



HOUSE USE ONLY

CHAIR:

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3rd SESSION, 67th GENERAL ASSEMBLY
Province of Prince Edward Island
4 CHARLES III, 2026

(Bill No. 5)

Wills Act

Hon. Bloyce Thompson
Minister of Justice and Public Safety and Attorney General

GOVERNMENT BILL

Andrea MacRae
Acting King's Printer
Charlottetown, Prince Edward Island



WILLS ACT

BILL NO. 5

2026

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

PART 1 - INTERPRETATION AND APPLICATION

1. Definitions

In this Act,

- (a) **“beneficiary”** means a person who receives or is entitled to receive a beneficial disposition of property under a will;
- (b) **“court”** means the Estates Section of the Supreme Court;
- (c) **“disposition”** includes a bequest, a legacy, a devise and the conferral or exercise of a power of appointment;
- (d) **“obliteration”** means the destruction, wiping off or rubbing out or erasing of words in a document;
- (e) **“spouse”** means a spouse as defined in clause 29(b) of the *Family Law Act* R.S.P.E.I. 1988, Cap. F-2.1;
- (f) **“testator”** means a person who makes a will;
- (g) **“will”** means the last will and testament of a deceased person, and includes a writing that
 - (i) alters or revokes another will, or
 - (ii) on the death of the testator, confers or exercises a power of appointment.

2. Application

- (1) Except as expressly provided in an enactment,
 - (a) this Act applies to wills made on or after the date this Act comes into force; and
 - (b) Part III of the *Probate Act* R.S.P.E.I. 1988, Cap. P-21, continues in force, as if it had not been repealed, in respect of wills made under that Act.

Exception - application of certain sections

- (2) Despite subsection (1), sections 14 to 16 apply to a will or other writing, a marking or an obliteration regardless of when the will, writing, marking or obliteration was made, where the testator dies on or after the date this Act comes into force.

PART 2 – MAKING, ALTERING AND REVOKING A WILL

3. Eligibility of testator

A person may make, alter or revoke a will if the person has reached the age of 18 years.

4. Disposition of property by will

- (1) A person may by will dispose of all property to which the person is entitled at law or in equity at the time of the person's death, including property acquired before, on or after the date the will is made.

Effect of disposition

- (2) A disposition of property by will
- (a) takes effect according to its terms; and
 - (b) is a disposition of every legal or equitable interest in the property that the testator had the legal capacity to give, unless the court, in interpreting the will, finds that the testator had a contrary intention.

5. Power of appointment by will

- (1) A power of appointment may be created by will.

Exercise of power

- (2) A power of appointment by will may be exercised by a will made in accordance with this Act, in spite of the fact that the instrument that grants the power requires that a will in exercise of the power be made in another form.

6. Formal requirements

- (1) Subject to subsection (4), a will is valid if
- (a) it is in writing;
 - (b) it contains the signature of the testator or of another person who signed on the testator's behalf at the testator's direction and in the testator's presence; and
 - (c) the requirements of subsection (2) or (3), whichever is applicable, are met.

Will signed by testator

- (2) Where the testator signs the will, the signature shall be made or acknowledged by the testator in the presence of two or more witnesses who are present at the same time, and at least two of the witnesses, in the presence of the testator and of each other, shall
- (a) attest and sign the will; or
 - (b) acknowledge their signatures on the will.

Will signed on behalf of testator

- (3) Where another person signs the will on behalf of the testator, the signature shall be made by the person or acknowledged by the testator in the presence of two or more witnesses who are present at the same time, and at least two of the witnesses, in the presence of that person, the testator and each other, shall
- (a) attest and sign the will; or
 - (b) acknowledge their signatures on the will.

Holograph will

- (4) A will may validly be made by a testator without complying with clause (1)(c) if it is made wholly in the testator's own writing and is signed by the testator.

7. Eligibility of witness

- (1) A person may sign a will as a witness to the signature of a testator if the person
- (a) has the mental capacity to do so; and
 - (b) has reached the age of 18 years.

Exception

- (2) A person who signs a will on behalf of a testator is not eligible to witness the signature of the testator.

Status as beneficiary or spouse of beneficiary

- (3) A person who signs a will as a witness to the signature of the testator is not ineligible as a witness to prove the making of the will or its validity or invalidity only because the person is
- (a) a beneficiary under the will; or
 - (b) the spouse of a beneficiary.

8. Placement of signature

- (1) A will is not invalid because the testator's signature is not placed at the end of the will if it appears on the face of the will that the testator intended by the signature to give effect to the will.

Presumption of invalidity

- (2) A testator is presumed not to have intended to give effect to any writing that appears below the testator's signature.

Signature includes signature of person signing on testator's behalf

- (3) The references in subsections (1) and (2) to a testator's signature include the signature of a person who signed on behalf of the testator in accordance with section 6.

9. Definition, "Canadian forces member"

- (1) In this section, "Canadian Forces member" means a person who is
- (a) a member of a regular force as defined in the *National Defence Act* (Canada); or
 - (b) a member of another component of the Canadian Forces who is placed on active service under the *National Defence Act* (Canada).

Exception to section 3

- (2) Despite section 3, a person who is under the age of 18 years may make, alter or revoke a will if the person is, at the time of making the will, a Canadian Forces member or a sailor in the course of a voyage.

Exception to clause 6(1)(c)

- (3) Despite clause 6(1)(c), a person may make, alter or revoke a will without complying with subsections 6(2) or (3) if, at the time of making the will, the person is

- (a) a Canadian Forces member or a member of any other naval, land or air force on active service; or
- (b) a sailor in the course of a voyage.

Proof of active service

- (4) For the purposes of this section,
 - (a) a certificate signed by or on behalf of an officer purporting to have custody of the records of the force in which a member was serving at the time the will was made setting out that the member was on active service at that time is sufficient proof of that fact; and
 - (b) where a certificate referred to in clause (a) is not available, a member of a naval, land or air force is deemed to be on active service after the member has taken steps under the orders of a superior officer preparatory to serving with or being attached to or seconded to a component of such a force that has been placed on active service.

10. Alteration

- (1) An alteration made on a will is valid only if the alteration is made in accordance with the signing and witnessing requirements of section 6.

Exception

- (2) Despite subsection (1), a will referred to in subsection 6(4) may be altered without complying with subsection (1) if the alteration is made in accordance with the requirements of subsection 6(4).

11. Publication not required

There is no requirement at law that a will shall be published in order to be valid.

12. Revocation of all or part of will

- (1) A will or part of a will is revoked only in one or more of the following circumstances:
 - (a) by another will made by the testator;
 - (b) by a written declaration of the testator that revokes all or part of a will made in accordance with the requirements of section 6;
 - (c) by the testator, or a person in the presence of the testator and at the testator's direction, burning, tearing or destroying all or part of the will in some manner with the intention of revoking all or part of it.

No presumption to revoke due to change in circumstances

- (2) A will is not revoked in whole or in part by presuming the testator's intention to revoke it because of a change in circumstances.

13. Revival of will

- (1) A will or part of a will that has been revoked in any manner may be revived only by making a new will, whether by re-execution or otherwise, in accordance with the requirements of section 6 and in a manner that shows an intention to give effect to the will or part of a will that was earlier revoked.

Time of revival

- (2) A will or part of a will that is revived by re-execution is deemed to be made at the time of its re-execution.

PART 3 – GIVING EFFECT TO A WILL**14. Court's power to validate non-compliant will**

Where, on application, the court is satisfied on evidence that a written document embodies the testamentary intention of a deceased person, the court may order that the written document is fully effective as the will of the deceased person, despite that the document was not made in accordance with section 6 or 9.

15. Court's power to validate non-compliant alteration

Where, on application, the court is satisfied on evidence that any writing or other marking or obliteration on or in a written document embodies the intention of a deceased person to revoke, alter or revive a will of the deceased person, or the testamentary intention of the deceased person embodied in a written document other than a will, the court may order that the writing, marking or other obliteration is fully effective as the revocation, alteration or revival of the will of the deceased person or of the testamentary intention embodied in that other written document, despite that the writing, other marking or obliteration was not made in accordance with section 10.

16. Court's power to validate writing of a minor

Where, on application, the court is satisfied on evidence that

- (a) a written document embodies the testamentary intention of a deceased person who was under the age of 18 years when the document was made;
- (b) the deceased person understood the nature and effect of the document and the extent of property disposed of by it; and
- (c) it is reasonable in the circumstances that the order should be made,

the court may order that the written document is fully effective as a will of the deceased person, despite that the document was not made in accordance with section 3.

17. Void dispositions

- (1) Subject to an order made under subsection (2), a beneficial disposition that is made by a will to any of the following persons is void as against the person, the person's spouse and any other person claiming under either of them:
- (a) a witness who signs the will under subsection 6(2) or (3);
 - (b) a person referred to in clause 6(1)(b) who signs the will on behalf of the testator;
 - (c) an interpreter who provided translation service in respect of the making of the will.

Court may make exception

- (2) The court may, on application, order that a beneficial disposition referred to in subsection (1) is not void if the court is satisfied that
- (a) the testator intended to make the beneficial disposition to the person despite knowing that the person was a person described in subsection (1); and

- (b) neither the person nor the person's spouse exercised any improper or undue influence over the testator.

Limitation period for application

- (3) An application under subsection (2) may not be made more than six months after the date the grant of probate or administration is issued unless the court orders an extension of that period.

Court order for extension

- (4) The court may order an extension of the period on any terms the court considers just.

18. Effect of subsequent marriage, etc.

- (1) No will or provision of a will is revoked by the testator marrying or entering into a spousal relationship.

Effect of termination of spousal relationship

- (2) Where a testator who is in a spousal relationship makes a will and, before the testator's death, the spousal relationship terminates, then unless the court, in interpreting the will, finds that the testator had a contrary intention, any provision in the will that
 - (a) gives a beneficial interest in property to the testator's former spouse, whether personally or as a member of a class of beneficiaries;
 - (b) gives a general or special power of appointment to the testator's former spouse; or
 - (c) appoints the testator's former spouse as an executor, a trustee or a guardian of a child is deemed to have been revoked and, for the purposes of clauses (a) to (c), the will is to be interpreted as if the former spouse had predeceased the testator.

Termination of spousal relationship

- (3) A spousal relationship is considered terminated where the testator and the spouse
 - (a) had been living separate and apart within the meaning of subsection 1(3) of the *Family Law Act* for more than two years at the time of the testator's death;
 - (b) were opposing parties to a proceeding under the *Divorce Act* (Canada) or the *Family Law Act* and had not reconciled at the time of the testator's death;
 - (c) are parties to an agreement or an order with respect to their property or other spousal or family issues that appear to separate and finalize their affairs in recognition of the termination of their spousal relationship;
 - (d) were granted a divorce; or
 - (e) have had their marriage declared a nullity.

19. Failed gifts

- (1) Where a beneficial disposition in a will cannot take effect because the intended beneficiary has predeceased the testator, whether before or after the will is made, then unless the court, in interpreting the will, finds that the testator had a contrary intention, the property that is the subject of the beneficial disposition shall be distributed
 - (a) to the alternate beneficiary, if any, of the beneficial disposition, regardless of whether the will provides for the alternate beneficiary to take in the specific circumstances;
 - (b) if clause (a) does not apply and the deceased beneficiary was a descendant of the testator, to the deceased beneficiary's descendants who survive the testator, in the same manner as if the deceased beneficiary had died intestate without leaving a surviving spouse;

- (c) if neither clause (a) nor (b) applies, to the surviving residuary beneficiaries of the testator, if any, named in the will, in proportion to their interests; or
- (d) if none of clause (a), (b) or (c) applies, in the same manner as if the testator had died intestate.

Gifts void, contrary to law, disclaimed

- (2) Where a beneficial disposition in a will cannot take effect by reason of the beneficial disposition to the intended beneficiary being void, contrary to law or disclaimed, or for any other reason, then unless the court, in interpreting the will, finds that the testator had a contrary intention, the property that is the subject of the beneficial disposition shall be distributed as if clauses (1)(a) to (d) applied and the intended beneficiary had predeceased the testator.

Exception

- (3) Notwithstanding subsection (1), no share of the property that is the subject of the beneficial disposition shall be distributed to a person described in subsection 17(1) unless subsection 17(2) applies.

20. Property disposed of before death

Where a testator makes a will disposing of property to a beneficiary, and after the making of the will but before the testator's death, disposes of an interest in the property, the beneficiary inherits any remaining interest the testator has in the property at the time of death unless the court, in interpreting the will, finds that the testator had a contrary intention.

21. Interpretation of will – general rules

- (1) A will shall be interpreted in a manner that gives effect to the intent of the testator, and in determining the testator's intent the court may admit the following evidence:
 - (a) evidence as to the meaning, in either an ordinary or a specialized sense, of the words or phrases used in the will;
 - (b) evidence as to the meaning of the provisions of the will in the context of the testator's circumstances at the time of the making of the will;
 - (c) evidence of the testator's intent with regard to the matters referred to in the will.

Reference to real and personal property

- (2) A reference in a will to real and personal property of a testator shall be interpreted as referring to the real and personal property of the testator immediately before the death of the testator unless the court, in interpreting the will, finds that the testator had a contrary intention.

References to children, descendants or issue

- (3) Unless the court, in interpreting the will, finds that the testator had a contrary intention,
 - (a) references in the will to children, descendants or issue of any person, including the testator, shall be interpreted as including any child for whom the person is presumed or declared to be a parent within the meaning of Part 4 of the *Children's Law Act* R.S.P.E.I. 1988, Cap. C-6.1; and
 - (b) the words "die without issue", "die without leaving issue", "have no issue" or other words referring to a complete absence of descendants, or conveying a similar meaning, when used in the will in respect of the disposition to a person are deemed to refer to the person having no descendants surviving at the time of the person's death, and not to a complete absence of descendants.

Disposition of land, etc.

- (4) Unless the court, in interpreting a will, finds that the testator had a contrary intention,
- (a) a general disposition of land described in the will of the testator shall be construed as including either or both the leasehold estate and freehold estate of the testator, as the case may be, to which the description extends;
 - (b) a general disposition of land or personal property includes any land or personal property that the testator has power to appoint and acts as an execution of the power of appointment; and
 - (c) a disposition of land to any person without words of limitation shall be construed to pass the fee simple or other estate or interest in the land that the testator had the power to dispose of by will.

22. Restoration

Where a writing, marking or obliteration renders part of a will illegible and is not made in accordance with section 10, or validated by an order under section 15, the court may allow the original words of the will to be restored or determined by any means the court considers appropriate.

23. Clarification, interest in land, movables

- (1) For the purposes of this section,
- (a) an interest in land includes
 - (i) a leasehold estate, a freehold estate and any other estate or interest in land whether the estate or interest is real property or personal property, and
 - (ii) a movable whose value consists mainly or entirely in its use in connection with a particular parcel of land by the owner or occupier of the land; and
 - (b) an interest in movables includes
 - (i) an interest in an intangible or tangible thing other than land, and
 - (ii) personal property other than an estate or interest in land.

Conflict of laws - validity, effect

- (2) The intrinsic validity and effect of a will,
- (a) as the will relates to an interest in land, are governed by the law of the place where the land is situated; and
 - (b) as the will relates to an interest in movables, are governed by the law of the place where the testator was domiciled or habitually resident at the time of the testator's death.

Conflict of laws - formal validity

- (3) As regards the manner of making a will, a will made either within or outside Prince Edward Island is valid and admissible to probate if it is made in accordance with the law in force at the time of its making in the place where
- (a) the will was made; or
 - (b) the testator was domiciled or habitually resident when the will was made.

Resort to law of other place

- (4) Nothing in this section precludes resort to the law of the place where the testator was domiciled or was habitually resident at the time of making a will in aid of its construction as regards an interest in land or an interest in movables.

Effect of change of domicile, etc.

- (5) A change of domicile or in the habitual residence of the testator occurring after a will is made does not render the will invalid as regards the manner of its making or affect its proper interpretation.

PART 4 - INTERNATIONAL WILLS**24. Force of law**

The *Convention Providing a Uniform Law on the Form of an International Will*, including its Annex, which is set out in the Schedule to this Act, has force of law in Prince Edward Island.

25. Validity of wills under other laws

Nothing in this Part affects the validity of a will that is valid under the laws in force in Prince Edward Island other than this Part.

26. Authorized persons

All active members of the Law Society of Prince Edward Island are designated as persons authorized to act in connection with international wills.

PART 5 - GENERAL**27. Schedule and Annex adopted**

The Schedule and the Annex to this Act are adopted and form part of this Act.

28. Repeals

- (1) Part III of the *Probate Act* R.S.P.E.I. 1988, Cap. P-21, is repealed.
- (2) Part VII of the *Probate Act* is repealed.
- (3) The Schedule and the Annex to the *Probate Act* are repealed.

29. Consequential amendment - *Interpretation Act*

- (1) **The *Interpretation Act* R.S.P.E.I. 1988, Cap. I-8.1, is amended as provided by this section.**
- (2) **Clause 1(nnn) in the Schedule to the Act is amended by the deletion of the words “*Probate Act* R.S.P.E.I. 1988, Cap. P-21” and the substitution of the words “*Wills Act* R.S.P.E.I. 1988, Cap. W-4.2”.**

30. Consequential amendment - *Designation of Beneficiaries Under Benefit Plans Act*

- (1) **The *Designation of Beneficiaries Under Benefit Plans Act* R.S.P.E.I. 1988, Cap. D-9, is amended as provided by this section.**

- (2) **Clause 1(f) of the Act is amended by the addition of the words “or a will made in accordance with the *Wills Act* R.S.P.E.I. 1988, Cap. W-4.2,” after the words “*Probate Act* R.S.P.E.I. 1988, Cap. P-21”.**

31. Commencement

This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.

SCHEDULE

CONVENTION PROVIDING A UNIFORM LAW ON THE FORM OF AN INTERNATIONAL WILL

The States signatory to the present Convention,
DESIRING to provide to a greater extent for the respecting of last wills by establishing an additional form of will hereinafter to be called an “international will” which, if employed, would dispense to some extent with the search for the applicable law;
HAVE RESOLVED to conclude a Convention for this purpose and have agreed upon the following provisions:

Article I

1. Each Contracting Party undertakes that not later than 6 months after the date of entry into force of this Convention in respect of that Party it shall introduce into its law the rules regarding an international will set out in the Annex to this Convention.
2. Each Contracting Party may introduce the provisions of the Annex into its law either by reproducing the actual text, or by translating it into its official language or languages.
3. Each Contracting Party may introduce into its law such further provisions as are necessary to give the provisions of the Annex full effect in its territory.
4. Each Contracting Party shall submit to the Depository Government the text of the rules introduces into its national law in order to implement the provisions of this Convention.

Article II

1. Each Contracting Party shall implement the provisions of the Annex in its law, within the period provided for in the preceding article, by designating the persons who, in its territory, shall be authorized to act in connection with international wills. It may also designate as a person authorized to act with regard to its nationals its diplomatic or consular agents abroad insofar as the local law does not prohibit it.
2. The Party shall notify such designation, as well as any modifications thereof, to the Depository Government.

Article III

The capacity of the authorized person to act in connection with an international will, if conferred in accordance with the law of a Contracting Party, shall be recognized in the territory of the other Contracting Parties.

Article IV

The effectiveness of the certificate provided for in Article 10 of the Annex shall be recognized in the territories of all Contracting Parties

Article V

1. The conditions requisite to acting as a witness of an international will shall be governed by the law under which the authorized person was designated. The same rule shall apply as regards an interpreter who is called upon to act.
2. Nonetheless no one shall be disqualified to act as a witness of an international will solely because he is an alien.

Article VI

1. The signature of the testator, of the authorized person, and of the witnesses to an international will, whether on the will or on the certificate, shall be exempt from any legalization or like formality.
2. Nonetheless, the competent authorities of any Contracting Party may, if necessary, satisfy themselves as to the authenticity of the signature of the authorized person.

Article VII

The safekeeping of an international will shall be governed by the law under which the authorized person was designated.

Article VIII

No reservation shall be admitted to this Convention or to its Annex.

Article IX

1. The present Convention shall be open for signature at Washington from October 26, 1973, until December 31, 1974.
2. The Convention shall be subject to ratification.
3. Instruments of ratification shall be deposited with the Government of the United States of America, which shall be the Depositary Government.

Article X

1. The Convention shall be open indefinitely for accession.
2. Instruments of accession shall be deposited with the Depositary Government.

Article XI

1. The present Convention shall enter into force 6 months after the date of deposit of the 5th instrument of ratification or accession with the Depositary Government.
2. In the case of each State which ratifies this Convention or accedes to it after the 5th instrument of ratification or accession has been deposited, this Convention shall enter into force 6 months after the deposit of its own instrument of ratification or accession.

Article XII

1. Any Contracting Party may denounce this Convention by written notification to the Depositary Government.
2. Such denunciation shall take effect 12 months from the date on which the Depositary Government has received the notification, but such denunciation shall not affect the validity of any will made during the period that the Convention was in effect for the denouncing State.

Article XIII

1. Any State may, when it deposits its instrument of ratification or accession or at any time thereafter, declare, by a notice addressed to the Depositary Government, that this Convention shall apply to all or part of the territories for the international relations of which it is responsible.

2. Such declaration shall have effect 6 months after the date on which the Depository Government shall have received notice thereof or, if at the end of such period the Convention has not yet come into force, from the date of its entry into force.

3. Each Contracting Party which has made a declaration in accordance with paragraph 1 of this Article may, in accordance with Article XII, denounce this Convention in relation to all or part of the territories concerned.

Article XIV

1. If a State has 2 or more territorial units in which different systems of law apply in relation to matters respecting the form of wills, it may at the time of signature, ratification, or accession, declare that this Convention shall extend to all its territorial units or only to one or more of them, and may modify its declaration by submitting another declaration at any time.

2. These declarations shall be notified to the Depository Government and shall state expressly the territorial units to which the Convention applies.

Article XV

If a Contracting Party has 2 or more territorial units in which different systems of law apply in relation to matters respecting the form of wills, any reference to the internal law of the place where the will is made or to the law under which the authorized person has been appointed to act in connection with international wills shall be construed in accordance with the constitutional system of the Party concerned.

Article XVI

1. The original of the present Convention, in the English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited with the Government of the United States of America, which shall transmit certified copies thereof to each of the signatory and acceding States and to the International Institute for the Unification of Private Law.

2. The Depository Government shall give notice to the signatory and acceding States, and to the International Institute for the Unification of Private Law, of

- (a) any signature;
- (b) the deposit of any instrument of ratification or accession;
- (c) any date on which this Convention enters into force in accordance with Article XI;
- (d) any communication received in accordance with Article I, paragraph 4;
- (e) any notice received in accordance with Article II, paragraph 2;
- (f) any declaration received in accordance with Article XIII, paragraph 2, and the date on which such declaration takes effect;
- (g) any denunciation received in accordance with Article XII, paragraph 1, or Article XIII, paragraph 3, and the date on which the denunciation takes effect;
- (h) any declaration received in accordance with Article XIV, paragraph 2, and the date on which the declaration takes effect.

ANNEX

UNIFORM LAW ON THE FORM OF AN INTERNATIONAL WILL

Article 1

1. A will shall be valid as regards form, irrespective particularly of the place where it is made, of the location of the assets and of the nationality, domicile or residence of the testator, if it is made in the form of an international will complying with the provisions set out in Articles 2 to 5 hereinafter.
2. The invalidity of the will as an international will shall not affect its formal validity as a will of another kind.

Article 2

This law shall not apply to the form of testamentary dispositions made by 2 or more persons in one instrument.

Article 3

1. The will shall be made in writing.
2. It need not be written by the testator himself.
3. It may be written in any language, by hand or by any other means.

Article 4

1. The testator shall declare in the presence of 2 witnesses and of a person authorized to act in connection with international wills that the document is his will and that he knows the contents thereof.
2. The testator need not inform the witnesses, or the authorized person, of the contents of the will.

Article 5

1. In the presence of the witnesses and of the authorized person, the testator shall sign the will or, if he has previously signed it, shall acknowledge his signature.
2. When the testator is unable to sign, he shall indicate the reason therefor to the authorized person who shall make note of this on the will. Moreover, the testator may be authorized by the law under which the authorized person was designated to direct another person to sign on his behalf.
3. The witnesses and the authorized person shall there and then attest the will by signing in the presence of the testator.

Article 6

1. The signatures shall be placed at the end of the will.
2. If the will consists of several sheets, each sheet shall be signed by the testator or, if he is unable to sign, by the person signing on his behalf or, if there is no such person, by the authorized person. In addition, each sheet shall be numbered.

Article 7

1. The date of the will shall be the date of its signature by the authorized person.
2. This date shall be noted at the end of the will by the authorized person.

Article 8

In the absence of any mandatory rule pertaining to the safekeeping of the will, the authorized person shall ask the testator whether he wishes to make a declaration concerning the safekeeping of his will. If so and at the express request of the testator the place where he intends to have his will kept shall be mentioned in the certificate provided for in Article 9.

Article 9

The authorized person shall attach to the will a certificate in the form prescribed in Article 10 establishing that the obligations of this law have been complied with.

Article 10

The certificate drawn up by the authorized person shall be in the following form or in a substantially similar form:

CERTIFICATE

(Convention of October 26, 1973)

1. I,
(name, address and capacity)

a person authorized to act in connection with international wills

2. certify that on at
(date) (place)

3.
(testator)

in my presence and that of the witnesses

4. (a)
(name, address, date and place of birth)

(b)
(name, address, date and place of birth)

has declared that the attached document is his will and that he knows the contents thereof.

5. I furthermore certify that:

6. (a) in my presence and in that of the witnesses

(1) the testator has signed the will or has acknowledged his signature previously affixed;

*(2) following a declaration of the testator stating that he was unable to sign his will for the following reason

-I have mentioned this declaration on the will

*-the signature has been affixed by
(name, address)

7. (b) the witnesses and I have signed the will;

8. *(c) each page of the will has been signed by and numbered;

9. (d) I have satisfied myself as to the identity of the testator and of the witnesses as designated above;

10. (e) the witnesses met the conditions requisite to act as such according to the law under which I am acting;

11. *(f) the testator has requested me to include the following statement concerning the safekeeping of his will:

.....

.....
.....

12. PLACE

13. DATE

14. SIGNATURE and, if necessary, SEAL

*To be completed if appropriate.

Article 11

The authorized person shall keep a copy of the certificate and deliver another to the testator.

Article 12

In the absence of evidence to the contrary, the certificate of the authorized person shall be conclusive of the formal validity of the instrument as a will under this Law.

Article 13

The absence or irregularity of a certificate shall not affect the formal validity of a will under this Law.

Article 14

The international will shall be subject to the ordinary rules of revocation of wills.

Article 15

In interpreting and applying the provisions of this Law, regard shall be had to its international origin and to the need for uniformity in its interpretation.

(Bill No. 5)

Wills Act

<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	March 26, 2026
<i>2nd Reading:</i>	
<i>To Committee:</i>	
<i>Reported:</i>	
<i>3rd Reading and Pass:</i>	
<i>Assent:</i>	

SIGNATURES:

Honourable Dr. Wassim Salamoun, Lieutenant Governor

Honourable Brad Trivers, Speaker

Joseph Jeffrey, Clerk

Hon. Bloyce Thompson
Minister of Justice and Public Safety and Attorney General

GOVERNMENT BILL

2026
3rd SESSION, 67th GENERAL ASSEMBLY