

1990 BILL 258

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Second Session, 22nd Legislature, 39 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 258

AN ACT TO AMEND  
CERTAIN STATUTES ON MARITAL STATUS

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MS. M. LAING

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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*Bill 258*  
*Ms. M. Laing*

## **BILL 258**

1990

### **AN ACT TO AMEND CERTAIN STATUTES ON MARITAL STATUS**

*(Assented to , 1990)*

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

- 1(1) The Married Women's Act is amended by this section.*
- (2) Section 2(3) is repealed.*
- 2(1) The Dower Act is amended by this section.*
- (2) Section 1 is amended by adding the following after clause (e):*
  - (f) "spouse" means, in relation to another person,*
    - (i) a person who at the relevant time was married to that other person and was not judicially separated from him, or*
    - (ii) if there is no person to whom subclause (i) applies, a person who*
      - (A) lived with that other person*
        - (I) for the 2-year period immediately preceding the relevant time, or*
        - (II) for the one-year period immediately preceding the relevant time if there is a child born to that person and the other person, and*

## **Explanatory Notes**

**1** This section will amend chapter M-7 of the Revised Statutes of Alberta 1980 and repeals the provision establishing interspousal immunity.

**2** This section will amend chapter D-38 of the Revised Statutes of Alberta 1980, by adding a new definition of "spouse" that gives unmarried participants in a relationship the same rights as married after a specified time.

(B) was, during that period, held out by that other person in the community in which they lived as his consort.

3(1) *The Employment Pensions Plans Act is amended by this section.*

(2) *Section 1(hh) is repealed and the following is substituted:*

(hh) "spouse" means, in relation to another person,

(i) a person who at the relevant time was married to that other person and was not judicially separated from him, or

(ii) if there is no person to whom subclause (i) applies, a person who

(A) lived with that other person

(I) for the 2-year period immediately preceding the relevant time, or

(II) for the one-year period immediately preceding the relevant time if there is a child born to that person and the other person, and

(B) was, during that period, held out by that other person in the community in which they lived as his consort.

4(1) *The Family Relief Act is amended by this section.*

(2) *Section 1 is amended by adding the following after clause (h):*

(i) "spouse" means, in relation to the deceased,

(i) a person who at the relevant time was married to the deceased and was not judicially separated from him, or

(ii) if there is no person to whom subclause (i) applies, a person who

(A) lived with the deceased

(I) for the 2-year period immediately preceding the death, or

3(1) This section will amend chapter E-10.05 of the Revised Statutes of Alberta by amending a definition to give unmarried participants in a relationship the rights of a spouse at an earlier time.

(2) Section 1(hh) presently reads:

*(hh) "spouse" means, in relation to another person,*

*(i) a person who at the relevant time was married to that other person and was not living separate and apart from him, or*

*(ii) if there is no person to whom subclause (i) applies, a person of the opposite sex who lived with that other person for the 3-year period immediately preceding the relevant time and was during that period held out by that other person in the community in which they lived as his consort;*

4 This section will amend chapter F-2 of the Revised Statutes of Alberta 1980, by adding a new definition of "spouse", giving unmarried participants in a relationship the same rights as married after a specified time.

(II) for the one-year period immediately preceding his death if there is a child born from that relationship, and

(B) was, during that period, held out by the deceased in the community in which they lived as his consort.

5(1) *The Intestate Succession Act is amended by this section.*

(2) *Section 1 is amended by adding the following after clause (c):*

(d) "spouse" means, in relation to the intestate,

(i) a person who was married to the intestate and was not judicially separated from him, or

(ii) if there is no person to whom subclause (i) applies, a person who

(A) lived with the intestate

(I) for the 2-year period immediately preceding his death, or

(II) for the one-year period immediately preceding his death if there is a child born from that relationship, and

(B) was, during that period, held out by the intestate in the community in which they lived as his consort.

6(1) *The Maintenance and Recovery Act is amended by this section.*

(2) *Section 23 is amended*

(a) by repealing subsection (1)(b);

(b) by repealing subsection (3)(a).

7(1) *The Public Service Management Pension Plan Act is amended by this section.*

(2) *Section 1(3)(ii)(A) is amended*

(a) in subparagraph (I) by striking out "5-year" and substituting "2-year";

5 This section will amend chapter I-9 of the Revised Statutes of Alberta 1980, by adding a new definition of "spouse", giving unmarried participants in a relationship the same rights as married after a specified time.

6 This section will amend chapter M-2 of the Revised Statutes of Alberta 1980, by repealing the sections that void maintenance agreements when a woman marries or remarries.

7 This section will amend chapter P-34.1 of the Statutes of Alberta, 1984, by amending definitions to reduce the time in which an unmarried participant in a relationship acquires the rights of a spouse.

Section 1(s) presently reads in part:

(s) *"spouse" means*

*(i) a person who, at the relevant time, was married to a participant or former participant and*

*(A) was not judicially or other wise separated from him, or*

*(B) if so separated, whas wholly or substantially dependent on him,*

*(ii) if there is no person to whom subclause (i) applies, a person of the opposite sex who*

*(A) lived with the participant or former participant*

*(I) for the 5-year period immediately preceding the relevant time, or*

*(II) for the 2-year period immediately preceding the relevant time if there is child born to that person and the participant or former participant, and*

*(B) was, during that period, held out by the participant or former participant in the community in which they lived as his consort, or*

**8** This section will amend chapter P-35.1 of the Statutes of Alberta, 1948, by amending definitions to reduce the time in which an unmarried participant in a relationship acquires the rights of a spouse.

Section 1(s) presently reads in part:

*(s) "spouse" means*

*(i) a person who, at the relevant time, was married to a participant or former participant and*

*(A) was not judicially or other wise separated from him, or*

*(B) if so separated, whas wholly or substantially dependent on him,*

*(ii) if there is no person to whom subclause (i) applies, a person of the opposite sex who*

*(A) lived with the participant or former participant*

*(I) for the 5-year period immediately preceding the relevant time, or*

*(II) for the 2-year period immediately preceding the relevant time if there is child born to that person and the participant or former participant, and*



(b) in subparagraph (II) by striking out "2-year" and substituting "one-year".

8(1) *The Public Service Pension Plan is amended by this section.*

(2) *Section 1(3)(ii)(A) is amended*

(a) by subparagraph (I) by striking out "5-year" and substituting "2-year";

(b) in subparagraph (II) by striking out "2-year" and substituting "one-year".



*(B) was, during that period, held out by the participant or former participant in the community in which they lived as his consort, or*