



# Last Will & Testament

Have you drafted your testament?

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Often there are instances where a Will is declared invalid due to the failure of meeting certain or all requirements regulated under the Wills Act. This may undo all the good work and good intentions of the testator (the person preparing the Will) through carelessness or lack of knowledge.

## REQUIREMENTS FOR THE FORMATION OF A VALID WILL

The basic requirements for drafting a will is regulated by the Wills Act. There are four requirements in terms of the Act in order for a valid Will to be drafted:

**1. the testator must be above the age of 16;**

**2. the Will must be in writing;**

The term "writing" encompasses not only a handwritten document, but also a word processed document. An oral Will shall be declared invalid.

**3. the testator must sign each page of the Will; and**

Should the testator suffer from some form of physical impediment preventing him from signing the Will, he may then request that another person sign on his behalf. Similarly, should the testator find himself in a position where he is unable to read or write, he may then sign the Will by making a mark or an impression.

**4. the testator must sign each page of the Will in the presence of two accompanying witnesses, who must also sign each page.**

Both witnesses are required to be above the age of 14 years old.

Many Wills have been recognised and declared invalid because they do not meet the four aforementioned requirements. This not only frustrates the testator's intentions, but also causes heartaches and hardships to those who are supposed to benefit from the Will.

Please contact us to assist you in preparing your Last Will and Testament.