

## WILLS

### ORDINANCE TO MAKE PROVISION WITH RESPECT TO TESTAMENTARY DISPOSITIONS OF PROPERTY.

Ordinance Nos,

21 of 1844

11 of 1852

15 of 1876

1 of 1911

Act Nos,

5 of 1993

29 of 2022

Short title.

**1.** This Ordinance may be cited as the Wills Ordinance.

Disposition of  
property by a will.  
[2, 29 of 2022]

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 at the time of death 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.

(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.

Repealed  
[3, 29 of 2022]

**3.** Repealed By [3, 29 of 2022]

Repealed  
[4, 29 of 2022]

**4.**  
Repealed By [4, 29 of

As to the validity of foreign wills.

5. Every will made beyond the limits of Sri Lanka containing any devise or disposition of immovable property situate within Sri Lanka, which shall have been duly made and executed according to and in conformity with the forms and solemnities prescribed by the law of the country where the same shall have been so made and executed, by any person who by the law of such country or of Sri Lanka if competent to make a will, shall be valid and effectual to alienate and pass the property in any immovable property so devised or disposed of by any such testator; and every will be duly made and executed in manner aforesaid, in any place beyond the limits of Sri Lanka, by any person who shall be competent to make a will by the law of the place where he shall be domiciled at the time of making and executing the same, shall be valid and effectual to alienate and pass the property in any movable property by such will bequeathed or disposed of, anything contained in the Prevention of Frauds Ordinance or any other law or custom to the contrary notwithstanding.

As to the re-execution of wills.

6. Every will re-executed or republished, or revived by any codicil, shall for the purpose of this Ordinance be deemed to have been made at the time at which the same shall be so re-executed or republished or revived.

No survivorship as to property undivided held in shares, unless expressly stipulated for.  
[5, 29 of 2022]

7. (1) And for the avoiding of all doubts and questions as to the respective rights of persons jointly holding landed property situated within certain districts of Sri Lanka, it is further enacted and declared that all landed property situated in Sri Lanka which shall belong to two or more persons jointly, whether the same shall have come to them by grant, purchase, descent, or otherwise, is and shall be deemed and taken to be held by them in common, and upon the decease of any of such persons the said property so jointly possessed shall not remain or belong to the survivor, but all the right, share, and interest of the person so dying in and to the property so jointly possessed as aforesaid shall form part of his estate; and the person or persons to whom the same shall by him be devised or bequeathed, or to whom it shall devolve, shall thereupon become and be co-proprietors with the survivor in the said property, in the proportion and according to the share of such deceased person therein, unless the instrument under which the said property is jointly held and possessed, or any agreement

mutually entered into between them, shall expressly provide that the survivor, upon such decease, shall become entitled to the whole estate.

(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 will.

Effect of previous settlement. **8.** \* In all cases of marriages contracted either within any part of Sri Lanka or abroad without a nuptial contract or settlement, the respective rights and powers of the parties during the subsistence of the marriage in and about the management, control, disposition, or alienation of any immovable property situated in any part of Sri Lanka, which belonged to either party at the time of the marriage or has been acquired during the coverture, and also their respective rights in or to such property, or any portion thereof, or estate or interest therein, either during the subsistence of the marriage or upon the dissolution thereof, shall in all cases be determined according to the law of the matrimonial domicile; and if the parties shall have entered into a nuptial contract or settlement by which their or either of their rights, powers, or interests in, to, or over any such property as aforesaid are ascertained and determined, or by which either party shall be declared entitled to a defined portion of or interest in the common estates, or to any provision by way of dowry or maintenance, or otherwise, out of the separate estate of the other of such parties during the subsistence of the marriage or at the dissolution thereof, then and in any such case neither of the parties shall be entitled, upon the dissolution of the marriage, to any other or greater portion, interest, or provision in or out of any such property as aforesaid, than in and by such nuptial contract or settlement such party shall be declared entitled to, whether or not it shall be expressly stated therein that such portion, interest, or provision was in lieu of the right or interest which such party would otherwise have had in such property as aforesaid if such nuptial contract or settlement had not been made.

(\* This section is repealed so far as it is inconsistent with the provisions of the Matrimonial Rights and Inheritance Ordinance and the Jaffna Matrimonial Rights and Inheritance Ordinance.)

Interpretation. **9.** Whenever in this Ordinance the word 'will' is used it shall be construed

[6, 29 of 2022]

to extend to a testament and to a codicil, and to any other testamentary disposition; and whenever the words 'landed property' are used they shall be construed to extend to houses and buildings erected on the same, condominium parcel or any land parcel, and to any estate, right, or interest (other than a chattel interest) therein; and whenever the word 'representative' is used it shall be construed to mean the party legally entitled to appear and act for and on behalf of another, as his guardian, tutor, curator, or attorney, as the case may be.