

The Equality of Status of Married Persons Act

being

Chapter E-10.3 of the *Statutes of Saskatchewan, 1984-85-86*
(effective May 29, 1985 except s.3 and ss.7(1), effective
August 1, 1985).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

- 1 Short title
- 2 Equality of status
- 3 Interspousal tort
- 4 Domicile
- 5 Spouse as agent
- 6 Certain actions prohibited
- 7 R.S.S. 1978, c.M-6 repealed
- 8 Non-application of Act

CHAPTER E-10.3

An Act to provide for Equality of Status of Married Persons and to repeal *The Married Persons' Property Act*

Short title

1 This Act may be cited as *The Equality of Status of Married Persons Act*.

Equality of status

2(1) A married person has legal capacity for all purposes and in all respects as if that person were an unmarried person.

(2) For all purposes of the law of Saskatchewan, a married person has a legal personality that is independent, separate and distinct from that of that person's spouse.

(3) This section does not apply to, interfere with or render inoperative any restriction on anticipation or alienation attached to the enjoyment of any property by virtue of an instrument executed prior to the coming into force of this section and for that purpose:

(a) a provision contained in an instrument made in exercise of a special power of appointment is deemed to be contained in the instrument in which the power was created; and

(b) the will of a testator is deemed to be an instrument executed on the day of his death.

1984-85-86, c.E-10.3, s.2.

Interspousal tort

3 A husband and wife each have a right of action in tort against the other as if they were not married.

1984-85-86, c.E-10.3, s.3.

Domicile

4(1) The same rule applies to determine the domicile of a married woman as for a married man.

(2) Subject to subsection (3), a child who is a minor:

(a) takes the domicile of that child's parents, if both parents have a common domicile;

(b) takes the domicile of the parent with whom the child habitually resides, if the child resides with one parent only;

(c) takes the domicile of the child's father, if the domicile of the child cannot be determined pursuant to clause (a) or (b); or

(d) takes the domicile of the child's mother, if the domicile of the child cannot be determined pursuant to clause (a), (b) or (c).

c. E-10.3 EQUALITY OF STATUS OF MARRIED PERSONS

(3) The domicile of a minor who is or has been married is determined in the same manner as if the minor were of full age.

1984-85-86, c.E-10.3, s.4.

Spouse as agent

5 A husband or wife does not, merely because of his or her status as a spouse, have authority to pledge the credit of the other spouse for necessities or to act as agent for the other spouse for the purchase of necessities.

1984-85-86, c.E-10.3, s.5.

Certain actions prohibited

6 No action may be brought for criminal conversation, enticement, harbouring, loss of consortium of a spouse or damages resulting from adultery.

1984-85-86, c.E-10.3, s.6.

R.S.S. 1978, c.M-6 repealed

7(1) Sections 1 and 2 and subsection 8(2) of *The Married Persons' Property Act* are repealed.

(2) *The Married Persons' Property Act*, other than sections 1 and 2 and subsection 8(2), is repealed.

1984-85-86, c.E-10.3, s.7.

Non-application of Act

8 This Act does not apply to causes of action arising prior to the coming into force of this Act.

1984-85-86, c.E-10.3, s.8.