

1969 Bill 22

Second Session, 16th Legislature, 18 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 22

An Act to amend The Wills Act, 1960

THE ATTORNEY GENERAL

First Reading

Second Reading

Third Reading

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An Act to mend The Wills Act, 1960

(Assented to _____, 1969)

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

- 1.** *The Wills Act, 1960* is hereby amended.
- 2.** Section 5, clause (a) is amended by striking out the words "in his name".
- 3.** Section 2 applies to wills made on or after July 1, 1960.
- 4.** This Act comes into force on the day upon which it is assented to.

Explanatory Notes

1. This Bill amends chapter 118 of the Statutes of Alberta, 1960.

2. Section 5(a) presently reads:

5. Subject to sections 6 and 7, a will is not valid unless
(a) it is signed at the end or foot thereof by the testator or in
his name by some other person in his presence and by his
direction,
.

The effect of this amendment is to allow a person signing a will on behalf of a testator to sign either his own name or the testator's name.

Section 5(a) of British Columbia's Wills Act is the same as Alberta's but the decision in the B.C. case of *Re Fiszhaut* (1966) 56 D.L.R. 381 held that a will signed by a person on behalf of a testator and in the testator's name was valid. The court held that the words "in his name" were not sufficient to abrogate the common law rule that a person signing for a testator may sign either his own name or the testator's name.

3. The amendment to section 5(a) is made applicable to all wills made after the commencement of the Act.