

1989

## CHAPTER 20

An Act respecting Certain Amendments to Certain Acts  
resulting from the enactment of The Homesteads Act, 1989

(Assented to July 17, 1989)

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 Homesteads Consequential Amendment Act, 1989.
- R.S.S. 1978, c.C-26, section 44 repealed  
2 Section 44 of The Condominium Property Act is repealed.
- R.S.S. 1978, c.E-15, section 24 amended  
3 Subsection 24(1) of The Expropriation Act is amended by adding "or The Homesteads Act, 1989" after "The Homesteads Act".
- R.S.S. 1978, c.L-5 amended  
4 The Land Titles Act is amended:  
    (a) by striking out "The Homesteads Act" and substituting "The Homesteads Act, 1989" in subsection 159(2); and  
    (b) by repealing subsection 240(3).
- S.S. 1979, c.M-6.1 amended  
5 The Matrimonial Property Act is amended by striking out "The Homesteads Act":  
    (a) in subsection 12(2);  
    (b) in section 16; and  
    (c) in subclause 26(1)(b)(x);  
and substituting "The Homesteads Act, 1989".
- R.S.S. 1978, c.M-14 amended  
6 The Mentally Disordered Persons Act is amended:  
    (a) by striking out "The Homesteads Act":  
        (i) in clause 18(b.2); and  
        (ii) in section 18.1;  
    and substituting "The Homesteads Act, 1989";  
    (b) by striking out "wife" wherever it appears in clause 18.1(a) and substituting in each case "non-owning spouse as defined in that Act";  
    (c) by repealing clause 18.1(b) and substituting the following clause:

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- "(b) where the committee submits his or her affidavit in compliance with section 8 of The Homesteads Act, 1989"; and
- (d) by repealing clause 18.1(c) and substituting the following clause:
- "(c) where the committee:
- (i) is examined by:
    - (A) a judge of the Provincial Court of Saskatchewan, the court or the Court of Appeal;
    - (B) a presiding justice of the peace, or a non-presiding justice of the peace appointed or continued in office pursuant to The Justices of the Peace Act, 1988;
    - (C) a solicitor entitled to practise law pursuant to The Legal Profession Act; or
    - (D) a notary public appointed pursuant to The Notaries Public Act; and
  - (ii) acknowledges:
    - (A) that he or she understands the rights of the mentally disordered person in the homestead and intends to give them up; and
    - (B) that he or she signs the instrument of his or her own free will and consent and without compulsion on the part of the spouse of the mentally disordered person".

R.S.S. 1978, c.P-19, section 29 amended

7 Section 29 of The Power Corporation Act is amended by striking out "The Homesteads Act" and substituting "The Homesteads Act, 1989".

S.S. 1983, c.P-43.1, new section 46

8 Section 46 of The Public Trustee Act is repealed and the following substituted:

Compliance with The Homesteads Act, 1989

"46(1) Where the registered owner or the non-owning spouse, as defined in The Homesteads Act, 1989, of the registered owner of land is an infant or a person of whose property the public trustee is committee, and the public trustee considers it necessary or advisable to sign an agreement for sale, transfer, lease, mortgage or other instrument and compliance with The Homesteads Act, 1989 is required, the public trustee is deemed to have complied with the provisions of that Act where:

- (a) the owner has a non-owning spouse as defined in that Act:
  - (i) who refuses to sign the instrument; or
  - (ii) whose whereabouts is unknown and who cannot be found after a reasonable search;

and the public trustee obtains an order of the court dispensing with the consent and acknowledgment of the non-owning spouse and complies with any terms and conditions that the judge may direct;

- (b) the public trustee submits his or her affidavit in compliance with section 8

- of The Homesteads Act, 1989; or
  - (c) the public trustee endorses his or her consent on the instrument on behalf of the infant or mentally incompetent non-owning spouse.
- "(2) The public trustee may endorse his or her consent pursuant to clause (1)(c) notwithstanding that the public trustee is also the committee for the owning spouse".

R.S.S. 1978, c.S-34, section 26 amended

- 9 Section 26 of The Saskatchewan Telecommunications Act is amended by striking out "The Homesteads Act" and substituting "The Homesteads Act, 1989".

R.S.S. 1978, c.S-65 amended

- 10 The Surface Rights Acquisition and Compensation Act is amended by striking out "The Homesteads Act":

- (a) in subsection 24(3); and
- (b) in subsection 42(3);

and substituting "The Homesteads Act, 1989".

R.S.S. 1978 (Supp.), c.U-1.1, section 7 amended

- 11 Clause 7(g) of The Unified Family Court Act is repealed.

Coming into force

- 12 This Act or any provision of this Act comes into force on a day or days to be fixed by proclamation of the Lieutenant Governor.