



Denmark

Registering and searching for wills

→ What are the principle forms of will in Denmark?

- * the **public will**, signed or filed with a “*Notary public*”.
- * the **will before witnesses**, signed or certified by two witnesses.

→ Does a register of wills exist in Denmark?

Yes, there is a register of wills administered by the State. The vast majority of registrations and searches are performed electronically in this register.

I. The registration of a will

→ Why register a will?

It is not mandatory to record wills in a register. However, **a will which is not found is deemed to be a non-existent will.**

N.B.

These questions and answers constitute a general source of information, up to date as of April 28, 2011. In the event of a particular difficulty, consult a lawyer. Pratical sheet realized by ENRWA with the participation of the European Commission and of the Notaries of Europe.





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This is why **it is recommended that the will is recorded in the register**. In this way, the testator can be sure that his last wishes will be found and therefore respected following his death.

→ Who can carry out the registration?

The Notary public carries out the registration of wills. In effect, although it is possible to draw up a will oneself, the assistance of a lawyer is particularly valuable since he is a specialist in the matter. His advice shall thus enable to draw up a will which respects the law and which therefore does not run the risk of being declared null and void.

It is not the content of the will which is registered in the register but the information which enables the will to be found.

→ Who keeps the will?

The Notary public is in charge of keeping authentic wills and wills made before witnesses confided to him by the testator.

→ Can the testator's family members consult the register while he is still alive?

No, the existence of a will and its content shall remain a secret during the entire life of the testator.

→ How much does it cost to register a will?

Registration of wills is free of charge.

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II. The search for the wills

→ Who may query the register of wills?

Upon the death of the testator, the competent court shall open succession proceedings and only this court may consult the register of wills. **This query is obligatory as it ensures** that the last wishes of the testator are respected.

→ Is it necessary to provide a death certificate?

Only the court in charge of settling the inheritance may access the register. However, the matter shall only be referred to this court upon the death of the testator. **It is therefore not mandatory to provide a death certificate but this procedure enables to ensure that the existence of the will remains secret during the testator's life.**

→ How much does a search cost?

Searches are free of charge.

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