



Supreme Court of Nova Scotia

Amendments to *the Probate Court Practice, Procedure and Forms Regulations*

Wednesday, March 6, 2024

Effective April 1, 2024, counsel and individuals representing themselves in the Court of Probate for Nova Scotia, including probate matters that proceed to the Supreme Court of Nova Scotia, will be required to include the original Will as an exhibit to an Affidavit when filing their documents with the Probate Court.

This new step is part of a series of amendments that update the *Probate Court Practice, Procedure and Forms Regulations* pursuant to section 106 of the *Probate Act*.

These changes were needed because the current procedure for filing a Will is inconsistent with requirements outlined in the Civil Procedure Rules of Nova Scotia, specifically the requirements related to exhibiting documents by Affidavit. These amendments help to ensure consistency in court forms and procedures.

Some of the more significant amendments include:

- requiring the original Will to be attached and marked as an exhibit to an Affidavit that is filed in support of an application for a Grant of Probate or Grant of Administration with the Will annexed; and
- replacing the word 'exhibits' with 'schedules' in the Probate Court's forms for grants because the grants are declarations coming from the Probate Court.

The amendments also include a transition section that provides for the following:

Transition

76 (1) An affidavit completed, dated and sworn on or before March 31, 2024, is valid for filing with the registrar if it meets the requirements of the Act and the regulations in force on March 31, 2024.

(2) If an application for a Grant includes an Affidavit that is completed, dated and sworn after March 31, 2024, that does not attach the Will as an exhibit in accordance with these regulations, the Registrar may issue a notice of rejection in Form 17 by ordinary mail to the applicant.

A consolidation of these regulatory amendments with unofficial templates of the revised Probate Court forms is available [here](#).

For more information, please contact the Registrar of Probate in your area. The contact information for the Registrars is available online at <https://www.courts.ns.ca/locations>.

-30-