

# NOTICE

## COURT OF KING'S BENCH OF MANITOBA

### RE: AMENDMENTS TO THE COURT OF KING'S BENCH RULES

On May 8, 2023, the Statutory Rules Committee of the Court of King's Bench approved changes to King's Bench Rules 74 and 75 (along with new forms) dealing with probate and estate matters.

The full text of the amendments in Manitoba Regulation number 38/2023 can be located at:

[http://web2.gov.mb.ca/laws/regs/index\\_annual.php](http://web2.gov.mb.ca/laws/regs/index_annual.php)

The amendments can be summarized as follows:

1. Original documents or certified copies with respect to proof of death must be filed instead of notarial copies. A judge may still exercise discretion to accept proof of death other than an original document;
2. King's Bench Rule 74.02(6) has been divided into three separate sub-rules to cover any possible circumstance in which a testator cannot sign or read a will or needs assistance to make their mark on a testamentary document;
3. King's Bench Rule 75.05 has deleted the requirement that an order for directions have a particular form or content. Form 75D has been eliminated;
4. Individual forms will no longer make repeated references to the place of habitual residence of a deceased person;
5. Form 74L will offer an extended menu of possible scenarios with respect to surviving spouses at the time of death to better protect the interests of any person who could advance a spousal or property claim.

The new probate rules and forms come into force on **July 1, 2023**.

**ISSUED BY:**  
"original signed by"

---

**The Honourable Justice James Edmond  
Chair, King's Bench Rules Committee  
(Manitoba)**

**DATE: May 17, 2023**