

BILL XX – 2020
SUCCESSION LAW REFORM AMENDMENT ACT, 2020

1. The Succession Law Reform Act, S.B.C. 2009, c. 13, is amended by adding the following sections:

Interpretation

"electronic form", in relation to an electronic will, means a form that

- (a) is recorded or stored electronically,
- (b) can be read by a person, and
- (c) is capable of being reproduced in a visible form;

"electronic signature" means information in electronic form that a person has created or adopted in order to sign a record and that is in, attached to or associated with the record;

"electronic will" means a will that is in electronic form., ***and***

(c) by adding the following subsection:

(2) A record in electronic form is deemed not to be capable of being recorded, stored or reproduced if the person providing the record inhibits the recording, storage or reproduction of the record by the recipient.

2. Section 3 [will to be in writing can now be electronic] of the Succession Law Reform Act is amended by adding the following subsection:

- (1) The requirement under Section (3) that a will be in writing is satisfied if the will is in electronic form.
- (2) An electronic will is a will for all purposes of this Act and any other enactment.

4. The Following Section is added [electronic signature]:

4.2 (1) For the purposes of sections 4 and 12,

- (a) a reference to a signature includes an electronic signature and a reference to a statement being signed includes the statement being signed electronically, and

(b) a requirement for the signature of a person is satisfied by an electronic signature.

(2) Section 7 *[position of signature]* does not apply to an electronic will.

(3) An electronic will is conclusively deemed to be signed if the electronic signature is in, attached to or associated with the will so that it is apparent the will-maker intended to give effect to the entire will.

5. Section 18 (1) *[alterations clause does not apply to electronic wills]* is amended by striking out "in a will" and substituting "in a will other than an electronic will,".

6. The Following Section is added *[altering electronic wills]*:

How to alter electronic will

18.1 (1) A will-maker seeking to make an alteration to an electronic will must make a new will in accordance with section 4 *[Execution]*.

(2) For certainty, section 18 does not apply to an electronic will.

7. Section 15 *[revocation of Wills]* is amended by striking out "A will or part of a will" and substituting "A will other than an electronic will or a part of a will other than an electronic will".

7. The following section is added *[revoke electronic will]*:

How to revoke electronic will

15.1 (1) An electronic will or part of an electronic will is revoked only in one or more of the following circumstances:

(a) An electronic will or codicil is revoked by the testator, or some other person in the testator's presence and at the testator's direction, by deleting, canceling, rendering unreadable, or obliterating the electronic will, with the intent, and for the purpose, of revocation, as proved by clear and convincing evidence.

(b) the circumstances described in section 15 (b) and (c);

(c) by any other act of the will-maker, or another person in the presence of the will-maker and by the will-maker's direction, if the

court determines under section 58 [*court order curing deficiencies*] that

(i) the consequence of the act of the will-maker or the other person is apparent, and

(ii) the act was done with the intent of the will-maker to revoke the will in whole or in part.

(2) A written declaration made in accordance with section 15 (c) may be in electronic form and signed with an electronic signature.

(3) For certainty, an inadvertent deletion of one or more electronic versions of a will or part of a will is not evidence of an intention to revoke the will.

8. Section 19 [*revival of Will*] is amended by striking out "A will or part of a will" and substituting "A will other than an electronic will or a part of a will other than an electronic will".