

Commencement of the Succession Act 2006

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The Succession Act 2006 became law on 1 March 2008 after a lengthy period of debate and input from interested parties including the Law Society of New South Wales. The Act is the first step in the government's reform of succession laws as the basis for uniform laws across the country. The Act only contains provisions relating to wills but it is intended that it will include new laws in relation to other aspects of succession in the future.

The Act makes a number of important changes to the law of wills in New South Wales some of which are:

- Introducing court authorised wills for people who lack testamentary capacity through mental or other disability.
- Court authorisation of minors making a will.
- Changes to the effect of marriage on an existing will.
- Changes to the effect of divorce on an existing will.
- New rules about witnessing a will.
- A requirement for a person to survive a deceased person by 30 days to receive a gift under a will.
- Broadening the class of persons who are entitled to see a will on the death of a testator.

It is now more important than ever that the lawyer planning an estate be up to date with the legislation as it changes.

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