

CONSOLIDATION OF MARRIED WOMEN'S PROPERTY ACT
R.S.N.W.T. 1988,c.M-5

(Current to: November 1, 2007)

AS AMENDED BY:

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A copy of a statute of Nunavut can be obtained from the Territorial Printer at the address below. The Annual Volumes of the Statutes of Nunavut and this consolidation are also available online at <http://www.justice.gov.nu.ca/english/legislation.html> but are not official statements of the law.

Any certified Bills not yet included in the Annual Volumes of the Statutes of Nunavut can be obtained through the Office of the Clerk of the Legislative Assembly.

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GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

Citation of Acts

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the Revised Statutes of the Northwest Territories, 1988.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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MARRIED WOMEN'S PROPERTY ACT

Definition of "property"

1. In this Act, "property" includes a thing in action and any interest in real or personal property.

Effect of *Judicature Act*

2. (1) Nothing in section 51 of the *Judicature Act* interferes with or renders inoperative a restriction on anticipation or alienation attached to the enjoyment of property and contained in an instrument executed before April 1, 1955.

Restrictions on anticipation, alienation

(2) An instrument executed after March 31, 1955, is void to the extent that it purports to attach to the enjoyment of property by a married woman a restriction on anticipation or alienation that could not be attached to the enjoyment of that property by a man.

Deeming provisions

(3) For the purposes of this Act,

- (a) an instrument executed after March 31, 1955, that attaches a restriction on anticipation or alienation under an obligation imposed before March 31, 1955, shall be deemed to have been executed before March 31, 1955;
- (b) a restriction on anticipation or alienation contained in an instrument made in the exercise of a special power of appointment shall be deemed to be contained only in that instrument and not in the instrument creating the power;
- (c) the will of a testator who dies after March 31, 1958, shall be deemed to have been executed after March 31, 1955