

WILLS AMENDMENT BILL

EXPLANATORY NOTE

Clause 2 extends the provisions of section 6 (b) of the Wills Amendment Act 1955 so as to enable a minor to make a formal will in the further cases where he is a member of the New Zealand Army or the Royal New Zealand Air Force and is deemed, under the New Zealand Army Act 1950 or the Royal New Zealand Air Force Act 1950, to be on active service, or where he is a member of the Regular Field Force of the New Zealand Army. This special privilege is already enjoyed by minors in a number of cases where their service in the forces or at sea exposes, or is about to expose, them to circumstances of particular peril. Minors can, for example, at present make formal wills if they have received orders to train for or join any New Zealand force that has been declared to be an emergency force, or to train for or join any New Zealand force for service in operations against an enemy, or to train for or join any New Zealand force for service outside New Zealand in connection with any war in which New Zealand is engaged. The existing provisions cover the position adequately once an emergency has arisen or an enemy has become apparent or a war has started; but they do not cover the men who will have to meet the first impact of any trouble that may develop. Under modern conditions these men have to be fully trained and ready to go overseas at a few hours notice if the need arises. It is desirable that they should have made proper wills before the emergency actually arises. Hence the amendment provided for in this clause.

Clause 3 provides that the appropriate officer may give a certificate in connection with any fact which has to be proved to establish that at any material date any person was a privileged person as regards the making of a will, or was entitled under section 6 (b) of the Wills Amendment Act 1955 to make a formal will while under the age of 21 years. The certificate is to be prima facie evidence of the matters stated therein, and judicial notice is to be taken of the appointment and signature of the officer who signs the certificate.

Hon. Mr Hanan

WILLS AMENDMENT

ANALYSIS

Title	2. Minor on active service may make
1. Short Title	formal will
	3. Evidence of privilege, etc.

A BILL INTITULED

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,
5 as follows:

1. **Short Title**—This Act may be cited as the Wills
Amendment Act 1962, 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*.

10 2. **Minor on active service may make formal will**—Section
6 of the Wills Amendment Act 1955 is hereby amended by
adding to subparagraph (v) the word “or”, and also by
adding to paragraph (b), the following paragraphs:

15 “(vi) Is a member of the New Zealand Army or the Royal
New Zealand Air Force and is deemed, under
the New Zealand Army Act 1950, or the Royal
New Zealand Air Force Act 1950, to be on
active service; or

*1957 Reprint, Vol. 16, p. 737
Amendments: 1958, No. 18; 1960, No. 94

“(vii) Is a member of the Regular Field Force of the New Zealand Army.”

3. Evidence of privilege, etc.—The Wills Amendment Act 1955 is hereby amended by inserting, after section 6, the following section: 5

“6A. (1) A certificate in connection with any fact which has to be proved to establish that at any material date any person was a privileged person, or was entitled under paragraph (b) of section 6 of this Act to make a formal will while under the age of twenty-one years, shall, in the absence of proof to the contrary, be sufficient evidence of the matters stated in the certificate regarding that fact, if the certificate is given,— 10

“(a) In the case of any person who at the material date was a member of the Royal New Zealand Navy, by an officer of that navy: 15

“(b) In the case of any person who at the material date was a member of the New Zealand Army, by an officer of that army:

“(c) In the case of any person who at the material date was a member of the Royal New Zealand Air Force, by an officer of that air force: 20

“(d) In the case of any person who at the material date was a mariner or seaman on any ship or had received orders to join any ship as a mariner or seaman, by an officer on that ship. 25

“(2) Notice shall be taken judicially without further proof of the appointment and signature of any such officer.”