

# Wills Amendment Act 2005

Public Act 2005 No 25  
Date of assent 24 March 2005

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**The Parliament of New Zealand enacts as follows:****1 Title**

- (1) This Act is the Wills Amendment Act 2005, and must, for the purposes of the law of New Zealand, be read together with the Wills Act 1837 of the United Kingdom Parliament.
- (2) In this Act, the Wills Act 1837 is called “the principal Act”.

**2 Commencement**

This Act comes into force on 26 April 2005.

**3 Gifts to an attesting witness, or his or her wife or husband, to be void**

For the purposes of the law of New Zealand,—

- (a) the heading of section 15 of the principal Act must be read as if, instead of the words “wife or husband”, there were the words “wife, husband, civil union partner, or de facto partner” ; and
- (b) section 15 of the principal Act must be read as if, instead of the words “wife or husband”, wherever they appear, there were the words “wife, husband, civil union partner, or de facto partner”.

**4 Creditor attesting a will charging estate with debts to be admitted a witness**

For the purposes of the law of New Zealand, section 16 of the principal Act must be read as if, instead of the words “wife

or husband”, there were the words “wife, husband, civil union partner, or de facto partner”.

### **Wills Amendment Act 1955**

#### **5 Modifications of principal Act in relation to wills of privileged persons**

Section 7(1) of the Wills Amendment Act 1955 is amended by omitting the words “wife or husband”, and substituting the words “wife, husband, civil union partner, or de facto partner”.

### **Wills Amendment Act 1969**

#### **6 Wills of minors**

- (1) Section 2(1) of the Wills Amendment Act 1969 is amended by omitting the words “his or her marriage”, and substituting the words “he or she marries or enters into a civil union or a de facto relationship”.
- (2) Section 2(2) of the Wills Amendment Act 1969 is amended by inserting, after the word “married”, the words “, in a civil union, or in a de facto relationship”.

### **Wills Amendment Act 1977**

#### **7 Restriction on operation of section 15 of principal Act**

- (1) Section 3(1) of the Wills Amendment Act 1977 is amended by inserting, after the word “spouses”, the words “, civil union partners, or de facto partners”.
- (2) Section 3(1) of the Wills Amendment Act 1977 is amended by inserting, after the word “spouse”, the words “civil union partner, or de facto partner”.

### **Savings provision**

#### **8 Savings provision**

- (1) The principal Act applies to any will made before the date on which this Act comes into force as if this Act had not been enacted.
- (2) For the purposes of this section,—

- (a) if a will or any part of a will, is, by any codicil, confirmed or ratified or in any manner revived, it is deemed to have been made at the time when it was first made, and not at the time when it was confirmed or ratified, or revived:
- (b) if a will or any part of a will is re-executed, it is deemed to have been made at the time when it was re-executed, and not at the time when it was first made.

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**Legislative history**

10 March 2005	Divided from Relationships (Statutory References)
	Bill (Bill 151-2) as Bill 151-3V
15 March 2005	Third reading

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