



Spain

Registering and searching for wills

→ What are the principal forms of will in Spain?

- * the **open will**, drawn up by a public authority, a civil law notary as a general rule.
- * the **sealed (or “secret”) will**, placed in a sealed envelope and handed over to a civil law notary.
- * the **holographic will**, written, dated and signed by the testator himself.

→ Does a register of wills exist in Spain?

Yes, there is a register, the “*Registro General de Actos de Última Voluntad*”, administered by the Ministry of Justice. The registration and search of wills is carried out electronically.

N.B.

These questions and answers constitute a general source of information, up to date as of September 1, 2016. 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?

The registration of wills is obligatory when they are filed with a civil law notary or with a diplomatic agent. However, it is not mandatory to record holographic wills in the register. However, **a will which is not found is deemed to be a non-existent will.**

This is why **it is recommended that wills are 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 performs the registration of wills (or diplomatic agents for Spanish nationals located abroad).

Although it is possible to draw up a will oneself, the assistance of a civil law 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 registered in the register but the information which enables the will to be found.

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→ Who keeps the will?

The civil law notary, or the diplomatic agent, is in charge of keeping the open, sealed or holographic wills 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. Searching for 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 obligatory as 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.

→ How much does a search cost?

A search in the Spanish register costs **3.70€**.

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