

# *The Survivorship Act, 1993*

*being*

[Chapter S-67.1](#) of the *Statutes of Saskatchewan, 1993* (effective November 1, 1993) as amended by the *Statutes of Saskatchewan, 2015, c.I-9.11*.

## **NOTE:**

**This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.**

## Table of Contents

- 1 Short title
- 2 Deaths at same time
- 3 Deaths where order of survival uncertain
- 4 Deaths within five day period
- 5 Wills, etc. providing for one person surviving another  
for unspecified period
- 6 Wills with other survivorship provisions  
re: beneficiaries
- 7 Wills with survivorship provisions re: executors
- 8 Jointly owned property
- 9 Insurance contracts
- 10 R.S.S. 1978, c.S-67 repealed
- 11 Transitional

## CHAPTER S-67.1

### An Act respecting Survivorship

#### Short title

1 This Act may be cited as *The Survivorship Act, 1993*.

#### Deaths at same time

2(1) Except as otherwise provided in this Act, where two or more persons die at the same time, the property of each person is to be disposed of as if that person had survived the other or others.

(2) For the purposes of subsection (1), the property of a person includes any property of which the person is competent to dispose.

(3) Subsection (1) applies for all purposes that affect the legal or beneficial title to, the ownership of or the succession to property.

1993, c.S-67.1, s.2.

#### Deaths where order of survival uncertain

3 Where two or more persons die in circumstances that make it uncertain which of them survived the other or others, they are deemed, for the purposes of this Act, to have died at the same time.

1993, c.S-67.1, s.3.

#### Deaths within five day period

4(1) Where two or more persons die within a period of five days, they are deemed, for the purposes of this Act, to have died at the same time.

(2) Notwithstanding subsection (1), where two persons die within a period of five days:

(a) the second person to die may, within the period of five days, do any act that creates in himself or herself or in a third person an interest in property that would have come to the second person on the death of the first person to die but for the operation of subsection (1); and

(b) the act described in clause (a) by the second person to die is effective to create the interest that it purported to create.

(3) Subsection (2) applies whether the act in question creates an interest that arises at the time of the act or on the death of the second person.

1993, c.S-67.1, s.4.

**Wills, etc. providing for one person surviving another for unspecified period**

**5** Subject to subsection 4(2), a reference in any will, written agreement or other document made after the coming into force of this Act to one person surviving another for an unspecified period of time is deemed to be a reference to the one person surviving the other for a period that is greater than the period set out in subsection 4(1) unless a contrary intention is expressed.

1993, c.S-67.1, s.5.

**Wills with other survivorship provisions re: beneficiaries**

**6(1)** This section applies to wills that contain a provision for the disposition of property that operates if a person designated in the will dies:

- (a) within a specified period of time before another person;
- (b) at the same time as another person; or
- (c) in circumstances that make it uncertain which of them survived the other.

**(2)** The case for which a will described in subsection (1) provides is deemed to have occurred where the designated person dies:

- (a) at the same time as the other person; or
- (b) in circumstances that make it uncertain which of them survived the other.

1993, c.S-67.1, s.6.

**Wills with survivorship provisions re: executors**

**7(1)** This section applies to wills that contain a provision for a substitute executor that operates if an executor designated in the will dies:

- (a) before the testator;
- (b) at the same time as the testator; or
- (c) in circumstances that make it uncertain which of them survived the other.

**(2)** For the purposes of probate, the case for which a will described in subsection (1) provides is deemed to have occurred where the designated executor dies:

- (a) at the same time as the testator; or
- (b) in circumstances that make it uncertain which of them survived the other.

1993, c.S-67.1, s.7.

**Jointly owned property**

**8** Where two or more persons hold title to property jointly and all of them die at the same time, those persons are deemed, for the purposes of this Act, to have held the title to the property as tenants in common in equal shares unless a contrary intention appears in a written agreement to which the persons are parties.

1993, c.S-67.1, s.8.

**Insurance contracts**

**9** Where a person whose life is insured pursuant to a contract of life insurance, accident insurance or sickness insurance and a beneficiary under the contract die at the same time, the insurance moneys payable on the death of the insured person shall be paid in accordance with sections 8-145 and 8-206 of *The Insurance Act*.

1993, c.S-67.1, s.9; 2015, c.I-9.11, s.11-12.

**R.S.S. 1978, c.S-67 repealed**

**10** *The Survivorship Act* is repealed.

1993, c.S-67.1, s.10.

**Transitional**

**11** Notwithstanding the repeal of *The Survivorship Act*, survivorship with respect to deaths of persons who died before the coming into force of this Act shall be determined in accordance with *The Survivorship Act*.

1993, c.S-67.1, s.11.

