

1974 Bill 220

Third Session, 17th Legislature, 23 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 220

The Community Property Act, 1974

MR. TAYLOR

First Reading

Second Reading

Third Reading

Bill 220
Mr. Taylor

BILL 220

1974

THE COMMUNITY PROPERTY ACT, 1974

(Assented to , 1974)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1. (1) In an action for the dissolution of a marriage the court shall, either
 - (a) in its interlocutory judgment decreeing the dissolution of the marriage or in its judgment decreeing the legal separation of the parties, or
 - (b) at a later time, if the division of property is in issue and it expressly reserves jurisdiction to make such a property divisiondivide the community property of the parties equally.
- (2) The equal division provisions of this section shall not prevent the court
 - (a) where circumstances warrant, from awarding any asset to one party on such conditions as the court deems proper to effect a substantially equal division of the property;
 - (b) by way of an additional award or offset against existing property, from awarding from a party's share any sum the court determines to have been deliberately misappropriated by such party to the exclusion of the community property interest of the other party.
- (3) Community property in this Act means the real and personal property acquired during the period of the marriage.

2. (1) Community property personal injury damages shall be assigned to the party who suffered the injuries unless the court, after taking into account the economic condition and needs of each party, the time that has elapsed since the recovery of the damages, and all other facts of the case, determines that the interests of justice require another disposition, in which case the community property personal injury damages shall be assigned to the respective parties in such proportions as the court determines to be just under the facts of the case,

Explanatory Notes

This Act will make it mandatory for the property, real and personal that has been acquired during the period of the marriage to be divided evenly between the spouses upon a separation or a divorce.

(2) As used in this section, "community property personal injury damages" means all money or other property received by a married person as community property in satisfaction of a judgment for damages for his or her personal injuries or pursuant to an agreement for the settlement or compromise of a claim for such damages, unless such money or other property has been commingled with other community property.

3. This Act comes into force on the day upon which it is assented to.

