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New Laws About Making a Will

As part of a proposal to enact uniform (or nearly uniform) succession laws across Australia, the NSW Government introduced the Succession Bill 2006 into the NSW Parliament on 19 September 2006. This Bill has now received Royal Assent. However, the proposed Succession Act 2006 is not expected to commence operation until it is proclaimed some time in 2007.

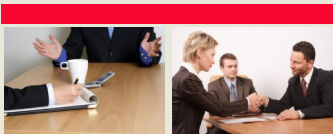
The object of the Act, as stated in the explanatory note accompanying the Bill is:-

"...to restate, with amendments, the law relating to Wills in New South Wales in order to implement (with modifications) the recommendations of the National Committee for Uniform Succession Laws regarding the law of Wills contained in its final report to the Standing Committee of Attorneys – General in December 1997. Those recommendations were endorsed by the NSW Law Reform Commission in Report 85 (1998)

Uniform Succession Laws: The Law of Wills."

The effect of the changes to the law of Wills proposed to be enacted by the Act include:-

- The introduction of Court authorised Wills for people who lack testamentary capacity.
- The provision of statutory guidance in relation to the
 - matters to be taken into consideration by the Court in authorising a minor to make a Will.
 - New rules about beneficiaries who witness Wills.
 - New rules about survivorship.
 - Revision of the law relating to foreign Wills to bring NSW Law relating to choice of law issues into line with the law in other jurisdictions.
- New provisions about who is entitled to see a Will on the death of a testator or testatrix.
- New provision for the deposit of Wills.
- Provisions relating to the admission of limited evidence to aid in interpretation of Wills.



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