

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF PUBLIC SAFETY AND
SOLICITOR GENERAL

Emergency Program Act

Ministerial Order No. M161

WHEREAS a declaration of a state of emergency throughout the whole of the Province of British Columbia was declared on March 18, 2020 because of the COVID-19 pandemic;

AND WHEREAS individuals in British Columbia must be able to make wills in a manner that reduces the threat of COVID-19 to the health and safety of persons;

AND WHEREAS section 10 (1) of the *Emergency Program Act* provides that I may do all acts and implement all procedures that I consider necessary to prevent, respond to or alleviate the effects of any emergency or disaster;

I, Mike Farnworth, Minister of Public Safety and Solicitor General, order that the attached Electronic Witnessing of Wills (COVID-19) Order is made.

May 19, 2020

Date



Minister of Public Safety and Solicitor General

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Emergency Program Act*, R.S.B.C. 1996, c. 111, s. 10

Other: MO 73/2020; OIC 241/2020

ELECTRONIC WITNESSING OF WILLS (COVID-19) ORDER

Definitions

1 In this order:

“**communicate**” means communicate using audiovisual communication technology, including assistive technology for individuals who are hearing impaired or visually impaired, that enables individuals to communicate with each other by hearing and seeing each other;

“**electronic presence**” or “**electronically present**” means the circumstances in which 2 or more individuals in different locations communicate simultaneously to an extent that is similar to communication that what would occur if all the individuals were physically present in the same location;

“**notary public**” means a member in good standing of the Society of Notaries Public of British Columbia;

“**will**” has the same meaning as in section 1 (1) of the *Wills, Estates and Succession Act*;

“**will-maker**” has the same meaning as in section 1 (1) of the *Wills, Estates and Succession Act*.

Application

2 This order applies during the period that starts on the date this order is made and ends on the date on which the last extension of the declaration of a state of emergency made March 18, 2020 under section 9 (1) of the *Emergency Program Act* expires or is cancelled.

Wills

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- (1) If a will is made in accordance with this order, the requirements in section 37 (1) (b) and (c) of the *Wills, Estates and Succession Act* in relation to a will-maker and the witnesses signing and witnessing the will in the presence of each other are satisfied.
 - (2) When making a will, the will may be signed and witnessed while the will-maker and the witnesses to the will are in each other’s electronic presence.
 - (3) For certainty, nothing in this section prevents some of the individuals described in subsection (2) from being physically present and others from being electronically present when signing and witnessing a will.
 - (4) At least one of the witnesses to a will must be a lawyer or a notary public.
 - (5) A will may be made by signing complete and identical copies of the will in counterpart.
 - (6) Copies of a will are identical even if there are non-substantive differences in the format between the copies.
 - (7) A will made in accordance with this order must include a statement that it was signed and witnessed in accordance with this order.