

## 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(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.

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(1) 1837 c. 26

(2) 1852 c. 24

*Status: This is the original version (as it was originally made).*

### *Savings*

**13.** Nothing in Part II prejudices section 11 of the Wills Act 1837<sup>(3)</sup> or the Wills (Soldiers and Sailors) Act 1918<sup>(4)</sup> (wills made by soldiers, sailors or airmen in certain circumstances).

**14.**—(1) Nothing in Part II prejudices the Wills Act 1963<sup>(5)</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>(6)</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.

**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>(7)</sup> does not affect a will made before the commencement of Article 5.

**17.** The repeal of the Wills (Amendment) Act (Northern Ireland) 1954<sup>(8)</sup> does not affect a will made before the commencement of Article 12.

**18.** The repeal of Article 5 of the Family Law Reform (Northern Ireland) Order 1977<sup>(9)</sup> does not affect the will of a testator who died before the repeal took effect.

## SCHEDULE 2

Article 37.

### AMENDMENTS

#### *Mental Health (Northern Ireland) Order 1986 (NI 4)*

In Article 100, in paragraphs (2) and (3), in each case, for “Wills Act 1837” substitute “Wills and Administration Proceedings (Northern Ireland) Order 1994”, and in paragraph (2)—

- (a) for “section 9” substitute “Article 5”; and
- (b) for “that Act”, wherever occurring, substitute “that Order”.

#### *Adoption (Northern Ireland) Order 1987 (NI 22)*

In Article 43(1) after “Part II of the Family Law Reform (Northern Ireland) Order 1977” insert “or Article 22 of the Wills and Administration Proceedings (Northern Ireland) Order 1994”.

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(3) 1837 c. 26  
 (4) 1918 c. 58  
 (5) 1963 c. 44  
 (6) 1982 c. 53  
 (7) 1852 c. 24  
 (8) 1954 c. 20 (N.I.)  
 (9) 1977 NI 17

SCHEDULE 3

Article 38.

REPEALS

Year and Chapter or Number	Short title	Extent of Repeal
1837 c. 26.	Wills Act 1837.	The whole Act, except section 1 so far as it defines “personal estate” or relates to gender and section 11.
1852 c. 24.	Wills Act Amendment Act 1852.	The whole Act.
1954 c. 20 (N.I.).	Wills (Amendment) Act (Northern Ireland) 1954.	The whole Act.
1969 c. 28 (N.I.).	Age of Majority Act (Northern Ireland) 1969.	Section 2(1)(a).
1977 NI 17.	Family Law Reform (Northern Ireland) Order 1977.	Article 5. In Article 6(1)(b) the words “or 5”.