



Administration of Justice Act 1982

1982 CHAPTER 53

PART IV

WILLS

Amendments of Wills Act 1837

18 Effect of marriage or its termination on wills

(1) The following section shall be substituted for section 18 of the Wills Act 1837—

“18 Wills to be revoked by marriage, except in certain cases.

- (1) Subject to subsections (2) to (4) below, a will shall be revoked by the testator's marriage.
- (2) A disposition in a will in exercise of a power of appointment shall take effect notwithstanding the testator's subsequent marriage unless the property so appointed would in default of appointment pass to his personal representatives.
- (3) Where it appears from a will that at the time it was made the testator was expecting to be married to a particular person and that he intended that the will should not be revoked by the marriage, the will shall not be revoked by his marriage to that person.
- (4) Where it appears from a will that at the time it was made the testator was expecting to be married to a particular person and that he intended that a disposition in the will should not be revoked by his marriage to that person.—
 - (a) that disposition shall take effect notwithstanding the marriage ; and
 - (b) any other disposition in the will shall take effect also, unless it appears from the will that the testator intended the disposition to be revoked by the marriage.”.

(2) The following section shall be inserted after that section—

“18A Effect of dissolution or annulment of marriage on wills.

- (1) Where, after a testator has made a will, a decree of a court dissolves or annuls his marriage or declares it void.—
 - (a) the will shall take effect as if any appointment of the former spouse as an executor or as the executor and trustee of the will were omitted; and
 - (b) any devise or bequest to the former spouse shall lapse, except in so far as a contrary intention appears by the will.
- (2) Subsection (1)(b) above is without prejudice to any right of the former spouse to apply for financial provision under the Inheritance (Provision for Family and Dependents) Act 1975.
- (3) Where—
 - (a) by the terms of a will an interest in remainder is subject to a life interest; and
 - (b) the life interest lapses by virtue of subsection (1)(b) above,the interest in remainder shall be treated as if it had not been subject to the life interest and, if it was contingent upon the termination of the life interest, as if it had not been so contingent.”.