

Act on the Law Governing Formalities of a Will

(Act No. 100 of June 10, 1964)

(Purport)

Article 1 This Act is to provide the necessary particulars for the law governing formalities of a will.

(Governing Law)

Article 2 A will is valid in terms of its formalities if its formalities complies with any of the following laws:

- (i) the law of the place where the act was performed (lex loci actus);
- (ii) the law of the country where the testator had nationality, either at the time when they made the will or at the time of their death;
- (iii) the law of the place where the testator had domicile, either at the time when they made the will or at the time of their death;
- (iv) the law of the place where the testator had habitual residence, either at the time when they made the will or at the time of their death; or
- (v) in the case of a will concerning real property, the law of the place where the real property is located.

Article 3 A will revoking an earlier will is governed by the provisions of the preceding Article, and its formalities are also valid if its formalities complies with any of the laws which prescribe that the earlier will is valid pursuant to the provisions of that Article.

(Joint Will)

Article 4 The provisions of the preceding two Articles also apply to the formalities of a will made by two or more persons in the same testament.

(Scope of Formalities)

Article 5 Any restriction on the formalities of a will due to the age, nationality or other personal qualifications of the testator is included in the scope of the formalities. The same applies to the qualifications that the witnesses required to verify a will must have.

(Testator's National Law)

Article 6 Where a testator had nationality of a country where an applicable law differs depending on the region, with regard to the application of the provisions of Article 2, item (ii), the law of the region governing the testator in accordance

with the regulations of that country, or in the absence of such rules, the law of the region to which the testator was most closely related, is the law of the country where the testator had nationality.

(Law of Domicile)

Article 7 (1) With regard to the application of the provisions of Article 2, item (iii), whether or not the testator had domicile in a particular place is determined by the law of the relevant place.

(2) With regard to the application of the provisions of Article 2, item (iii), if the testator's domicile at the time when they made the will or at the time of their death is unknown, the law of the place where the testator had a residence at that time is the law of the place where the testator had a domicile at that time.

(Public Order)

Article 8 Where foreign law governs, if the application of the provisions of the foreign law are obviously contrary to public order, it does not apply.