



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 January 1, 2022. 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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