
Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Paragraph 4. (See end of Document for details)

SCHEDULES

SCHEDULE 2

PROPERTY AND AFFAIRS: SUPPLEMENTARY PROVISIONS

Wills: effect of execution

- 4 (1) This paragraph applies where a will is executed in accordance with paragraph 3.
- (2) The Wills Act 1837 (c. 26) has effect in relation to the will as if it were signed by P by his own hand, except that—
- (a) section 9 of the 1837 Act (requirements as to signing and attestation) does not apply, and
 - (b) in the subsequent provisions of the 1837 Act any reference to execution in the manner required by the previous provisions is to be read as a reference to execution in accordance with paragraph 3.
- (3) The will has the same effect for all purposes as if—
- (a) P had had the capacity to make a valid will, and
 - (b) the will had been executed by him in the manner required by the 1837 Act.
- (4) But sub-paragraph (3) does not have effect in relation to the will—
- (a) in so far as it disposes of immovable property outside England and Wales, or
 - (b) in so far as it relates to any other property or matter if, when the will is executed—
 - (i) P is domiciled outside England and Wales, and
 - (ii) the condition in sub-paragraph (5) is met.
- (5) The condition is that, under the law of P's domicile, any question of his testamentary capacity would fall to be determined in accordance with the law of a place outside England and Wales.

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