

No. 71

1st Session, 15th Legislature, Alberta
12 Elizabeth II

BILL 71

A Bill respecting Survivorship

HON. MR. MANNING

Explanatory Note

General. This Bill will replace The Commorientes Act, R.S.A. 1955, c. 51, which was first enacted in 1948 following its adoption by the Conference of Commissioners on Uniformity of Legislation in Canada. In 1960 the Commissioners replaced it with a model Survivorship Act which is adopted in this Bill.

2. (1) General Rule. The present section 2 (1) revised.

(2) Substitute gifts.

(3) Substitute executors.

3. The present section 2(2) revised. The reference to section 263 of The Alberta Insurance Act was section 269 prior to amendments in 1960.

4. Repeal.

5. Commencement of Act.

BILL

No. 71 of 1964

An Act respecting Survivorship

(Assented to _____, 1964)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Survivorship Act*".

2. (1) Where two or more persons die at the same time or in circumstances rendering it uncertain which of them survived the other or others, the deaths are, subject to subsections (2) and (3), presumed to have occurred in the order of seniority, and accordingly the younger is deemed to have survived the older.

(2) Where a statute or an instrument contains a provision for the disposition of property operative if a person designated in the statute or instrument,

(a) dies before another person,

(b) dies at the same time as another person, or

(c) dies in circumstances rendering it uncertain which of them survived the other,

and the designated person dies at the same time as the other person or in circumstances rendering it uncertain which of them survived the other, then, for the purpose of that disposition, the case for which the statute or instrument provides is deemed to have occurred.

(3) Where a will contains a provision for a substitute personal representative operative if an executor designated in the will,

(a) dies before the testator,

(b) dies at the same time as the testator, or

(c) dies in circumstances rendering it uncertain which of them survived the other,

and the designated executor dies at the same time as the testator or in circumstances rendering it uncertain which of them survived the other, then, for the purpose of probate, the case for which the will provides is deemed to have occurred.

3. This Act is subject to sections 263 and 320e of *The Alberta Insurance Act*.

4. This Act repeals and replaces *The Commorientes Act*, being chapter 51 of the Revised Statutes.

5. This Act comes into force on the first day of July, 1964.

No. 71

FIRST SESSION
FIFTEENTH LEGISLATURE
12 ELIZABETH II
1964

BILL

An Act respecting Survivorship

Received and read the

First time

Second time

Third time

HON. MR. MANNING
