

WESTERN AUSTRALIA

WILLS AMENDMENT ACT

No. 69 of 1987

AN ACT to amend the *Wills Act 1970*.

[Assented to 22 November 1987]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title

1. This Act may be cited as the *Wills Amendment Act 1987*.

Commencement

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Principal Act

3. In this Act the *Wills Act 1970** is referred to as the principal Act.

[*Reprinted as approved 28 February 1978 and amended by Act No. 14 of 1985.]

Section 8 amended

4. Section 8 of the principal Act is amended by inserting after “Part VI” the following—

“ and section 34 ”.

Section 9 amended

5. Section 9 of the principal Act is amended—

(a) by inserting after the section designation “9.” the subsection designation “(1)”; and

(b) by inserting the following subsection—

“ (2) For the purposes of subsection (1), a document that is a will by operation of Part X is deemed to be executed in the manner required by this Act. ”.

Section 10 amended

6. Section 10 of the principal Act is amended in subsection (1) by inserting after “subsection (2) of this section” the following—

“ and section 35 ”.

Section 15 amended

7. Section 15 of the principal Act is amended—

(a) by deleting “15. A will” and substituting the following—

“ 15. (1) Subject to section 36, a will ”;

and

(b) by inserting the following subsection—

“ (2) For the purposes of subsection (1), a document that is a will by operation of Part X is deemed to be executed in the manner required by this Act. ”.

Section 16 amended

8. Section 16 of the principal Act is amended in subsection (1) by deleting “A will” and substituting the following—

“ Subject to section 37, a will ”.

Part X inserted

9. After Part IX of the principal Act the following Part is inserted—

“ PART X—INFORMAL WILLS

Interpretation

32. (1) In this Part “probate action” means an action for the grant of probate of the will, or letters of administration of the estate, of a deceased person or for a decree pronouncing for or against the validity of an alleged will, not being an action which is non-contentious or common form probate business.

(2) In sections 35, 36 and 37 “will” includes a document that is a will by operation of section 34.

Application

33. This Part applies only to persons dying on or after the day on which the *Wills Amendment Act 1987* comes into operation, but in respect of persons so dying extends to any document, writing or alteration executed or made before that day.

Informal wills

34. A document purporting to embody the testamentary intentions of a deceased person is a will of that person, notwithstanding that it has not been executed in accordance with

section 8, if the Supreme Court in a probate action is satisfied that there can be no reasonable doubt that the deceased intended the document to constitute his will.

Informal alteration of will

35. Any alteration made to a will of a deceased person after the will was executed or made has effect, notwithstanding that the alteration has not been made in accordance with section 10, if the Supreme Court in a probate action is satisfied that there can be no reasonable doubt that the deceased intended the will as so altered to constitute his will.

Informal revocation of will

36. A writing declaring an intention of a deceased person to revoke a will or part of a will has effect, notwithstanding that it has not been executed in accordance with section 15 (1) (c), if the Supreme Court in a probate action is satisfied that there can be no reasonable doubt that the deceased intended by the writing to revoke the will or part of the will, as the case may be.

Informal revival of will

37. A writing declaring an intention of a deceased person to revive a will or part of a will that has been revoked has effect, notwithstanding that it has not been revived in accordance with section 16 (1), if the Supreme Court in a probate action is satisfied that there can be no reasonable doubt that the deceased intended by the writing to revive the will or part of the will.

Modification of certain references to execution of will

38. For the purposes of sections 24, 26 (a) and 29 a document that is a will by operation of this Part is executed, notwithstanding the absence of a signature to, or other form of execution of, the document. ”.
