

2004 Bill 203

Fourth Session, 25th Legislature, 53 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 203

**CANADA PENSION PLAN CREDITS
STATUTES AMENDMENT ACT, 2004**

MS KRYCZKA

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 203

2004

CANADA PENSION PLAN CREDITS STATUTES AMENDMENT ACT, 2004

(Assented to _____, 2004)

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

Domestic Relations Act

Amends RSA 2000 cD-14

- 1(1) The *Domestic Relations Act* is amended by this section.
- (2) The following is added after section 27:

Part 3.1 Canada Pension Plan (Canada)

27.1 In this Part, “common-law partner” means common-law partner as defined in the *Canada Pension Plan* (Canada).

27.2 A written agreement between spouses or common-law partners entered into on or after June 4, 1986 may provide that, notwithstanding the *Canada Pension Plan* (Canada), there be no division between the parties of unadjusted pensionable earnings pursuant to that Act.

27.3(1) An agreement under section 27.2 is binding between the parties whether or not there is valuable consideration for the agreement.

- (2) An agreement under section 27.2 is invalid if

- (a) one of the parties was induced by fraud, duress or undue influence to enter into the agreement, or
- (b) one of the parties lacked the mental capacity to understand the nature of the agreement.

Family Law Act

Amends SA 2003 cF-4.5

2(1) The *Family Law Act* is amended by this section.

(2) The following is added after section 82:

Part 3.1 Canada Pension Plan (Canada)

82.1 In this Part, “common-law partner” means common-law partner as defined in the *Canada Pension Plan* (Canada).

82.2 A written agreement between spouses or common-law partners entered into on or after June 4, 1986 may provide that, notwithstanding the *Canada Pension Plan* (Canada), there be no division between the parties of unadjusted pensionable earnings pursuant to that Act.

82.3(1) An agreement under section 82.2 is binding between the parties whether or not there is valuable consideration for the agreement.

(2) An agreement under section 82.2 is invalid if

- (a) one of the parties was induced by fraud, duress or undue influence to enter into the agreement, or
- (b) one of the parties lacked the mental capacity to understand the nature of the agreement.

(3) This section comes into force on Proclamation.

Explanatory Notes

Domestic Relations Act

- 1**(1) Amends chapter D-14 of the Revised Statutes of Alberta 2000.
- (2) New part governing agreements between spouses or common-law partners regarding the division of unadjusted pensionable earnings under the *Canada Pension Plan* (Canada).

Family Law Act

2(1) Amends chapter F-4.5 of the Statutes of Alberta 2003.

(2) New part governing agreements between spouses or common-law partners regarding the division of unadjusted pensionable earnings under the *Canada Pension Plan* (Canada).

(3) Coming into force.