

2001

CHAPTER 50

An Act to amend certain Statutes respecting Domestic Relations

(Assented to July 6, 2001)

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

Short title

1 This Act may be cited as *The Miscellaneous Statutes (Domestic Relations) Amendment Act, 2001*.

S.S. 1989-90, c.A-5.1, section 2 amended

2 **Clause 2(1)(p) of *The Adoption Act* is repealed and the following substituted:**

“(p) ‘**spouse**’ means the legally married spouse of a person or a person with whom that person is cohabiting as spouses”.

R.S.S. 1978, c.A-32, section 22 amended

3 **Clause 22(3)(a) of *The Attachment of Debts Act* is amended by striking out “wife, husband” and substituting “spouse as defined in section 2 of *The Family Maintenance Act, 1997*”.**

R.S.S. 1978, c.F-11, section 2 amended

4 **Paragraph 2(d)(ii)(A) of *The Fatal Accidents Act* is amended by striking out “three” and substituting “two”.**

S.S. 1990-91, c.F-22.01, section 24 amended

5 **Clause 24(1)(a) of *The Freedom of Information and Protection of Privacy Act* is amended by adding “sexual orientation,” after “sex,”.**

S.S. 1989-90, c.H-5.1 amended

6(1) *The Homesteads Act, 1989* is amended in the manner set forth in this section.

(2) **Clause 2(c) is amended:**

(a) **in the portion preceding subclause (i) by striking out “marriage” and substituting “spousal relationship”; and**

(b) **in subclause (ii) by striking out “marriage” and substituting “spousal relationship”.**

(3) **Clause 2(d) is repealed and the following substituted:**

“(d) ‘**non-owning spouse**’ means a person who is not an owning spouse and who:

(i) is the legally married spouse of an owning spouse; or

(ii) is cohabiting with an owning spouse or has, for a period ending within the preceding 24 months, cohabited with an owning spouse, as spouses, continuously for a period of not less than two years”.

(4) Clause 3(c) is repealed and the following substituted:

- “(c) the owning spouse and non-owning spouse:
- (i) who were legally married, are divorced; or
 - (ii) who were spouses within the meaning of subclause 2(d)(ii), have not cohabited in the preceding 24 months”.

(5) The following section is added after section 3:**“Application**

3.1 The provisions of this Act respecting the execution of dispositions as they existed on the day before the coming into force of *The Miscellaneous Statutes (Domestic Relations) Amendment Act, 2001* apply with respect to dispositions executed before the day on which that Act came into force”.

(6) Clause 15(b) is repealed and the following substituted:

- “(b) that the owning spouse and non-owning spouse:
- (i) who were legally married, are divorced or have had their marriage annulled; or
 - (ii) who were spouses within the meaning of subclause 2(d)(ii), have not cohabited in the preceding 24 months”.

(7) Subsection 23(1) is amended by striking out “married persons” and substituting “spouses”.**(8) Subsection 23(2) is amended by striking out “married person” and substituting “spouse”.****S.S. 1989-90, c.H-5.1 amended****7 Section 15 of *The Homesteads Act, 1989* is repealed and the following substituted:****“Removal of interest**

15 An interest registered pursuant to section 14 is exhausted, and the Registrar of Titles may discharge the registration of the interest on receiving satisfactory proof:

- (a) of the death of the interest holder; or
- (b) that the owning spouse and interest holder:
 - (i) who were legally married, are divorced or have had their marriage annulled; or
 - (ii) who were spouses within the meaning of subclause 2(d)(ii), have not cohabited in the preceding 24 months”.

R.S.S. 1978, c.L-3, section 3 amended**8 Subsection 3(4) of *The Land Contracts (Actions) Act* is amended by striking out “widow, widower” and substituting “surviving spouse”.**

R.S.S. 1978, c.L-6, section 25 amended

9 Clause 25(2)(e) of *The Landlord and Tenant Act* is repealed and the following substituted:

“(e) where the property is claimed by the spouse, daughter, son, daughter-in-law, son-in-law or any other member of the tenant’s family who lives on the premises as a member of the tenant’s family or by a person whose title is derived by purchase, gift, transfer or assignment from any of them”.

S.S. 1990-91, c.L-27.1, section 23 amended

10 Clause 23(1)(a) of *The Local Authority Freedom of Information and Protection of Privacy Act* is amended by adding “sexual orientation,” after “sex.”

R.S.S. 1978, c.M-26 amended

11(1) *The Municipal Employees’ Pension Act* is amended in the manner set forth in this section.

(2) Subclause 2(cc.1)(ii) is amended by adding “or common-law partner” after “spouse”.

(3) Subsection 22(11) is amended by striking out “a marriage breakdown” and substituting “the breakdown of a spousal relationship”.

(4) Subsection 53.1(1) is amended by striking out “marriage” and substituting “spousal relationship”.

(5) Clause 53.1(4)(a) is amended by striking out “marriage” and substituting “commencement of the spousal relationship”.

S.S. 1992, c.P-6.001 amended

12(1) *The Pension Benefits Act, 1992* is amended in the manner set forth in this section.

(2) Subclause 2(1)(ff)(ii) is amended by striking out “a person of the opposite sex with whom the member or former member is cohabiting as husband and wife” and substituting “a person with whom the member or former member is cohabiting as spouses”.

(3) Subclause 25(1)(d)(iii) is amended by striking out “marital breakdown” and substituting “the breakdown of their spousal relationship”.

(4) The heading to Part VI is amended by striking out “Marriage” and substituting “Spousal Relationship”.

(5) Subsection 46(1) is amended by striking out “marriage” and substituting “spousal relationship”.

(6) Subsection 47(2) is amended by striking out “marriage” and substituting “commencement of the spousal relationship”.

(7) Subsection 47(5) is amended by striking out “marriage” and substituting “commencement of the spousal relationship”.

S.S. 1996, c.P-36.2 amended

13(1) *The Public Employees Pension Plan Act* is amended in the manner set forth in this section.

(2) Subclause 2(m)(ii) is amended by adding “or common-law partner” after “spouse”.

(3) Subsection 24(1) is amended by striking out “marriage” and substituting “spousal relationship”.

R.S.S. 1978, c.S-26 amended

14(1) *The Saskatchewan Insurance Act* is amended in the manner set forth in this section.

(2) Subsection 81(3) is amended by striking out “wife” wherever it appears and in each case substituting “spouse”.

(3) Clause 133(f) is amended by adding “or cohabiting with him or her in a spousal relationship” after “adoption”.

(4) Clause 226(g) is amended by adding “or cohabiting with him or her in a spousal relationship” after “adoption”.

(5) Clause 257(a) is amended by adding “or cohabitation in a spousal relationship” after “marriage”.

S.S. 1996, c.S-32.12 amended

15(1) *The Saskatchewan Pension Annuity Fund Act* is amended in the manner set forth in this section.

(2) Subclause 2(g)(ii) is amended by adding “or common-law partner” after “spouse”.

(3) Subsection 10(1) is amended by striking out “marriage” and substituting “spousal relationship”.

(4) Subclause 10(2)(b)(ii) is amended by striking out “marriage breakdown” and substituting “the breakdown of a spousal relationship”.

S.S. 1986, c.S-32.2 amended

16(1) *The Saskatchewan Pension Plan Act* is amended in the manner set forth in this section.

(2) Clause 16(3)(b) is amended by adding “or common-law partner” after “spouse”.

(3) Clause 16(4)(b) is amended by adding “or common-law partner” after “spouse”.

(4) Subsection 19.1(1) is amended by striking out “marriage” and substituting “spousal relationship”.

S.S. 1988-89, c.S-42.2, section 2 amended

17 Clause 2(1)(uu) of *The Securities Act, 1988* is repealed and the following substituted:

“(uu) ‘**spousal equivalent**’ in relation to any person, means another person with whom that person is cohabiting in a spousal relationship outside of marriage”.

R.S.S. 1978, c.S-64 amended

18(1) *The Superannuation (Supplementary Provisions) Act* is amended in the manner set forth in this section.

(2) Subclause 2(j.1)(ii) is amended by adding “or common-law partner” after “spouse”.

(3) Subsection 48.3(1) is amended by striking out “marriage” and substituting “spousal relationship”.

(4) Clause 48.3(4)(a) is amended by striking out “marriage” and substituting “commencement of the spousal relationship”.

(5) Subsection 53(2) is amended by striking out “is married” and substituting “has a spouse”.

S.S. 1994, c.T-9.1 amended

19(1) *The Teachers Superannuation and Disability Benefits Act* is amended in the manner set forth in this section.

(2) Subclause 2(1)(v)(ii) is amended by striking out “a person of the opposite sex with whom the member is cohabiting as husband and wife” and substituting “a person with whom the member is cohabiting as spouses”.

(3) Subsection 33(2) is amended by striking out “marriage” and substituting “spousal relationship”.

(4) Subsection 34(2) is amended by striking out “marriage” and substituting “commencement of the spousal relationship”.

Coming into force

20(1) Sections 1 to 6 and 8 to 19 come into force on assent.

(2) Subject to subsection (3), section 7 comes into force on the day on which section 1 of *The Land Titles Act, 2000* comes into force.

(3) If section 1 of *The Land Titles Act, 2000* comes into force before section 1 of this Act comes into force, section 7 comes into force on assent.

