

The Wills (Public Emergencies) Regulations

Repealed

by Chapter L-10.2 Reg 2 of (effective August 6, 2020).

Formerly

[Chapter L-10.2 Reg 1](#) (effective April 16, 2020).

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.

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CHAPTER L-10.2 REG 1

The Wills Act, 1996

The Legislation Act

Title

- 1 These regulations may be cited as *The Wills (Public Emergencies) Regulations*.

Definitions

- 2 In these regulations:

“**Act**” means *The Wills Act, 1996*;

“**electronic means of communication**” means an electronic means by which the testator of a will and the witnesses are able, at all times, to see and hear each other;

“**public emergency period**” means the period during which an emergency declaration ordered pursuant to *The Emergency Planning Act*, or an order of the chief medical health officer pursuant to *The Public Health Act, 1994* respecting quarantines, travel restrictions or another form of isolation, is in force.

24 Apr 2020 cL-10.2 Reg 1 s2.

Interpretation of section 7 of Act

- 3 For the purposes of clauses 7(1)(c) and (d) of the Act, during a public emergency period, “**in the presence of**” includes attendance through an electronic means of communication if all of the following conditions are met:

- (a) either:
- (i) the public emergency period is in effect in the location where the testator is located; or
 - (ii) the testator is subject to a quarantine, travel restriction or other form of isolation in accordance with an order issued by the chief medical health officer pursuant to *The Public Health Act, 1994*;
- (b) one of the witnesses is a lawyer;
- (c) the lawyer who is witnessing the will takes all reasonable steps through the electronic means of communication to verify the identity of the testator and confirm the contents of the will and complies with any requirement established by the Law Society of Saskatchewan;
- (d) the lawyer who is witnessing the will complies with any requirement established by the Law Society of Saskatchewan related to the witnessing of documents through the electronic means of communication.

24 Apr 2020 cL-10.2 Reg 1 s3.

Witnessing under the Act

4 During a public emergency period, the witnessing of an alteration of a will mentioned in subsection 11(2) of the Act, a revocation of a will mentioned in clause 16(c) of the Act or a revival of a will mentioned in section 20 of the Act may be made through an electronic means of communication if all of the following conditions are met:

- (a) either:
 - (i) the public emergency period is in effect in the location where the testator who is altering, revoking or reviving the will is located; or
 - (ii) the testator who is altering, revoking or reviving the will is subject to a quarantine, travel restriction or other form of isolation in accordance with an order issued by the chief medical health officer pursuant to *The Public Health Act, 1994*;
- (b) one of the witnesses is a lawyer;
- (c) the lawyer who is witnessing the alteration, revocation or revival of the will takes all reasonable steps through the electronic means of communication to verify the identity of the testator and confirm the contents of the will as altered, revoked or revived and complies with any requirement established by the Law Society of Saskatchewan;
- (d) the lawyer who is witnessing the alteration, revocation or revival of the will complies with any requirement established by the Law Society of Saskatchewan related to the witnessing of documents through the electronic means of communication.

24 Apr 2020 cL-10.2 Reg 1 s4.

Extension of application of these regulations

5(1) The minister may, by order, extend the application of these regulations for a further period, not to exceed 30 days, after the date on which the public emergency period ends.

(2) If the minister issues an order pursuant to subsection (1), the minister shall cause the order:

- (a) to be published in the Gazette; and
- (b) to be made public in any other manner the minister considers necessary, including publishing it on the Government of Saskatchewan's website.

24 Apr 2020 cL-10.2 Reg 1 s5.

Coming into force

6 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

24 Apr 2020 cL-10.2 Reg 1 s6.