

Wills Amendment Act 1969

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An Act to amend the law relating to wills

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1 Short Title and commencement

- (1) This Act may be cited as the Wills Amendment Act 1969, and shall, for the purposes of the law of New Zealand, be read together with and deemed part of the Wills Act 1837 of the United Kingdom Parliament (hereinafter referred to as the principal Act).
- (2) This Act shall come into force on the 1st day of January 1970.

2 Wills of minors

- (1) Every minor after he or she marries or enters into a civil union or a de facto relationship or on or after attaining the age of 18 years shall be competent to make a valid Will or revoke a will in all respects as if he or she were of full age.
- (2) Every minor who is of or over the age of 16 years, but has never been married, in a civil union, or in a de facto relationship and has not attained the age of 18 years, may, with the approval of Public Trust or of a District Court, make a will or revoke a will, and every will so made and every revocation so effected shall be valid and effective as if he or she were of full age.
- (3) The approval required by subsection (2) of this section shall be given if Public Trust or the Court is satisfied that the minor understands the effect of the will or the revocation, as the case may be.
- (4) Except as provided in section 6 of the Wills Amendment Act 1955 or in subsection (1) or subsection (2) of this section, no will made, and no revocation of a will effected, by a person under the age of 18 years shall be valid or effective.

Subsection (1) was amended, as from 26 April 2005, by section 6(1) Wills Amendment Act 2005 (2005 No 25) by substituting the words “he or she marries or enters into a civil union or a de facto relationship” for the words “his or her marriage”.

Subsections (2) and (3) were amended, as from 1 March 2002, by section 170(1) Public Trust Act 2001 (2001 No 100) by substituting the words “Public Trust” for the words “the Public Trustee”. See clause 2 Public Trust Act Commencement Order 2002 (SR 2002/11). See section 171 of that Act for the transitional provisions relating to existing investments in group funds. In subsection (2) the reference to District Court was substituted for a reference to Magistrate’s Court by section 18(2) District Courts Amendment Act 1979.

Subsection (2) was amended, as from 26 April 2005, by section 6(2) Wills Amendment Act 2005 (2005 No 25) by inserting the words “, in a civil union, or in a de facto relationship” after the word “married”.

3 Consequential amendments

- (1) The Wills Amendment Act 1955 is hereby amended
 - (a) By omitting from section 6 the words “seven of the principal Act”, and substituting the words “2 of the Wills Amendment Act 1969”:
 - (b) By omitting from section 6, and also from section 6A (as inserted by section 3 of the Wills Amendment

Act 1962), the words “twenty-one years” wherever they appear, and substituting in each case the words “18 years”:

- (c) By repealing section 12.
- (2) Section 124 of the Post Office Act 1959 is hereby amended by omitting from subsection (1) the words “over the age of twenty-one years”, and substituting the words “who is or has been married or is of or over the age of 18 years”.
- (3) Section 19A of the Trustee Savings Banks Act 1948 (as inserted by section 2 of the Trustee Savings Banks Amendment Act 1961) is hereby amended by omitting from subsection (1) the words “over the age of twenty-one years”, and substituting the words “or has been married or is of or over the age of 18 years”.
- (4) Regulation 45 of the Private Savings Banks Regulations 1964 is hereby amended by omitting from subclause (1) the words “over the age of 21 years”, and substituting the words “who is or has been married or is of or over the age of 18 years”.

4 Declaration that section 7 of the principal Act shall cease to have effect as part of the law of New Zealand

As from the commencement of this Act section 7 of the principal Act shall cease to have effect as part of the law of New Zealand.

5 Application of sections 2 to 4

- (1) Sections 2 and 4 and subsection (1) of section 3 of this Act shall apply to all wills made and to all revocations effected on or after the date of the commencement of this Act. The validity of all other wills and the effectiveness of all other revocations shall be determined as if sections 2 and 4 and subsection (1) of section 3 of this Act and section 17 of the Minors’ Contracts Act 1969 had not been passed.
- (2) Subsections (2) to (4) of section 3 shall apply to all nominations made and to all revocations, variations, and replacements effected on or after the date of the commencement of this Act. The validity of all other nominations and the effectiveness of all other revocations, variations, and replacements

shall be determined as if subsections (2) to (4) of section 3 of this Act had not been passed.