

Wills Act

Wills Notices Regulation

[includes amendments up to B.C. Reg. 344/2002]

Contents

- [1 Interpretation](#)
 - [2 Filing wills search certificate in court registry](#)
 - [3 Court registrar's duties re wills search, certificates](#)
 - [4 Index of wills notices](#)
 - [5 Transfers to "inactive" index](#)
 - [6 Wills searches](#)
 - [7 Certificates](#)
 - [8 Section Repealed](#)
 - [9 Fees](#)
- [Schedules 1 and 2](#)

Interpretation

1 In this regulation:

"**Act**" means the *Wills Act*;

"**director**" means the Director of Vital Statistics.

Filing wills search certificate in court registry

2 Where a certificate of search referred to in section 36 (3) of the Act is required or used in support of an application for letters of administration or letters probate, the certificate shall be filed in the court registry in which the application for letters of administration or letters probate is made.

Court registrar's duties re wills search, certificates

3 (1) The district registrar at the court registry in which the application referred to in section 2 is made shall keep the certificate of search on file in the court registry.

(2) Where the certificate of search refers to a wills notice in respect of a will or codicil bearing the same date as the will or codicil in respect of which a grant of letters of administration with the will annexed or of letters probate is issued, the district registrar shall

(a) mark on a photocopy of the certificate of search the place and date of issuance of the letters of administration with the will annexed or letters probate, the wills notice number referred to on the certificate of search, the court registry filing number and the date of the will or codicil that is the subject of the grant, and

(b) mail the photocopy to the director.

Index of wills notices

4 (1) The director shall maintain an "active" index of wills notices, listing all notices filed under sections 32 to 34 of the Act, relating to wills of testators in respect of whom the director has not been notified of the issuance of a grant of letters of administration with the will annexed or letters probate.

(2) The director shall maintain an "inactive" index of wills notices, listing all notices filed under sections 32 to 34 of the Act, relating to wills of testators in respect of whom the director has been notified of the issuance of a grant of letters probate or letters of administration with the will annexed.

Transfers to "inactive" index

5 On receipt of a photocopy of a certificate of search marked as required by section 3, the director shall transfer to the "inactive" index information relating to all wills notices which are clearly identifiable as pertaining to the testator on whose behalf the grant has been issued, and then he may destroy the photocopy.

Wills searches

6 A search under section 36 (1) or (2) of the Act shall be limited to a search of the "active" index referred to in section 4 (1) unless the application for search specifically requests that the search be made in the "inactive" index.

Certificates

7 A certificate under section 36 (3) of the Act may be accompanied by an abstract of information from each wills notice, or by copies of the wills notices or by a combination of abstracts and copies.

[en. B.C. Reg. 344/2002, s. 1.]

Section Repealed

8 Repealed. [B.C. Reg. 344/2002, s. 2.]

Fees

9 (1) The fees under Part 2 of the *Wills Act* are the following:

(a) under section 32 or 33 of the Act, \$17 for each notice filed;

(b) under section 34 of the Act,

(i) \$17 for each notice filed, or

(ii) \$1 700 for 100 or more notices that are filed by a person at one time,

whichever is less;

(c) to ascertain under section 36 of the Act whether or not a person has filed a notice under the Act,

(i) \$20 for each search request submitted,

(ii) an additional \$33 for each search request submitted when same day service is requested and provided, and

(iii) an additional \$5 for each alias name recorded on the search request form.

(2) For fees in subsection (1), except in paragraphs (b) (ii) and (c) (ii) and (iii), a further operator fee of \$1.50, plus any G.S.T. applicable to the operator fee, may be charged for any transaction done by electronic means from a location outside a government office or at a government office by a person who is not a government employee.

[en. B.C. Reg. 132/99, s. 12.]

Schedules 1 and 2

Repealed. [B.C. Reg. 344/2002, s. 3.]

[Provisions of the *Wills Act*, R.S.B.C. 1996, c. 489, relevant to the enactment of this regulation: section 38]