



Recommendation 481 (1967)¹

Registration of wills

Parliamentary Assembly

The Assembly,

1. Considering the marked increase in the mobility of individuals which is a feature of the present era, especially within the member States of the Council of Europe ;
2. Considering that one result of this is the growing number of individuals making their wills in a foreign country ;
3. Considering that most of the Council of Europe member States do not require a will to be deposited with a court of law or a notary, with the result that the heirs are often unaware of the existence of a will, especially if it has been executed abroad ;
4. Considering that the existence of a national or international registration system for wills would make it possible to discover whether a deceased person had made a will and, if so, where and at what date,
5. Recommends the Committee of Ministers to instruct the European Committee on Legal Co-operation to investigate, on the basis of proposals put forward by the Assembly, and of the principles set out below, the desirability of establishing a registration system for wills :
 - a. When a will is registered, only the name of the testator, the date of the will and the place where it is deposited should be mentioned. In the event of a subsequent will being registered by the same testator, a marginal note indicating the existence of the later will should be made on the initial entry.
 - b. Registration should be optional.
 - c. Access to the register of wills should be restricted to persons who can produce a certified copy of the testator's death certificate.
 - d. In addition to having his will registered in the country where probate will be granted, the testator may register it in any other country where provision exists for such registration and, where he deems it worth while to have his will registered, he need not give reasons.
 - e. Since it will frequently happen that a testator wishes to draw up or alter his will at a time when his state of health makes it difficult or impossible to travel, a will may be registered merely by addressed ordinary private letter to the appropriate registry office, or to a number of offices.

1. Assembly Debate on 26th January 1967 (23rd Sitting) (see [Doc. 2160](#), report of the Legal Committee). Text adopted by the Assembly on 26th January 1967 (23rd Sitting).

