

Rome, October 8, 1965



U.P.L. 1965 - Paper: XLIII
Form of Wills - Dec. 26
(Or. French)

(Annex)

PRELIMINARY DRAFT

OF A UNIFORM LAW ON THE FORM OF WILLS

Article 1

- (1) A will shall be valid as regards form, irrespective of the place where it is made and irrespective of the nationality, domicile or residence of the testator, if it is made in the form of an international will complying with the provisions set out hereafter.
- (2) Failure to observe any such provision shall not by itself affect the validity of the document as a will of another kind.

Article 2

- (1) The will shall be made in writing.
- (2) It may be written in any language, by hand or by any other means.
- (3) It need not be written by the testator himself.

Article 3

- (1) The testator shall declare in the presence of two witnesses and of a person qualified to receive the will that the document is his will.
- (2) The testator need not inform the witnesses, or the person qualified to receive the will, of the content of the will.

Article 4

- (1) The will shall be signed by the testator in the presence of two witnesses and of the person qualified to receive it.
- (2) The signature of the testator shall be placed at the end of the will.

Article 5

The witnesses and the person qualified to receive the will shall there and then sign the will in the presence of the testator.

Article 6

- (1) The date of reception should be indicated on the document.
- (2) The absence of a date or the indication of an erroneous date shall not affect the validity of the will.

Article 7

- (1) If the will consists of several pages, each page shall be signed or initialled by the testator, unless the pages follow each another and form a whole.
- (2) Every correction in the body of the will shall be signed or initialled by the testator.
- (3) Additions subsequent to the signatures shall be signed by the testator, the two witnesses and the person qualified to receive the will.

Article 8

The signature or initials of the testator required by this law may be replaced by the fingerprint of the testator.

Article 9

- (1) If the testator is unable to read, the will shall be read in his presence and in that of the witnesses and of the person qualified to receive the will.
- (2) If the testator does not know the language in which the will is drawn up, the will shall be read, in a language which he knows, in his presence and in that of the witnesses and of the person qualified to receive the will.
- (3) Such circumstances shall be mentioned in the document.

Article 10

The person who receives the will shall satisfy himself of the identity of the testator and of the witnesses.

Article 11

- (1) The capacity of the witnesses shall be governed by the internal law of the place where the will is received.
- (2) The fact that a will contains a disposition in favour of a witness or in favour of the person who receives the will or in favour of a parent, relation or spouse of any of them, shall not affect his capacity to act as a witness or to receive the will.

Article 12

The will shall be left in the custody of the qualified person who has received it.

Article 13

The will shall no longer be valid, as an international will, if it be withdrawn by the testator.