



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

WILLS (AMENDMENT)

A

BILL

to amend the Wills Ordinance (Chapter 60)

*Presented by the Minister of Justice, Prison Affairs and
Constitutional Reforms on 29th of August, 2022*

(Published in the Gazette on April 29, 2022)

Ordered by Parliament to be printed

[Bill No. 141]

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 12.00

Postage : Rs. 15.00

This Bill can be downloaded from www.documents.gov.lk



STATEMENT OF LEGAL EFFECT

Clause 2: This clause replaces section 2 of the Wills Ordinance (Chapter 60) (hereinafter referred to as the “principal enactment”) and the legal effect of the new section is to specify the requirements relating to making of a last will.

Clause 3: This clause repeals section 3 of the principal enactment.

Clause 4: This clause repeals section 4 of the principal enactment.

Clause 5: This clause amends section 7 of the principal enactment and the legal effect of the section as amended is to enhance the scope of the said section.

Clause 6: This clause amends section 9 of the principal enactment and the legal effect of the section as amended is to enhance the scope of the said section.

Wills (Amendment)

L. D.-O. 49/2021

AN ACT TO AMEND THE WILLS ORDINANCE (CHAPTER 60)

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows: -

1. This Act may be cited as the Wills (Amendment) Act, Short title No. of 2022.

5 2. Section 2 of the Wills Ordinance (Chapter 60) (hereinafter referred to as the “principal enactment”) is hereby repealed and the following section is substituted therefor:— Replacement of section 2 of Chapter 60

10 “Disposition of property by a will 2. (1) It shall be lawful for any person who has reached the age of eighteen years and residing within or outside Sri Lanka to execute a will bequeathing and disposing any movable and immovable property and all and every estate, right, share or interest in any property which belong to him and which, if not so devised, bequeathed or disposed would devolve upon his heirs of such person not legally incapacitated from taking the same as he shall seem fit.

20 (2) Every testator shall have full power to make such testamentary disposition as he shall feel disposed, and in the exercise of such right to exclude any child, parent, relative, or descendant, or to disinherit or omit to mention any such person, without assigning any reason for such exclusion, disinheritance, or omission, any law, usage, or custom now or herefore in force in Sri Lanka to the contrary notwithstanding:

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Provided that nothing herein contained shall extend or be construed to extend to authorize or entitle any testator to dispose by will of any property or estate of his spouse, or to exclude or deprive such spouse of any life or other interest in any property, and to which property, estate, or interest such spouse would have been entitled if this Ordinance had not been passed.”.

- 10 **3.** Section 3 of the principal enactment is hereby repealed. Repeal of section 3 of the principal enactment
- 4.** Section 4 of the principal enactment is hereby repealed. Repeal of section 4 of the principal enactment
- 5.** Section 7 of the principal enactment is hereby amended as follows:– Amendment to section 7 of the principal enactment
- 15 (1) by the renumbering of that section as subsection (1) thereof; and
- (2) by the addition, immediately after the renumbered subsection (1) thereof, the following new subsection:–
- 20 “(2) Upon the demise of a testator in a joint last will, testamentary proceedings shall be instituted under Chapter XXXVIII or Chapter XXXVIII B of the Civil Procedure Code (Chapter 101), as the case may be, to obtain the probate or letters of administration with the will annexed proving the
- 25 will.”.

6. Section 9 of the principal enactment is hereby amended by the substitution for the words “buildings erected on the same, and”, of the words, “buildings erected on the same, condominium parcel or any land parcel, and”. Amendment to section 9 of the principal enactment

5 **7.** In the event of any inconsistency between the Sinhala and the Tamil texts of this Act, the Sinhala text shall prevail. Sinhala text to prevail in case of inconsistency

