

NOTICE TO READERS:

The Vital Statistics Agency is responsible for Part 2 of the *Wills Act* which provides for the filing and search of will notices.

Wills Act
[RSBC 1996] CHAPTER 489

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Part 2

Filing of notice of will with chief executive officer

- 32** If a person has executed a will, a notice may be filed with the chief executive officer in a form satisfactory to the chief executive officer.

Filing of notice of revocation

- 33** If a will has been revoked, whether or not a notice was filed under section 32, a notice of revocation in a form satisfactory to the chief executive officer may be filed with the chief executive officer.

Filing notice of change of place of will

- 34** If notice has been filed under section 32 and the will is no longer located at the place mentioned in the notice, notice of the change in a form satisfactory to the chief executive officer may be filed with the chief executive officer.

Chief executive officer's records

- 35** The chief executive officer must maintain, in a system that he or she believes facilitates access to information by those who require it, a record of every notice filed under this Act.

Search of records

36 (1) A solicitor of the Supreme Court of British Columbia or a member of the Society of Notaries Public of British Columbia may, on application in a form satisfactory to the chief executive officer, ascertain from the chief executive officer whether or not a notice has been filed under this Act.

(2) Any person other than a solicitor of the Supreme Court of British Columbia or a member of the Society of Notaries Public of British Columbia may, on written application accompanied either by a certificate of the death of the person named in the application or by a statutory declaration proving to the satisfaction of the chief executive officer that the person named in the application has died, ascertain from the director if the person has filed a notice under this Act.

(3) The chief executive officer must

(a) issue to an applicant under subsection (1) or (2) a certificate in duplicate showing the contents of all notices filed and relevant to the application, and

(b) permit the applicant, or the agent of the applicant, to inspect the notices.

(4) The chief executive officer may provide a solicitor or member of the Society of Notaries Public of British Columbia who is an applicant under subsection (1) with

(a) a copy of a notice filed under this Act, or

(b) access by computer or otherwise to information contained in a notice filed under this Act.

(5) Except as provided in this section, the chief executive officer must not provide to any person information regarding notices filed under this Act or information showing whether or not a notice has been filed.

Validity of will or revocation not affected

37 The failure to file or the filing of a notice under this Act does not affect the validity of a will or of the revocation of a will.

Power to make regulations

38 The Lieutenant Governor in Council may make regulations as follows:

- (a) respecting the keeping, custody, disposal, destruction and indexing of notices filed under this Part that have been superseded or that refer to wills that have been probated;
- (b) respecting the use to be made of and the procedure to be followed with respect to the original and duplicate certificate issued under section 36;
- (c) to carry into effect this Part according to its true intent;
- (d) correcting deficiencies in this Part;
- (e) [Repealed 2002-12-41.]
- (f) prescribing fees to be paid to file a notice under this Part or to search for or inspect a notice filed under this Part.