



# Wills Act 1837

## 1837 CHAPTER 26 7 Will 4 and 1 Vict

### [<sup>F1</sup>18] **Wills to be revoked by marriage, except in certain cases.**

- (1) Subject to subsections (2) to [<sup>F2</sup>(5)] 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.

[ Nothing in this section applies in the case of a marriage which results from—

- <sup>F3</sup>(5) (a) the conversion of a civil partnership into a marriage under section 9 of the Marriage (Same Sex Couples) Act 2013 and regulations made under that section;
  - [ the conversion of a civil partnership into a marriage under Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020;
- <sup>F4</sup>(aa) (ab) the conversion of a civil partnership into a marriage under Part 3 or 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 where the civil partnership is a convertible Northern Ireland civil partnership as defined by regulation 2 of those Regulations;] or
- (b) the changing of a civil partnership formed under Part 3 of the Civil Partnership Act 2004 into a marriage under—
  - (i) the Marriage (Scotland) Act 1977;
  - (ii) the Marriage and Civil Partnership (Scotland) Act 2014; or

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*Status: Point in time view as at 07/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Wills Act 1837, Section 18. (See end of Document for details)*

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(iii) any order made under section 104 of the Scotland Act 1998 in consequence of the Marriage and Civil Partnership (Scotland) Act 2014.]]

#### Textual Amendments

- F1** S. 18 substituted by [Administration of Justice Act 1982 \(c. 53, SIF 116:5\)](#), **s. 18(1)**
- F2** Figure in s. 18(1) substituted (10.12.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) and Marriage and Civil Partnership \(Scotland\) Act 2014 \(Consequential Provisions\) Order 2014 \(S.I. 2014/3168\)](#), art. 1(2)(3), **Sch. para. 1(2)(a)**
- F3** S. 18(5) inserted (10.12.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) and Marriage and Civil Partnership \(Scotland\) Act 2014 \(Consequential Provisions\) Order 2014 \(S.I. 2014/3168\)](#), art. 1(2)(3), **Sch. para. 1(2)(b)**
- F4** S. 18(5)(aa)(ab) inserted (E.W.) (7.12.2020) by [The Marriage and Civil Partnership \(Northern Ireland\) \(No. 2\) Regulations 2020 \(S.I. 2020/1143\)](#), regs. 1(2), **32(2)**

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**Changes to legislation:**

There are currently no known outstanding effects for the Wills Act 1837, Section 18.