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UNIFORM WILLS ACT (AMENDMENT)

Presenter: Professor Peter J.M. Lown, Alberta Law Reform Institute

Professor Lown provided a brief report on this agenda item. In 2002, the Conference had been presented with certain options to allow for the consideration of electronic wills within the area of substantial compliance with formalities for wills. The Conference had rejected the option of dispensing with the requirement of writing. A second option had proposed to redefine writing for the purpose of section 19.1 of the *Uniform Wills Act*. Professor Lown had been charged with the responsibility to draft the amendment but was concerned that the proposed amendment might have the effect of allowing oral wills recorded in digital form. This alternative had been rejected by the Conference. Professor Lown thus proposed a different method of drafting which the Conference was requested to discuss.

The proposal was to add a new subsection, 19.1(4), to section 19.1 of the *Uniform Wills Act* which would clarify that a reference to the term “electronic form” in section 19.1 means, in respect of a document, data that is recorded or stored on any medium in or by a computer system, that can be read by a person and that is capable of being produced in visible form. Professor Lown recommended that the Conference approve the proposed amendment to section 19.1 of the *Uniform Wills Act*. Professor Lown also noted that the definition used would not countermand the requirement for writing. The Conference approved the proposal.

RESOLVED:

1. **THAT** the draft amendment to the *Uniform Wills Act* be adopted as a Uniform Act and recommended to the jurisdictions for enactment. [See Appendix O, p. 334]
2. **THAT** the Report appear in the 2003 Conference proceedings.