

LAWS ON WILLS IN THE REPUBLIC OF VIETNAM

Information has been requested regarding the making of wills under the law of the former Republic of Vietnam in July 1972.

Prior to the promulgation of the Civil Code of 1972, the procedures for making a will in South Vietnam were governed by customs and jurisprudence. In some instances, however, Article 969--and the articles following it--of the French civil code were applicable. ^{1/} Accordingly, there were three kinds of legal wills, namely, the holographic will, the formal (attested) will, and the secret will.

The holographic will was a legally acceptable form of will, provided certain requirements were met. For instance, the holographic will had to be written entirely in the testator's handwriting, including the date and the signature.

The formal will or will made by public document was made in the presence of one notary (who in Vietnam was a legally trained public official) and two witnesses, or the will was received by two notaries. The testator dictated the contents of the will to the notary. The notary recorded what was said by hand or mechanically and reread the contents of the will to the testator. Such a will had to be signed by the testator in the presence of the witnesses and of the notary and then had to be signed by the witnesses and the notary; if the testator declared that he did not know how to, or

^{1/} Doan Ba Loc, Dan Luat thuc hanh [Civil law in practice], Gia Dinh (1961), p. 132.

could not sign, his declaration, as well as the cause which prevented him from signing, would be indicated in the instrument.

The secret will was made by the testator himself privately, placed in an envelope, sealed, and presented to the notary. The testator declared the contents of the envelope to be a will. The notary then-- along with two witnesses attesting to the act of subscription--signed the envelope.

On December 20, 1972, a new civil code was promulgated in the Republic of Vietnam. Its requirements for making wills were very similar to the requirements described above.

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