



PLEASE NOTE

This document, prepared by the [*Legislative Counsel Office*](#), is an office consolidation of this Act, current to November 1, 2003. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the [*Table of Public Acts*](#).

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CHAPTER C-12

COMMORIENTES ACT

1. (1) Where two or more persons die in circumstances rendering it uncertain which of them survived the other or others, such deaths shall, subject to subsections (2) and (3), for all purposes affecting the title to property, be presumed to have occurred in the order of seniority, and accordingly the younger shall be deemed to have survived the older.

Survivorship
uncertain, rule for
determining

(2) The provisions of this section shall be read and construed subject to the provisions of sections 164 and 202 of the *Insurance Act* R.S.P.E.I. 1988, Cap. I-4 and of section 85 of the *Probate Act* R.S.P.E.I. 1988, Cap. P-21.

Application of Act
to *Probate Act* and
Insurance Act

(3) Where a testator and a person who, if he had survived the testator, would have been a beneficiary of property under the will, die at the same time or in circumstances rendering it uncertain which of them survived the other, and the will contains further provisions for the disposition of the property in case that person had not survived the testator or died at the same time as the testator or in circumstances rendering it uncertain which survived the other, then for the purpose of that disposition the will shall take effect as if that person had not survived the testator or died at the same time as the testator or in circumstances rendering it uncertain which survived the other as the case may be. R.S.P.E.I. 1974, Cap. C-13, s.1; 1975, c.83, s.3.

Testator and
beneficiary dying at
same time

2. This Act shall be so interpreted and construed as to effect its general purpose of making uniform the law of those provinces which enact it. R.S.P.E.I. 1974, Cap. C-13, s.2.

Uniform
construction of Act