

1977 Bill 230

Third Session, 18th Legislature, 26 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 230

THE MATRIMONIAL PROPERTY ACT

MR. CLARK

First Reading

Second Reading

Third Reading

Bill 230
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THE MATRIMONIAL PROPERTY ACT

(Assented to , 1977)

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

1. In this Act,

- (a) "marriage" means a marriage where both parties are domiciled in the Province, being either
 - (i) a lawful marriage, wherever and whenever contracted, excepting any marriage where the parties are living separate and apart pursuant to an agreement in writing approved by a court or a court order, or
 - (ii) a common law marriage where the parties have lived together for more than three years in aggregate, excepting any common law marriage where the parties are living separate and apart pursuant to an agreement in writing approved by a court;
- (b) "property" means real or personal property, wherever situate, which is capable of being disposed of by a will under *The Wills Act*, but shall not include real property which is, on January 1, 1979, held by the parties to a marriage as joint tenants.

2. The parties to any marriage shall be deemed to own all property acquired at any time during the marriage, by either party individually or by both parties jointly or in common, as tenants in common, as to each an undivided one-half interest, unless the parties to the marriage both otherwise agree by a settlement in writing prior to January 1st, 1979 or prior to a marriage entered into after that date.

3. For the purposes of this Act a Judge of the Supreme Court shall have the power to hear an application on originating notice for the approval of an agreement relating to the separation of and disposition of property between parties to a common law marriage where the parties have lived together for more than three years in aggregate and may approve or amend the agreement.

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

Explanatory Notes

General. This Bill will provide that property acquired during marriage will be owned equally by the husband and wife unless they make an agreement otherwise prior to marriage or prior to January 1, 1979.

1. Definitions.

2. Property held as tenants in common in equal shares.

3. Court order relating to common-law marriage.

4. Coming into force.