

1981 BILL 213

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Third Session, 19th Legislature, 30 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 213

**AN ACT TO AMEND THE WILLS ACT**

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MR. GOGO

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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*Bill 213*  
*Mr. Gogo*

## **BILL 213**

1981

### **AN ACT TO AMEND THE WILLS ACT**

*(Assented to , 1981)*

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

- 1 The Wills Act is amended by this Act.*
- 2 The following Part is added after Part 1:*

#### **PART 1.1**

##### **REGISTRATION OF WILLS**

**37.1** Where a person has executed a will, he may cause a Notice of Will to be filed with the Director of Vital Statistics in the form prescribed by regulation.

**37.2** The Notice of Will filed pursuant to section 37.1 shall specify the name, address and age of the testator, the name and address of the witnesses to the will and the place at which the will is located.

**37.3** Where a Notice of Will has been filed, and

- (a) the will has been altered,
- (b) the will has been revoked, or
- (c) the location of the will has been changed

a notice giving the date of the alteration, revocation or the new location of the will may be filed with the Director of Vital Statistics in the form prescribed by regulation.

**37.4** The Director of Vital Statistics shall assign a reference

## **Explanatory Notes**

- 1** This Bill will amend ch. 393, Revised Statutes of Alberta, 1970.
- 2** Provides for a system of registration of wills.

number in numerical sequence to every will in respect of which a Notice of Will is filed with him and shall maintain a register in alphabetical order of name of testator in respect of each will filed with him.

**37.5(1)** A member of the Law Society of Alberta may, on written application in the form prescribed by regulation, search the records of the Director of Vital Statistics to determine whether or not a Notice has been filed under this Act.

(2) Any person may, on written application in the form prescribed by regulation accompanied either by a certificate of the death of a testator or a statutory declaration proving to the satisfaction of the Director of Vital Statistics that the testator named in the application has died, ascertain from the Director whether the testator has filed a Notice under this Act.

(3) Where the Director of Vital Statistics received an application pursuant to subsections (1) or (2) he shall permit the applicant to inspect every Notice filed which is relevant to the application and shall upon request and upon payment of the fee prescribed in the regulations, provide the applicant with a copy of it certified by him to be a true copy.

(4) Except as provided in this section, the Director of Vital Statistics shall not furnish to any person information regarding Notices filed under this Act or information as to whether a Notice has been filed.

**37.6** The validity of a will or any amendment to it or revocation of it is not affected by the filing of a Notice or the failure to file a notice pursuant to this Act.

**37.7** The Lieutenant Governor in Council may make regulations for the purposes of this Part

- (a) regarding the custody, maintenance, indexing and disposal of Notices filed under this Part;
- (b) prescribing forms and certificates to be used for the purpose of this Part; and
- (c) prescribing any fees to be charged by the Director of Vital Statistics for accepting Notices, carrying out searches or issuing certificates and copies pursuant to this Part.

*3 This Act comes into force on July 1, 1982.*

**3** Coming into force.