

CONSOLIDATION OF SURVIVORSHIP ACT
R.S.N.W.T. 1988,c.S-16

(Current to: March 3, 2015)

AS AMENDED BY:

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of statutes can be ascertained from the *Revised Statutes of the Northwest Territories, 1988* and the Annual Volumes of the Statutes of the Northwest Territories (for statutes passed before April 1, 1999) and the Statutes of Nunavut (for statutes passed on or after April 1, 1999).

A copy of a statute of Nunavut can be obtained from the Territorial Printer at the address below. The Annual Volumes of the Statutes of Nunavut and this consolidation are also available online at <http://www.justice.gov.nu.ca/english/legislation.html> but are not official statements of the law.

Any certified Bills not yet included in the Annual Volumes of the Statutes of Nunavut can be obtained through the Office of the Clerk of the Legislative Assembly.

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GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

Citation of Acts

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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SURVIVORSHIP ACT

Presumption

1. (1) Subject to subsections (2) and (3), if two or more persons die at the same time or in circumstances making it uncertain which of them survived the other or others, the deaths are presumed to have occurred in order of seniority and the younger shall be deemed to have survived the older.

Act or instrument

(2) Where an Act or instrument contains a provision for the disposition of property that operates if a person designated in the Act or instrument

- (a) dies before another person,
- (b) dies at the same time as another person, or
- (c) dies in circumstances making it uncertain which of them survived the other,

for the purpose of that disposition, the case for which the Act or instrument provides shall be deemed to have occurred if the designated person dies at the same time as the other person or in circumstances making it uncertain which of them survived the other.

Will

(3) Where a will contains a provision for a substitute personal representative that operates if an executor designated in the will

- (a) dies before the testator,
- (b) dies at the same time as the testator, or
- (c) dies in circumstances making it uncertain which of them survived the other,

for the purpose of probate, the case for which the will provides shall be deemed to have occurred if the executor dies at the same time as the testator or in circumstances making it uncertain which of them survived the other.

Insurance Act

2. This Act does not affect sections 114 and 196 of the *Insurance Act*.