



## NORTHERN TERRITORY OF AUSTRALIA

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No. 43 of 1984

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### AN ACT

To amend the *Wills Act*

[Assented to 25 September 1984]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Wills Amendment Act 1984*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Wills Act* is in this Act referred to as the Principal Act.

4. REPEAL AND SUBSTITUTION

Section 10 of the Principal Act is repealed and the following substituted:

"10. EXERCISE OF POWER OF APPOINTMENT BY WILL

"Where a person holds a power of appointment that is exercisable by will -

- (a) the provisions of this Act relating to the formalities with which the will shall be executed apply in relation to the will notwithstanding that the power has been conferred on condition that a will made in exercise of the power should be executed with some other or lesser formality; and

## *Wills Amendment*

- (b) the power may be exercised by a will executed in accordance with this Act notwithstanding that the power has been conferred on condition that a will made in exercise of the power should be executed with some other or additional formality."

### 5. REPEAL AND SUBSTITUTION

Section 12 of the Principal Act is repealed and the following substituted:

#### "12. VALIDITY OF WILL

"(1) A will is valid where it is executed in accordance with this Act, notwithstanding that the will is not otherwise published.

"(2) A document purporting to embody the testamentary intentions of a deceased person, notwithstanding that it has not been executed with the formalities required by this Act, is deemed to be a will of the deceased person where the Supreme Court, upon application for admission of the document to probate as the last will of the deceased person, is satisfied that there can be no reasonable doubt that the deceased person intended the document to constitute his will."

### 6. FURTHER AMENDMENTS

The Principal Act is further amended as set out in the Schedule.

### 7. TRANSITIONAL

The Principal Act as amended by this Act applies to all wills, whenever made, where the testator dies after the commencement of this Act.

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*Wills Amendment*

SCHEDULE

Section 6

Provision	Amendment	
	omit	substitute
Section 8	"A will"	"Subject to section 12(2), a will"
Section 9(3)	"but"	"but, subject to section 12(2),"
Section 24(1)	"unless"	"unless, subject to section 12(2),"