



# Wills Act 1837

## CHAPTER 26

### WILLS ACT 1837

- [1.] Meaning of certain words in this Act: “Will”: “Real estate”: “Personal estate”: Number: Gender.
  - 2 .....
  - 3 All property may be disposed of by will; Contingent Interests; Rights of Entry; and property acquired after the execution of the will.
- 4—6 .....
- 7 No will of a person under age valid.
  - 8 .....
  - 9 Signing and attestation of wills
- 10 Appointments by will to be executed like other wills, and to be valid, although other required solemnities are not observed.
- 11 Soldiers and mariners wills excepted.
  - 12 .....
  - 13 Publication of will not be requisite.
  - 14 Will not to be void on account of incompetency of attesting witness.
  - 15 Gifts to an attesting witness to be void.
  - 16 Creditor attesting to be admitted a witness.
  - 17 Executor shall be admitted a witness.
  - 18 Wills to be revoked by marriage, except in certain cases.
- 18A Effect of dissolution or annulment of marriage on wills.
- 18B Will to be revoked by civil partnership
- 18C Effect of dissolution or annulment of civil partnership on wills
- 18D Effect on subsisting will of conversion of civil partnership into marriage
- 18E Effect on subsisting will of conversion of marriage into civil partnership
- 19 No will to be revoked by presumption.
- 20 No will to be revoked but by another will or codicil, or by a writing executed like a will, or by destruction.
- 21 No alteration in a will shall have any effect unless executed as a will.

*Status: Point in time view as at 06/04/2022.*  
**Changes to legislation:** *There are currently no known outstanding effects for the Wills Act 1837. (See end of Document for details)*

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- 22 No will revoked to be revived otherwise than by Re-execution or a Codicil to revive it.
- 23 A devise not to be rendered inoperative by any subsequent conveyance or act.
- 24 A will shall be construed to speak from the death of the testator.
- 25 Residuary devise shall include estates comprised in lapsed and void devises.
- 26 A general devise of the testator’s lands shall include copyhold and leasehold as well as freehold lands.
- 27 A general gift shall include estates over which the testator has a general power of appointment.
- 28 A devise without any words of limitation shall be construed to pass as free.
- 29 The words “die without issue,” or “die without leaving issue,” shall be construed to mean die without issue living at the death.
- 30 No devise to trustees or executors, except for a term or a presentation to a church, shall pass a chattel interest.
- 31 Trustees under an unlimited devise, where the trust may endure beyond the life of a person beneficially entitled for life, shall take the fee.
- 32 Devises of estates tail shall not lapse.
- 33 Gifts to children or other issue who leave issue living at the testator’s death shall not lapse.
- 33A Disclaimer or forfeiture of gift
- 34 Act not to extend to wills made before 1838, nor to estates pur autre vie of persons who die before 1838.
- 35 Act not to extend to Scotland.
- 36 .....

**Status:**

Point in time view as at 06/04/2022.

**Changes to legislation:**

There are currently no known outstanding effects for the Wills Act 1837.