

[AS REPORTED FROM THE STATUTES REVISION COMMITTEE]
House of Representatives, 5 August 1969.

Words struck out by the Committee are shown with black rule at beginning and after last line; words inserted are shown with double rule before first line and after last line.

Right Hon. Mr Marshall

WILLS AMENDMENT

ANALYSIS

Title	2. Wills of minors of or over the age of sixteen years
1. Short Title and commencement	

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, as follows:

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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).

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(2) This Act shall come into force on the first day of January, nineteen hundred and seventy.

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2. Wills of minors of or over the age of sixteen years—
(1) Notwithstanding anything to the contrary in section 7 of the principal Act, every minor who is of or over the age of sixteen years may, with the approval of the Public Trustee or of a Magistrate's 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 the minor were of full age.

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*1957 Reprint, Vol. 16, p. 737

Amendments: 1958, No. 18; 1960, No. 94; 1962, No. 17

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(2) Section 75 of the Life Insurance Act 1908 (as inserted by section 3 (1) of the Life Insurance Amendment Act 1958) is hereby amended—

(a) By omitting from subsection (2) the words “by will or otherwise”:

(b) By adding to subsection (2) the following proviso:

“Provided that nothing in this subsection shall authorise a minor to dispose by will of any such policy or any interest therein.”

3. Application of Act—(1) This Act shall apply to all wills made and 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 this Act had not been passed.

(2) Nothing in this Act shall limit or affect section 6 or section 12 of the Wills Amendment Act 1955.

New

2. Wills of minors—(1) Every minor after his or her marriage 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 and has not attained the age of 18 years, may, with the approval of the Public Trustee or of a Magistrate’s 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 the Public Trustee 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.

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”:

New

5 (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.

10 (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”.

15 (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”.

20 (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”.

25 **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.

30 **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 16 of the Minors’ Contracts Act 1969 had not been passed.

35 (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
40 replacements shall be determined as if subsections (2) to (4) of section 3 of this Act had not been passed.