
EXECUTIVE SUMMARY

In September 2019, the Manitoba Law Reform Commission (the “Commission”) released a Consultation Paper entitled *The Wills Act, Revisited*¹ to solicit feedback on possible areas of reform. The Commission received feedback from legal practitioners who provided their comments on the provisional recommendations and issues for discussion contained in the report. The feedback received related not only to the reform issues identified in the Consultation Paper, but also pointed to other possible deficiencies in the current law.

In this report, the Commission revisits the recommendations for reform of *The Wills Act* and related legislation first considered in its 2003 report, *Wills and Succession Legislation* (“Report 108”)². Recommendations for substantial reform reiterated in this report include reducing the age by which a person can make a valid will from 18 to 16 years and introducing into the legislation a definition of an electronic will.

Other recommendations contained in Report 108 have been reversed either due to advancements in the case law in a given area, recent trends in legislative reform in other jurisdictions or based on feedback received during the consultations. For example, given the enhanced focus on predatory marriages and resulting reforms in other jurisdictions, the Commission is now recommending the abolishment of the automatic revocation of a will by a subsequent marriage.

Finally, this report contains a number of new recommendations not contained in Report 108, including amending the Court of Queen’s Bench Rules to enable the court to make, alter, or revoke a will for a person lacking testamentary mental capacity.

The Recommendations contained in this report seek to improve and modernize the legislation and to help Manitobans carry out their testamentary intentions.

¹ Manitoba Law Reform Commission, “The Wills Act, Revisited”, Consultation Paper (August 2019). The consultation paper is available online:

<http://www.manitobalawreform.ca/pubs/pdf/additional/consultation_report_sept2019.pdf>.

² Manitoba Law Reform Commission, *Wills and Succession Legislation*, Report 108, March 2003. Available at the Commission’s website: www.manitobalawreform.ca.