



Italy

Registering and searching for wills

→ What are the principal forms of will in Italy?

- * the **authentic will**, drawn up by a civil law notary.
- * the **holographic will**, written, dated and signed by the testator himself.
- * the **sealed will**, placed in a sealed envelope and handed over to a civil law notary.
- * the **international will**, signed before two witnesses and a civil law notary.

→ Does a register of wills exist in Italy?

Yes, there are two: a register of wills administered by the Ministry of Justice and a register of successions administered by the Italian courts. The registration and search of wills is performed electronically in both registers.

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 civil law notary. Practical sheet realized by ENRWA with the participation of the European Commission and of the Notaries of Europe.





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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.**

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 civil law notary carries out the registration of wills. In effect, although it is possible to draw up a will oneself, the assistance of a notary 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 recorded in the register but the information which enables it to be found.

→ Who keeps the will?

The civil law notary is in charge of keeping the authentic, sealed, international and holographic wills confided to him by the testator.

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→ 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?

The registration of a will costs **14.80€** to which 43.86€ of stamp duty is to be added.

II. The search for the wills

→ Who may query the register of wills?

Upon the death of the testator, his family can consult the register of wills and the register of successions themselves or through a law professional (civil law notary, judge, lawyer). **This query is not obligatory but it is however recommended** because it ensures that the last wishes of the testator are respected.

→ Is it necessary to provide a death certificate?

Yes, the testator's family must provide a death certificate in order to be able to carry out a search. This measure enables to ensure that the existence of the will remains secret during the testator's life.

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→ How much does a search cost?

Searches in the Italian registers cost **20€**.

If it is possible that the deceased has left a will in another country, it is also recommended that the foreign registers are queried. These queries shall cost **28€** per register queried.

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