
EXECUTIVE SUMMARY

Presumption of death legislation is not to be confused with survivorship or missing persons legislation. Survivorship legislation prescribes the order of death when two or more persons die in circumstances in which the order of death cannot be determined. Missing persons legislation provides access to records for the purpose of searching for a missing person. In contrast to both of these type of legislation, presumption of death legislation allows courts to issue orders declaring someone to be presumed dead so that the estate of the missing person may be administered, insurance proceeds may be paid out, or a spouse may remarry. Manitoba has statutes which deal separately with survivorship, missing persons and presumption of death.

All Canadian jurisdictions have some form of presumption of death legislation regardless of whether or not the relevant legislative provisions are restricted, in their application, to specific statutory contexts, are laws of general application, or both. It would appear that the presumption of death legislation found in most other Canadian jurisdictions has been significantly amended since originally enacted. Conversely, Manitoba's *Presumption of Death Act* has not been amended since first enacted in 1968. The purpose of this Report is to recommend improvements to Manitoba's *Presumption of Death Act* in order to put it on par with presumption of death legislation found other Canadian jurisdictions.