any other witness), either—
  - (i) attests the testator's signature or the testator's acknowledgment of his signature and signs the will; or
  - (ii) acknowledges his signature.

(2) No form of attestation or acknowledgment is necessary.

#### **Testamentary execution of power**

6.—(1) No appointment made by will, in exercise of any power, is valid unless the will is executed in accordance with Article 5.

(2) Paragraph (1) applies notwithstanding anything to the contrary in the instrument creating the power.

(3) A will executed in accordance with Article 5 is, so far as respects the execution thereof, a valid execution of a power of appointment by will, notwithstanding that the instrument creating the power expressly requires that a will made in exercise of such power should be executed with some additional or other form of execution or formality.

#### **Incompetency of witness**

7. If a witness to a will is at the time of its execution or becomes at any time afterwards incompetent as a witness to prove its execution, the will is not invalid on that account.

### Gift to witness

8.—(1) Subject to paragraph (3), if a witness to a will is a person to whom, or to whose spouse<sup>F1</sup> or civil partner], any property is given by the will (whether by way of gift or by way of exercise of a special power of appointment, but other than by way of a charge or direction for the payment of debts), the gift or appointment is void so far as concerns that witness or his spouse<sup>F1</sup> or civil partner] or any person claiming under the witness or spouse<sup>F1</sup> or civil partner].

(2) Notwithstanding that property is given by will as mentioned in paragraph (1), the witness is competent as a witness to prove—

- (a) the execution of the will;
- (b) the validity or invalidity of the will.

(3) Witnessing by a person to whom, or to whose spouse<sup>F1</sup> or civil partner], property is given as mentioned in paragraph (1) is to be disregarded if the will is duly executed without his signature and without that of any other such person.

F1 2004 c.33

### Witnessing by creditor

9. Where a will charges any property with a debt, any creditor whose debt is so charged, or the spouse<sup>F2</sup> or civil partner] of any such creditor, is not incompetent, on account only of the charge,—

- (a) to act as a witness to the will; or
- (b) as a witness to prove—
  - (i) the execution of the will; or
  - (ii) the validity or invalidity of the will.

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### Witnessing by executor

10. An executor of a will is not incompetent, on account only of his being an executor,—

- (a) to act as a witness to the will; or
- (b) as a witness to prove—
  - (i) the execution of the will; or
  - (ii) the validity or invalidity of the will.

### Alteration of will after execution

11. No obliteration, interlineation or other alteration made in a will, after its execution, is valid or has any effect except so far as the words or effect of the will before the alteration are not apparent, unless the alteration, or a memorandum referring to the alteration and written on the will, is executed in the manner in which a will is required to be executed.

**Changes to legislation:**

The Wills and Administration Proceedings (Northern Ireland) Order 1994, Cross Heading: Execution of will is up to date with all changes known to be in force on or before 31 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 the whole Order associated Parts and Chapters:**

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