

Wills Amendment Bill

Government Bill

As reported from the committee of the whole House

This bill was formerly part of the Relationships (Statutory References) Bill, as reported from the Justice and Electoral Committee. The committee of the whole House has further amended the bill and has divided it into the following bills:

- The Relationships (Statutory References) Bill, comprising subpart 20 of Part 1, Part 2, and Schedules 13, 13A, 14, and 15
- The Administration Amendment Bill (No 2), comprising subpart 1 of Part 1
- The Care of Children Amendment Bill, comprising subpart 1A of Part 1 and Schedule 1AA
- The Child Support Amendment Bill (No 3), comprising subpart 2 of Part 1 and Schedule 1
- The Deaths by Accidents Compensation Amendment Bill, comprising subpart 3 of Part 1
- The Estate and Gift Duties Amendment Bill, comprising subpart 4 of Part 1 and Schedule 2
- The Goods and Services Tax Amendment Bill, comprising subpart 5 of Part 1 and Schedule 3
- The Government Superannuation Fund Amendment Bill (No 4), comprising subpart 6 of Part 1 and Schedule 3A
- The Income Tax Amendment Bill, comprising subpart 7 of Part 1 and Schedule 4
- The Injury Prevention, Rehabilitation, and Compensation Amendment Bill (No 4), comprising subpart 7A of Part 1 and Schedule 4A

- The Interpretation Amendment Bill, comprising subpart 8 of Part 1
 - The Life Insurance Amendment Bill (No 2), comprising subpart 9 of Part 1
 - The Marriage Amendment Bill, comprising subpart 10 of Part 1
 - The Minors' Contracts Amendment Bill, comprising subpart 11 of Part 1
 - The New Zealand Superannuation Amendment Bill (No 2), comprising subpart 12 of Part 1 and Schedules 5 and 6
 - The Parental Leave and Employment Protection Amendment Bill (No 2), comprising subpart 12A of Part 1 and Schedule 6A
 - The Property (Relationships) Amendment Bill, comprising subpart 13 of Part 1 and Schedule 7
 - The Real Estate Agents Amendment Bill, comprising subpart 14 of Part 1
 - The Social Security Amendment Bill, comprising subpart 15 of Part 1 and Schedules 8, 9, and 9A
 - The Tax Administration Amendment Bill, comprising subpart 16 of Part 1 and Schedule 10
 - The Trustee Amendment Bill, comprising subpart 17 of Part 1
 - The War Pensions Amendment Bill (No 3), comprising subpart 8 of Part 1 and Schedules 11 and 12
 - The Wills Amendment Bill, comprising subpart 19 of Part 1.
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Key to symbols used in reprinted bill

As reported from a select committee

Struck out (majority)

Subject to this Act,

Text struck out by a majority

New (majority)

Subject to this Act,

Text inserted by a majority

Hon David Benson-Pope

Wills Amendment Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

(1) This Act may be cited as the Wills Amendment Act **2005**, and must, for the purposes of the law of New Zealand, be read together with the Wills Act 1837 of the United Kingdom Parliament.

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(2) In this Act, the Wills Act 1837 is called “the principal Act”.

2 Commencement

This Act comes into force on **26 April 2005**.

81 Gifts to an attesting witness, or his or her wife or husband, to be void

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For the purposes of the law of New Zealand,—

(a) the heading of section 15 of the principal Act must be read as if, instead of the words “**wife or husband**”, there were the words “**wife, husband, civil union partner, or de facto partner**”; and

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(b) section 15 of the principal Act must be read as if, instead of the words “wife or husband”, wherever they

appear, there were the words “wife, husband, civil union partner, or de facto partner”.

82 Creditor attesting a will charging estate with debts to be admitted a witness

For the purposes of the law of New Zealand, section 16 of the principal Act must be read as if, instead of the words “wife or husband”, there were the words “wife, husband, civil union partner, or de facto partner”.

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Struck out (majority)

83 Revocation of wills by marriage

For the purposes of the law of New Zealand,—

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- (a) the heading of section 18 of the principal Act must be read as if, after the word “**marriage**”, there were the words “**or civil union**”; and
- (b) section 18 of the principal Act must be read as if, after the word “marriage”, there were the words “or civil union”.

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New (majority)

Wills Amendment Act 1955

84 Modifications of principal Act in relation to wills of privileged persons

Section 7(1) of the Wills Amendment Act 1955 is amended by omitting the words “wife or husband”, and substituting the words “wife, husband, civil union partner, or de facto partner”.

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Struck out (majority)

85 Wills in contemplation of marriage

Section 13 of the Wills Amendment Act 1955 is amended by—

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- (a) adding to the heading the words “**or civil union**”; and
- (b) inserting in subsection (1), after the word “marriage” in both places where it appears, the words “or civil union”.

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New (majority)

Wills Amendment Act 1969

86 Wills of minors

- (1) Section 2(1) of the Wills Amendment Act 1969 is amended by omitting the words “his or her marriage”, and substituting the words “he or she marries or enters into a civil union or a de facto relationship”. 5
- (2) Section 2(2) of the Wills Amendment Act 1969 is amended by inserting, after the word “married”, the words “, in a civil union, or in a de facto relationship”.

New (majority)

Wills Amendment Act 1977

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Struck out (majority)

87 Effect of divorce, etc, on wills

- (1) Section 2(1), (2)(a), (3)(a), and (3)(b) of the Wills Amendment Act 1977 is amended by inserting, after the word “marriage”, the words “or civil union”.
- (2) Section 2(3)(c) of the Wills Amendment Act 1977 is amended by omitting the words “the nullity of the marriage” and substituting the words “for the dissolution or nullity of the marriage or civil union”. 15

88 Restriction on operation of section 15 of principal Act

- (1) Section 3(1) of the Wills Amendment Act 1977 is amended by inserting, after the word “spouses” the words “, civil union partners, or de facto partners”. 20
- (2) Section 3(1) of the Wills Amendment Act 1977 is amended by inserting, after the word “spouse”, the words “civil union partner, or de facto partner”. 25

New (majority)*Savings provision***89 Savings provision**

- (1) The principal Act applies to any will made before the date on which this subpart comes into force as if this subpart had not been enacted. 5
- (2) For the purposes of this section—
- (a) if a will or any part of a will, is, by any codicil, confirmed or ratified or in any manner revived, it is deemed to have been made at the time when it was first made, and not at the time when it was confirmed or ratified, or revived: 10
- (b) if a will or any part of a will is re-executed, it is deemed to have been made at the time when it was re-executed, and not at the time when it was first made. 15

Legislative history

10 March 2005

Divided from Relationships (Statutory References)
Bill (Bill 151–2) as Bill 151–3V

