

The Marriage Settlement Act

Repealed

by Chapter 19 of *The Statutes of Saskatchewan, 2018*
(effective May 9, 2018).

Formerly

Chapter M-5 of *The Revised Statutes of Saskatchewan, 1978*
(effective February 26, 1979).

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.

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CHAPTER M-5

An Act respecting Marriage Settlements

Short title

1 This Act may be cited as *The Marriage Settlement Act*.

Interpretation

2 In this Act:

- (a) “**creditor**” includes a creditor suing on behalf of himself and all the other creditors of the settlor, an execution creditor and a trustee in bankruptcy;
- (b) “**marriage settlement**” means any indenture, contract, agreement, covenant or settlement entered into in consideration of marriage whereby one of the parties agrees to pay a sum or sums of money to or for the benefit of himself or the other party or any other person or the issue of the marriage, or whereby he settles grants, conveys, transfers, mortgages, or charges, or agrees to settle, grant, convey, transfer, mortgage or charge, real or personal property of any description upon or to or in favour of any person for the benefit of himself or the other party or any other person or the issue of the marriage;
- (c) “**settlor**” means a party to a marriage settlement who agrees or is liable to pay any sum or sums of money thereunder, or who settles, grants, conveys, transfers, mortgages or charges or agrees to settle, grant, convey, transfer, mortgage or charge any real or personal property upon or to or in favour of any person.

R.S.S. 1978, c.M-5, s. 2.

Settlement to be in writing and registered

3 Every marriage settlement made or entered into on or after the first day of May, 1922, by a person residing in Saskatchewan, shall be in writing, signed by the parties thereto, and shall be accompanied by the affidavit of a subscribing witness of the due execution thereof, and an affidavit by the settlor, hereinafter called an affidavit of good faith, that the settlement is entered into in good faith and not for the purpose of delaying, defeating or defrauding the creditors of the settlor; and such settlement shall be registered as provided by section 7 within three months after the execution thereof.

R.S.S. 1978, c.M-5, s. 3.

Previous settlement by person coming to reside in Saskatchewan

4 When a person becomes a resident of Saskatchewan who has, prior thereto, made a marriage settlement, that settlement shall, within six months after the settlor becomes a resident of Saskatchewan, be registered in the manner provided by section 7.

R.S.S. 1978, c. M-5, s. 4.

Settlement by non-resident carrying on business in Saskatchewan

5(1) If a person not resident in the province commences to carry on business therein, and if that person, prior to so commencing business, has entered into a marriage settlement, that settlement shall, within six months after the commencement of business in the province, be registered in the manner provided by section 7.

(2) If such a person enters into a marriage settlement after commencing business in Saskatchewan, that settlement shall be registered within three months of the date of its execution.

R.S.S. 1978, c.M-5, s. 5.

Unregistered settlements to be void

6 A marriage settlement not registered in accordance with this Act shall be void as against the creditors of the settlor, whether the claims of those creditors existed before or after the making of the settlement, and shall, insofar as it deals with personal property, be void as against subsequent purchases or mortgagees in good faith for value.

R.S.S. 1978, c.M-5, s. 6.

Registration

7(1) Every marriage settlement shall be registered by filing in the office of the registration clerk for the Province of Saskatchewan at Regina:

- (a) in cases under section 3, the original and the affidavits therein specified;
 - (b) in cases under sections 4 and 5, the original or a copy sworn to be a true copy by someone who swears that he has compared the copy with the original, accompanied by an affidavit of good faith by the settlor.
- (2) On receipt of a settlement or sworn copy as above provided, the clerk shall:
- (a) endorse thereon the hour, day of the month and year when the document was received, and number it;
 - (b) enter in alphabetical order in a book to be provided by him the name of the settlor in each such document with the number endorsed thereon opposite to each name;
 - (c) keep each such document in his office for the inspection of the public subject to payment of the proper fee.

R.S.S. 1978, c.M-5, s. 7.

Fees

8 For the services under this Act the registration clerk shall be entitled to receive the following fees:

- 1 for each registration, \$1;
- 2 for searching each name, 50 cents;
- 3 for copies of any document filed under this Act, with certificate thereof, every 100 words, 10 cents.

R.S.S. 1978, c.M-5, s. 8.