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Civil Law Section

Uniform Wills Act Non-Compliance With Formalities Part III

Background Material

Alberta

Explanatory Note

The materials submitted by the Alberta Commissioners consist of Report No. 84 of the Alberta Law Reform Institute - Wills: Non-compliance With Formalities. That Report contains three Parts.

Parts I and II are the Executive Summary of the Report and the List of Conclusions and Recommendations. As Parts I and II raise the issues in the most convenient fashion to facilitate consideration by the Section they constitute the Report of the Alberta Commissioners and will be available in both French and English language versions.

Part III consists of the body of the ALRI Report and is being distributed as background material.

Arthur L. Close, Q.C., Chair, Civil Law Section

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ALBERTA LAW REFORM INSTITUTE

The Alberta Law Reform Institute was established on January 1, 1968, by the Government of Alberta, the University of Alberta and the Law Society of Alberta for the purposes, among others, of conducting legal research and recommending reforms in the law. Funding of the Institute's operations is provided by the Government of Alberta, the University of Alberta, and the Alberta Law Foundation.

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The topic of formal non-compliance has arisen elsewhere. We are particularly grateful to Professor John H. Langbein and to Professor Lawrence W. Waggoner who provided thoughtful history, analysis and advice. They were the primary authors of the most recent Rules and Commentary contained in the *Restatement of Law Third, Property, Wills and other Donative Transfers*. With their help, we acknowledge the permission of the American Law Institute to reproduce helpful passages from the *Restatement Third*.

We were also assisted by comments from Manitoba, Saskatchewan and Western Australia, jurisdictions in which the proposed rules, or versions thereof, are already in place.

Finally we acknowledge the drafting assistance of Earl Evaniew, from the Department of Legislative Counsel, who helped create the proposed legislation.

A full statement of all the contributors is contained in Appendix A. We thank them for their contribution to these law reform proposals.

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