

WILLS AMENDMENT ACT 1998



**BERMUDA
1998 : 17**

WILLS AMENDMENT ACT 1998

[Date of Assent 18 June 1998]

[Operative Date 1 August 1998]

WHEREAS it is expedient to make provision as to the effect of divorce or annulment of marriage on a will and on the appointment of a guardian by will or deed under the Minors Act 1950:

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:—

Short title, commencement and application

1 (1) This Act may be cited as the Wills Amendment Act 1998, and shall come into force on 1st August 1998.

(2) The amendments made by this Act shall take effect as respects a will or deed of appointment made by a person dying on or after 1st August 1998 (regardless of the date of the will or deed of appointment or the date of the dissolution or annulment of marriage).

Effect of divorce or annulment of marriage on a will

2 After section 14 of the Wills Act 1988 (revocation of will by marriage) there shall be inserted the following section—

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"Effect of divorce or annulment of marriage

14A (1) Where, after a testator has made a will, a decree of the Supreme Court dissolves or annuls his marriage, or his marriage is dissolved and the divorce is entitled to recognition in Bermuda under the Recognition of Divorces and Legal Separations Act 1977, then—

- (a) provisions of the will appointing the testator's former spouse as executor or trustee or conferring a power of appointment on the former spouse shall take effect as if the former spouse had died on the date on which the marriage is dissolved or annulled; and
- (b) any property which, or interest in which, is devised or bequeathed to the former spouse shall pass as if the former spouse had died on that date,

except in so far as a contrary intention is expressed in the will.

(2) Subsection (1)(b) is without prejudice to any right of a former spouse who has not remarried to apply for financial provision under Part III of the Succession Act 1974."

Effect of divorce or annulment of marriage on appointment of guardian

3 After section 11 of the Minors Act 1950 (power of parents to appoint guardian by deed or will) there shall be inserted the following section—

"Effect of divorce or annulment on appointment of guardian

11A An appointment under section 11(2) or (3) (including one made in an unrevoked will or codicil) is revoked if the person appointed is the spouse of the person who made the appointment and either—

- (a) a decree of the Supreme Court dissolves or annuls the marriage; or
- (b) the marriage is dissolved and the divorce is entitled to recognition in Bermuda under the Recognition of Divorces and Legal Separations Act 1977,

unless a contrary intention is expressed in the appointment."