

# ORDER IN COUNCIL

**IV**  
**1981**

ratifying a Projet de Loi

ENTITLED

## **The Wills (Alderney) Law, 1981**

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(Registered on the Records of the Island of Guernsey  
on the 14th April, 1981.)

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1981

# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 14th day of April, 1981 before Sir John Loveridge, Kt., C.B.E., Bailiff; present:— Stanley Walter Gavey, Esquire, O.B.E., Edward James Lainé, Esquire, C.B.E., D.F.C., Richard Alan Kinnersly, Richard Oliver Symons, Albert Richard McCartney Straw, Esquires, Frederick William Winslow Chandler, Esquire, D.S.O., D.F.C., Donald Pescott Plummer, Esquire, Sydney Haydn Heard, Esquire, M.B.E., Brian Ernest Herbert Joy and Harry Wilson Bisson, Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 18th day of March, 1981, ratifying a *Projet de Loi* of the States of Alderney entitled “The Wills (Alderney) Law, 1981”, the Court, after the reading of the said Order in Council and after having heard Her Majesty’s Procureur thereon, ordered that the said Order in Council be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty’s Greffier to the Clerk of the Court of Alderney for registration on the records of that Island, of which Order in Council the tenor followeth:—

# **At the Court at Buckingham Palace**

The 18th day of March 1981

PRESENT,

## **The Queen's Most Excellent Majesty in Council**

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey dated the 23rd day of February 1981 in the words following, viz:—

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 22nd day of February 1952 to refer unto this Committee a humble Petition of Jon Kay-Mouat, Esquire, President of the States of Alderney, setting forth:

‘That at a meeting of the States of Alderney held on the 2nd day of May 1979 the States adopted a Resolution that a *Projet de Loi* entitled “The Wills (Alderney) Law, 1981” be approved: That at the meeting of the States aforesaid Your Humble Petitioner was authorised to present to Your Majesty in Council a Petition that the said *Projet de Loi* be sanctioned: That the said *Projet de Loi* is set forth in the words and figures of the Schedule hereunto annexed: and most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the *Projet de Loi* entitled “The Wills (Alderney) Law, 1981” and to order that the same shall have the force of law within the Island of Alderney.’

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have

taken the said Petition and the Projet de Loi annexed thereto into consideration and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HER MAJESTY, having taken the said Report into consideration, is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of law within the Island of Alderney.

AND HER MAJESTY doth hereby further direct that this Order and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant-Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers for the time being, of the said Island of Guernsey, and also the Jurats of the said Island of Alderney, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

*N. E. Leigh*



Projet de Loi referred to in the foregoing  
Order in Council.

## PROJET DE LOI

ENTITLED

### **The Wills (Alderney) Law, 1981**

THE STATES, in pursuance of their Resolution of the second day of May, nineteen hundred and seventy-nine, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Alderney.

1. In this Law the expression "will" means a will of realty or a will of both realty and personalty and includes any codicil. Definition of "will".

2. The validity of a will executed outside the Bailiwick of Guernsey on or after the day on which this Law is registered on the records of this Island shall not be questioned— Validity of will executed outside the Bailiwick.

(a) on the ground of faulty attestation if it has been attested in conformity with the requirements regarding the attestation of wills of personalty of the Law relating to "Testaments de Meubles" registered on the records of the Island of Guernsey on the thirty-first day of July, 1847(a), as amended; or

(b) on the ground that realty and personalty are disposed of by the same will.

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(a) Ordres en Conseil Vol. I, p. 163.

Realty and  
personalty  
disposed of  
by same will.

3. Should the testator have disposed of realty as well as personalty by the same will, the Court of Alderney may grant permission to register a copy of the said will, duly authenticated by the court which has granted probate thereof, on the records of this Island and such copy, when registered, shall have the same force, virtue and effect as if the will itself had been so registered; and the said copy shall be and remain deposited with the Clerk of the Court for the time being in the same manner as an original will.

Legacy to  
witness, etc.

4. A legacy or devise made in a will to a person who is an attesting witness or to a person who, at the time of the execution of the will, is the husband or wife of an attesting witness shall be null and void.

Citation.

5. This Law may be cited as the Wills (Alderney) Law, 1981.

R. H. VIDELO,  
Her Majesty's Greffier.