

**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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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