

Report on Recognition of Spousal and Family Status

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Legislation and Cases Referred to in Report

Legislation Referred to in the Report

A few statutes and cases are referred to in the text of this Report, and the annotations to the Tables. For convenience, the citations to these materials are gathered here.

1. B.C. legislation

Cites to B.C. legislation referred to in the text are set out in the Schedule to the *Family Status Recognition Act* and in Tables to the Report.

Two bills referred to in the text and in the annotations to the Tables are references to

! *Family Relations Amendment Act, 1997*, S.C.B. 1997, c. 20 ("Bill 31").

! *Pension Statute Amendment Act (No. 2), 1998*, S.B.C. 1998, c. 40 ("Bill 38").

2. Federal legislation

! *Bankruptcy and Insolvency Act*, R.S.C., 1985, c. B-3, s. 1; 1992, c. 27, s. 2.

! *Divorce Act*, R.S.C., 1985, c. 3 (2nd supp.).

! *Income Tax Act (Canada)*, R.S.C. 1985 (5th supp.) c. 1, as amended.

3. Constitutional legislation

! *Charter of Rights and Freedoms* (enacted as Schedule B to the *Canada Act 1982 (U.K.) 1982*, c. 11).

Cases Referred to in the Report

! *Gostlin v. Kergin*, [1986] 5 W.W.R. 1, 3 B.C.L.R. (2d) 264, 1 R.F.L. (3d) 448 (C.A.).

! *Lodge v. Lodge*, (1993) 79 B.C.L.R. (2d) 360 (B.C.C.A.).

! *Moge v. Moge*, [1992] S.C.R. 813.

! *Molodowich v. Penttinen*, (1980) 17 R.F.L. (3d) 376 (Ont. Dist. Ct.).

! *Rosenberg v. Canada*, (1998) (Unreported: Doc. CA C22807) (Ont. C.A.).

! *Takacs v. Gallo*, (1998) B.C.L.R. (3d) 265 (B.C.C.A.).

! *Vriend v. Alberta*, [1998] 1 S.C.R. 493.

Part I. Introduction to the Materials

A. Request from the Attorney General

The Attorney General asked the British Columbia Law Institute to review the statute law of British Columbia and make recommendations for legislative changes necessary to provide legal recognition to the variety of family relationships in the province, and to address the rights and obligations that should attach to those relationships.

The request from the Attorney General followed amendments made by the legislature to the *Family Relations Act* in 1997, which recognized certain marriage-like relationships.

The Institute was asked to begin work in March, 1998 and complete it by November 30, 1998. It was understood that the time available would not allow the Institute an opportunity to consult with stakeholders or the community in general.

B. Overview

In order to achieve the legislative object of recognizing the variety of family relationships in British Columbia, the British Columbia Law Institute proposes:

- ! the enactment of a *Family Status Recognition Act* (see Part III of this Report), which would define family relationships and set out rules of general application respecting status, rights and obligations, as well as for determining when such relationships arise and when they end,
- ! the enactment of a *Domestic Partner Act* (set out in Part III of this Report), which would allow two adults to register a joint declaration that they are domestic partners and, as such, have status, rights and obligations like those that accrue to people who are married, and
- ! numerous ancillary amendments throughout the statutes to ensure that B.C. legislation applies fairly to traditional and non-traditional family relationships (see the schedule to the proposed *Family Status Recognition Act*).

These introductory materials provide information on

- ! the formulation of principles upon which the Institute's proposals are based,
- ! an outline of the proposals (see Section J and Table: "Comparison of the different forms of spousal status"), and
- ! a list of categories of issues and how they were addressed in the proposals.

Annotated Tables are set out in Part IV of this Report, listing the legislation that was reviewed and the analysis underlying proposals. There are three Tables:

- ! Table I: Sections to be amended.
- ! Table II: Sections not amended but affected by other changes.
- ! Table III: Sections not changed.

Part V lists some of the financial implications arising from proposed changes.

C. The Institute's Role

The Institute was not asked to provide advice concerning whether non-traditional family relationships should have legal recognition. The province has already embarked on this course and it is one that the Institute supports, although recognizing the range of opinion on this issue in the community concerning whether these developments are desirable. Differing opinions are to be expected when one considers the cultural and religious mosaic in British Columbia.

The Institute's task was to

- ! review all references in B.C. legislation denoting a spousal or family relationship,
- ! determine the legislative steps necessary to recognize in legislation family relationships in B.C., and
- ! provide solutions to practical difficulties that prevent the recognition of family relationships.

D. Formulation of Principles

As an initial step in undertaking this project, the Institute identified principles upon which its work should be based. These principles are set out in Section I of this Introduction to the Materials.

E. Source of Principles

The principles upon which the Institute's proposals are based were derived from

- ! the constitution of Canada (particularly the *Charter of Rights and Freedoms*),
- ! federal and provincial human rights legislation,

- ! judicial decisions stating the requirements of the constitution and of federal and provincial legislation, and
- ! policies accepted by the B.C. legislature in other legislation dealing with family relationships.

F. Constitutional and Human Rights Imperatives

In Canada, statutes that overlook the position of non-traditional families have increasingly been the subject of challenge in numerous cases relying upon human rights legislation and the *Charter*. The decisions in the cases demonstrate:

- ! that the constitution, and federal and provincial human rights legislation, have created imperatives requiring the recognition of non-traditional family relationships. A recent example is the 1998 Ontario Court of Appeal decision in *Rosenberg v. Canada*, in which the *Income Tax Act (Canada)* was found to violate the *Charter* because it did not allow a same sex partner to be designated as a spouse entitled to survivorship benefits under a pension.
- ! that legislation that adopts a limited view of family relationships is vulnerable to challenge. Such legislation is often found to be invalid and, for that reason, of no application. Recently, decisions have held that legislation confining rights, entitlements and protections to those in traditional families may, in some cases, be expanded by judicial implication to include non-traditional family relationships. The most notable example is the 1998 Supreme Court of Canada decision in *Vriend*, in which the court read into Alberta human rights legislation a prohibition against discrimination on the basis of sexual orientation.

These developments define the principles respecting non-traditional families that must be part of legislation, and create the necessity for the kind of statute review the Institute was asked to carry out.

G. Legislative Policy in British Columbia

Legislative policy in British Columbia has been shaped by the legal developments just described. The British Columbia legislature has, over the past decade, on a statute-by-statute basis, enacted legislation that takes into account the kinds of family relationships in the province, culminating in 1997 with the *Family Relations Amendment Act, 1997*.

The *FRAA, 1997* recognizes the family status of people, whether in same sex or opposite sex relationships, who live together in marriage-like relationships. The amendments provide for rights to claim support at the end of a relationship as well as recognition of agreements made between the parties. The *FRAA, 1997* followed amendments two years earlier concerning adoption, similarly

notable for not limiting adoptive parents to people in traditional family relationships. In 1998, the legislature amended legislation governing pension plans for people employed in the public sector to protect the interests of a person, whether of the same or opposite sex, living with a plan member in a marriage-like relationship.

Like the constitutional, human rights and judicial developments discussed above, these legislative statements set out basic standards against which other B.C. legislation should be tested as part of a full-scale review. When non-traditional relationships are overlooked in B.C. legislation, or treated dissimilarly from marriage, it is now necessary to inquire whether such distinctions are supportable.

H. Limitations on the project

1. Consultation

While the deadline for completing the work did not permit time to publish a working paper and consult generally, the Institute is aware of the benefits that would have been derived from consultation, particularly for a large, complicated area of the law with significant social implications such as this one.

In one respect, the need for consultation was reduced because the task was to apply principles that had already clearly been adopted by the legislature. Earlier legislation had prompted significant public debate, in which all aspects of the question of whether non-traditional relationships should be recognized appear to have been canvassed. Consequently, the Institute has had the benefit indirectly of consultation and advice from the community in the form of that debate on the larger policy issues. For the purposes of this project, the Institute has assumed that while views in the community are to some extent polarized, the majority views are reflected by the policies adopted by its elected representatives.

The Institute recommends, nevertheless, that once in force, the operation of legislation based on its proposals be kept under close review to ensure that unexpected consequences can be promptly addressed. The Institute would welcome a continuing role to respond to issues that arise from whatever review process is adopted for its work.

2. Regulations

The review requested by the Attorney General was restricted to statutes; regulations were not considered. It will be necessary for Ministries responsible for particular regulations to review them to ensure that the policies advanced are consistent with statutory requirements.

3. Constitutional Considerations

While the constitution creates a legal requirement for legislation to recognize traditional and non-traditional families, it also places limits on the extent to which a provincial government can legislate on these issues. The constitution reserves to the federal government exclusive responsibility for, among other matters, “marriage and divorce.”

It is the Institute’s conclusion that the proposed legislative changes are within property and civil rights and, as such, the responsibility of the province in the same way that provincial legislation addressing rights, entitlements and obligations of married people -- such as property rights and support -- are constitutionally valid exercises of provincial authority which do not intrude on the federal prerogatives with respect to marriage and divorce. The Institute has suggested no changes with respect to the institution of marriage itself, or its dissolution.

Even so, British Columbia is unable to control the policy of the federal government respecting family status and legal rights within the federal government’s sphere of influence. There are areas of federal control (such as income tax) that limit what the province can achieve. In this respect, however, as earlier noted, the *Charter* is part of the constitution and has created an imperative for the recognition of traditional and non-traditional families in Canada which is no less binding on the federal government than it is on the provinces. In the result, both federal legislation and the cases interpreting it are evolving in directions that are consistent with provincial law.

I. Statement of Principles

The Institute’s proposals are based on the principles described in this section, but these principles are not immutable. The questions posed in this project are difficult ones and in some cases principles come into conflict. It was necessary in those cases to determine the relative weight to be accorded the various principles (an example is the relationship described below between the principle of voluntariness and the principle of protecting the vulnerable).

Principle 1. Protection of relationships based upon personal choice

The law has traditionally recognized relationships arising from birth, marriage and adoption, but usually not recognized relationships voluntarily assumed by people who choose to live together as a family outside marriage. Accepting the constitutional and human rights imperatives, it is necessary to reconsider legal policies that do not recognize people who live together as family outside of the traditional forms, or that prevent people from voluntarily assuming family rights, obligations and responsibilities among themselves.

Principle 2. Non-discrimination in access to social status

Insisting that only those relationships that resemble a traditional idea of family will have legal status would not go very far towards achieving the objective of recognizing the family relationships

which the legislature has already sanctioned in British Columbia. Consequently, the law should not require non-traditional relationships to fit what many people consider to be a traditional mold.

As a practical matter, it is necessary to address related issues consistently (what rights and obligations should exist while relationships continue; what rights and obligations arise when relationships end?). The objective of proposals to revise existing legislation so that it operates fairly, given already existing parameters, may appear to require a kind of conformity. But little would in fact be gained by multiplying legislation for the sole reason of avoiding any appearance of equating similar, but distinct, forms of relationship. The principle of non-discrimination in access to social status is satisfied by ensuring that sufficient discretion exists to deal with the individual circumstances of individual relationships.

As it happens, that is the legal reality that has emerged for dealing with married relationships as well. Within traditional relationships, no single rule can fairly accommodate the range of circumstances that may exist. The law has already evolved to recognize and deal with the variations that exist from family to family in those relationships that are currently recognized. An example is the discretion courts are given to determine spousal support obligations when a relationship ends. The application of this discretion depends upon many factors such as: whether the spouses have children and if so whether one spouse gave up employment opportunities to raise the children; the length of the relationship; the extent to which one spouse was dependent upon the other; the likelihood that the dependency will continue; and so on.

Principle 3. Voluntariness

It is one thing to recognize the legal status of people who choose to live together. It is another thing to provide for the rights and obligations which should exist by reason of that status. People who marry may be said freely to accept mutual rights and obligations. It is not necessarily the case that the same holds true for people who live together outside of marriage. In fact, the point is often made that a decision not to marry should be characterized as a refusal to accept the rights and obligations normally associated with marriage.

Under a principle of voluntariness, the law should not impose rights and obligations on people who live together unless either (a) they (expressly or tacitly) accept those obligations, or (b) another policy, such as the principle discussed in the next section, is applicable and, in the circumstances, should be accorded greater weight than the principle of voluntariness.

Principle 4. Protecting the vulnerable

A strong reason for recognizing that legally enforceable obligations arise from non-traditional family relationships is to protect people who are vulnerable.

Perhaps the most important function of family law is the protection of children and the promotion of their best interests. Some children are being raised in families that do not yet have full

legal recognition. Not recognizing those families makes it difficult today to fulfil the duty to protect children of these families. For example, the law may not recognize a parent's partner—even one who stands in place of a parent and who provides emotional and financial support to the child—as having any status with respect to the child in some situations.

People in a marriage or in a relationship that resembles marriage may suffer economic prejudice when the relationship ends. They are also in need of protection. Not recognizing these relationships and not offering the same legal protections that the community has agreed are necessary in more traditional family units may allow one party to take unfair advantage of another.

It is in these cases that the principle of voluntariness must sometimes yield to the principle of protecting the vulnerable.

Principle 5. Protecting expectations

One function of the law is to protect people's reasonable expectations. Anecdotal evidence, and surveys in the United States and Europe, are said to indicate that most people assume that the law already protects those in non-traditional relationships. Popular opinion has it that after two years a live-in partner is a spouse.

In British Columbia that is already, in many respects, true. But it is by no means completely true. When the law does not protect reasonable expectations, recognizing some non-traditional relationships and not others, or recognizing them for some purposes and not others, it loses its legitimacy and its force.

Principle 6. Equity in distribution of benefits

Various financial and non-financial benefits are available to people in our society and to their families. Different levels of government provide some of these benefits in the form of social assistance, grants, or relief from taxation. Third parties, such as employers, are required by law to provide other kinds of benefits.

Three observations can be made about the present model for determining entitlement to benefits:

- ! benefits provided under this model are often additional to those that would be enjoyed by people who live alone.
- ! people in family units not recognized by law are treated as people living alone. They do not receive the benefits available to those whose relationships are recognized.
- ! when benefits are distributed inequitably, those denied their share may be said to subsidize the recipients.

The principle of equity in the distribution of benefits is advanced by recognizing the range of different family units in B.C. It may be that the goal cannot be fully met until the historical basis upon which entitlement to such benefits is re-examined, but that is outside the scope of this project.

Principle 7. Equality among family relationships

In furtherance of the object of recognizing the range of family relationships that exist in B.C., the legislature has provided that some people living together have a special, legally protected status. Sometimes this status yields benefits for people in relationships that are not available to people who are on their own. Compare, for example, the range of employment benefits available to single people with those that are provided employees who have spouses. Sometimes this status yields benefits for people who are on their own that are not available to people in relationships. Consider, for example, entitlement to social assistance and the tax treatment accorded people who by reason of their family relationship are considered to form a single economic unit.

Some people see the principle of voluntariness as allowing parties free choice about the incidents of family relationships they wish their own relationship to have. But, under the principle of equality of relationships, it cannot be fair to require families formed by marriage to accept the whole range of benefits and detriments and allow other people in relationships resembling marriage simply to choose those they like (the benefits) and avoid those they don't like (the burdens).

It should be observed that the principle of equality of relationships is valid whether or not the general social policy supporting the form of these various benefits and burdens is flawed. Under no circumstances should a preferential status be given to some kinds of long term relationships, once it has been determined, as the legislature in B.C. has determined, that non-traditional family relationships should be recognized.

Principle 8. Protection of privacy

Contemporary society is marked by growing concern over the erosion of personal rights of privacy, making it even more important to ensure that family relationships are not subject to unjustified intrusions by government or third parties. In developing the mechanisms for recognizing non-traditional families, attention should be paid to rights of privacy.

Legislation that recognizes non-traditional relationships in a way that deprives people of privacy, thereby discouraging or preventing them from asserting rights that accrue by reason of family status, might achieve formal, but would not necessarily achieve substantive, equality. There may be reasons having to do with business opportunities or attitudes in the workplace, for example, that might discourage partners from publicly declaring their relationship.

The objective the Institute has identified is substantive equality. This has led to two important aspects of the work: first, people who make a domestic partner declaration may choose not to register it. An unregistered domestic partner declaration would not have the scope of a

registered declaration, but would still affect rights as between the partners. Second, B.C. legislation has been reconsidered to determine whether particular rights and obligations that currently depend upon the existence of a spousal relationship should be available more generally to persons who, although not necessarily spouses or partners, live together as family.

J. Outline of the Proposed Legislation

The object of this section is to provide a general description of the dimensions of the family status recognition project and the proposals made by the Institute.

1. Status, rights and obligations

When many people think of family status, they think in terms of the rights that arise when a relationship ends: entitlement to support, for example, or to share in property. These are, of course, important issues. The law in fact addresses a vast range of issues that are linked to family status, only a small segment of which involve financial matters or property.

The Institute identified some examples of the kinds of legal issues where family status is important:

- ! issues relating to children (such as guardianship, adoption and protection of children),
- ! employment issues: promotion/advancement; disqualification from employment; spousal and family-based financial and non-financial benefits (basic and extended medical and dental care; pension and group life insurance plans; bereavement leave; sick leave; maternity and parental leave; marriage leave; leave to care for a sick family member),
- ! protection of the elderly,
- ! conflicts of interest that arise by reason of family relationships,
- ! status of agreements between family members,
- ! health care issues (visiting rights; consent to health care; human tissue donation and autopsy; decisions respecting burial or cremation),
- ! information collection/vital statistics/privacy,
- ! insurance issues (particularly the question of who is, or is not, protected under a policy by reason of being part of an insured's family),

- ! limitation periods (particularly those that apply on the loss of status),
- ! prison (family and conjugal visits),
- ! relational injuries (compensating people when a family member is injured or dies because of the wrong of another),
- ! social assistance benefits (provincial and federal income support programs, continuing care, prescription drug assistance, disability benefits),
- ! wills and succession (status to be a personal representative, to share in an estate, or to challenge a will).

Legal recognition of various family relationships does not mean that all family ties, however defined, will entitle all parties to the same rights (or the same degree of rights) or place upon all parties the same obligations. Naturally, the kinds of rights and obligations, and the extent of them, will depend upon the kind of family tie. The relationship between a person and that person's spouse, differs in legal significance from those between the person and the person's parents, children or siblings. The same will necessarily be true of non-traditional family relationships.

2. *General approach*

The law currently recognizes family ties based on blood, marriage and adoption. It recognizes married spouses, sometimes people who live together as husband and wife, though not married and, less often, people of the same sex who live together in marriage-like relationships.

The Institute's review of B.C. legislation consisted of a consideration of the following issues:

(a) Non-traditional Family Relationships

To what extent does, and to what extent should, the law recognize people who choose to live together in a close association that is the equivalent of a family relationship (whether or not the relationship is "marriage-like")?

Many statutes refer to the rights of people variously referred to as "family" or "relatives." Some statutes apply special rules or extend special privileges or obligations to defined family members who live together. Only a few statutes recognize the status of non-relatives who live together as family (such as the *Employment Standards Act*). One part of the project was a consideration of situations in which people (including non-relatives) living together as family should have the rights and obligations extended to those making up traditional families. (More information on this is available in Section K below).

(b) Extended Parent/Child Relationships

To what extent does, and to what extent should, the law recognize the relationship between two people where one of them stands in place of a parent to the other?

Many statutes, but not all, recognize that a parent/child relationship may exist in situations where the person is not the biological or adoptive parent, guardian or person with custody of the child. Part of the project considered whether statutory references to parents that did not mention non-traditional relationships should include step-parents and people standing in place of a parent. (More information on this is available in Section K below).

(c) Non-traditional Spousal Relationships

To what extent does, and to what extent should, the law recognize people who choose to live together in relationships resembling marriage?

The most far-reaching proposals for change involve recognizing non-traditional spousal relationships, the dimensions of which are explored in the next section.

3. Spousal relationships

(a) Married spouses, opposite sex partners, and same sex partners

Currently, B.C. legislation recognizes in many situations, in addition to married spouses, people living together in relationships resembling marriage. A number of formulations to describe these relationships have been employed, such as that the parties are “common law spouses,” or they are “living together as husband and wife” or they have a “marriage-like relationship.”

(b) Current approach

This approach to determining which spousal relationships are to be recognized focuses on the elements of the relationship, but not the intentions of the parties. As such, the approach does not give effect to two of the principles described above: the principle of voluntariness and the principle of non-discrimination in access to status. A consideration of whether the parties voluntarily chose to have spousal status is not always part of this approach, and spousal status is accorded only in situations that resemble the traditional model of marriage.

(c) *Domestic Partner Act*

Since marriage is not available to all people who wish to live as spouses or partners, it was necessary to develop a mechanism by which people could voluntarily choose a similar status. It is proposed, consequently, to enact a *Domestic Partner Act*, which would allow two people to agree to have rights and obligations comparable to those of married spouses by making a formal declaration.

Once registered (with the Director of Vital Statistics) the declaration provides the parties with rights and obligations similar to those of married spouses. In furtherance of the principle of privacy, the partners may elect not to register the declaration, in which case it would still have significance as between them during their lives, but limited significance as against third parties.

Provided they are not married or not domestic partners of others, any two adults could make a domestic partner declaration. While the declaration would be available to people in marriage-like relationships, it is not restricted to them. The *Domestic Partner Act*, consequently, gives effect to the principle of voluntariness and the principle of non-discrimination in access to status.

Just as with marriage, it would be theoretically possible, although highly unlikely, that people making a domestic partner declaration would not live together. People in relationships sometimes live apart, for various reasons (such as attending university, temporary relocation in furtherance of business, poverty, immigration status, or because they have the wealth and inclination to enjoy more than one residence).

An issue that received a great deal of consideration was whether it was necessary to restrict domestic partnership to two people. A significant minority of the board was in favour of allowing a person to have more than one domestic partner because it would serve the needs, for example, of a family unit consisting of a brother and sisters, each wishing to ensure that various entitlements, such as employment benefits, would be equally available to all. It was agreed, however, that this was an issue that might be reconsidered in the future after there has been some experience with domestic partner declarations.

(d) People in “marriage-like relationships”

In addition to married spouses and domestic partners, a third relationship would also be recognized: people, while not expressly agreeing to be partners, who have formed such a relationship in fact. The formulation popularly used to describe this relationship is to refer to it as a “common law relationship” or to live “common law.” These words have an unfortunately restricted legal meaning (common law marriages are known to the law, but rare, and do not include persons who simply live together as husband and wife).

The formulation frequently used in B.C. legislation to describe this relationship is to characterize it as a “marriage-like relationship” (the reason the Institute has employed the term in its proposals).

In many respects, rights and obligations among spouses and other partners will be the same whether they are married, domestic partners, or people having a “marriage-like relationship.” Important distinctions, however, are drawn when it comes to determining the legal rights and obligations that arise when these different kinds of relationship end or one spouse or partner dies.

An important part of these legal reforms concerning domestic partners and people in marriage-like relationships is that they do not require or depend on the existence of a sexual relationship between the parties. That is a matter that is personal and private to consenting adults. The proposed *Domestic Partner Act* does not require, and use of the term “marriage-like relationship,” does not imply, the need for sexual intimacy.

(e) When a marriage or partnership ends - family property and support obligations

Marriage is, in part, considered to be an agreement by each spouse voluntarily to confer a set of rights and impose a set of obligations on the other. One consequence of marriage is that, when the relationship ends, each of the parties has equal rights in family assets. The same result will be true of people who voluntarily become domestic partners.

However, the absence of a voluntary commitment from people who are not married or domestic partners, but who have a marriage-like relationship, has led to formulating a difference in their rights. It is proposed that there be no automatic right to share family assets. Instead, each partner will have the right to apply to court for a share largely based on established protective legal principles that prevent one person from unjustly benefiting at the expense of another (*see Part III.C. Family Relations Act, Part 5.1*). This is in furtherance of the principle of protecting the vulnerable. An application under the proposed legislation could not be made by a person by reason of a marriage-like relationship that lasted for less than two years (although a claim could be advanced at the end of a relationship lasting less than two years for a share of property on the basis of common law and equitable principles, as is currently possible).

This was an issue upon which strong minority views emerged, which are discussed in more detail in *Part III.C. Family Relations Act, Part 5.1* (see particularly, the annotation to s. 69.2(3) and the dissent of Etel Swedahl in Part VI of this Report).

It is not proposed to change the law of support obligations as between partners. The current model for awarding support in cases of marriage is functionally similar to that which, it is proposed, should govern the property rights of people in marriage-like relationships: not to confer absolute entitlement, but to allow claims to be made for what they are worth. Since that principle is already applied for support obligations for spouses and partners, there is no need for a legislative change.

A concern that is outside of the scope of this project, however, is the extent to which federal and provincial legislation adopt different, contradictory factors for awarding support. Support obligations of married spouses under the *Divorce Act* may differ from those of non-married partners under provincial law. This is an area of the law that might be suitable for examination in a separate project (for more information on this issue, see the discussion in *L. Future Considerations*. See also the dissent of Etel Swedahl in Part VI of this Report.).

(f) When a spouse or partner dies

Rights arising on the death of a spouse or partner would again vary depending upon whether the principle of voluntariness or the principle of protecting the vulnerable applies.

It is proposed that a surviving domestic partner would have the same rights in this respect as a surviving married spouse.

If the deceased died leaving a will: currently, if a person dies leaving a will that does not make adequate provision for the surviving married spouse, the law allows the spouse to apply for a greater share of the estate. It is proposed that the same remedy also be available to domestic partners and partners in marriage-like relationships, so that a surviving domestic partner, or a person who qualifies by reason of a marriage-like relationship (lasting for more than two years) would be equally entitled to apply for a fair share of the estate.

If the deceased died without a will: a married spouse or a domestic partner under a registered declaration would have the same preferential rights to share in the estate over other close family members. In contrast, partners in a marriage-like relationship would have no automatic entitlement. But it is proposed that a right to apply for a share of the estate would also be available on intestacies.

K. Categories of Issues

The changes to the statutes under consideration have been organized into Categories, which are listed in the notes in the Tables as a shorthand way of describing the issue or policy in question.

These are the Categories:

Category 1: Benevolent funds.

Some statutes authorize a society or association (usually a professional regulatory body) to establish benevolent funds for needy members and former members, and their families. In each case, the focus of the legislation is on authorizing funds to be established. The actual beneficiaries of these funds are either defined in regulations, or left to the discretion of the regulatory body. No amendments are proposed in these cases (although the policies currently being applied should be reconsidered by the responsible body in the light of the Institute's proposals).

Category 2: Pension benefits/employment benefits.

Some statutes authorize pension plans and other employment benefits for designated people employed by government (the auditor general, the conflicts commissioner, the ombudsman, etc.) and their "spouses." In each case, pension benefits are determined by reference to the provisions of the *Pension (Public Service) Act*. To ensure congruence between the *Pension (Public Service) Act* and the statute incorporating its provisions by reference, it is proposed to add a section that provides that "spouse" has the same meaning as under the *Pension (Public Service) Act*.

Amendments are also proposed to the *Pension (Public Service) Act*.

Category 3: Professional corporation.

Various professionals are allowed to incorporate. A standard approach is taken in the statutes to defining the nature of the corporation, and determining who may have voting shares and who may have non-voting shares.

A concern is that profits from professional corporations not be paid to a person who is not a member of the profession. Consequently, only members, and their families, are permitted to own shares. Typically the privilege of share ownership is restricted to a person's spouse, children (as "defined in the *Family Relations Act*") and relatives living with the professional.

The *Legal Profession Act* adopts a different formulation. It provides that anyone who lives with the member may own non-voting shares. The approach is consistent with the policy described under Category 14: Household members.

It is proposed that legislation allowing for the creation of professional corporations allow shares to be owned by people who live with the professional as a member of the professional's family (that is, in a close association that is the equivalent of a family relationship).

Non-married opposite sex spousal relationships are usually recognized in these statutes, but same sex relationships are not. Proposals are made to revise the statutes to recognize the relationships of same sex and opposite sex partners.

Most of these statutes adopt the meaning of "child" as "defined in the *Family Relations Act*." The formulation is confusing because different (quite inconsistent) definitions of "child" are adopted in different Parts of the *FRA*. No definition of "child" is proposed.

Category 4: Conflicts of Interest/Arms'-length transactions.

Two important and related issues are addressed in a number of statutes: (1) the concern that a person not allow a duty to conflict with personal interests, and (2) determining whether a transaction is a legitimate business transaction in which the parties are dealing at arm's length. Family relationships raise an identity of interest by which it must often be assumed that (1) when one person has interests in the matter, a related person will be placed in a conflict of interest, and (2) transactions between family members are not at arms' length.

These issues do not appear ever to have been considered in a comprehensive fashion. Different statutes adopt different tests concerning whether a family relationship raises a conflict of interest or otherwise colours the transaction. Some statutes restrict the list to a person's spouse and children. Others itemize relationships all the way from a person's greatgrandfather to greatgranddaughter, and include the same relations of the person's spouse. Still others adopt federal

legislative rules (under bankruptcy and tax legislation). A common formula is to include a person's spouse and child, as well as a person's relatives (sometimes only the person's, other times also those of the person's spouse) who live with the person.

It was outside of the scope of this project to rationalize the various lists being adopted. Consequently, the following principles have been applied to reviewing these statutes:

- ! the basic class of relationships identified by each statute is accepted.
- ! each class has been reviewed to determine whether it should include extended relationships (if the statute lists spouses, the question is: should an extended definition apply; if parents and children are included, should the family status of people where one of them stands in place of a parent to the other also be recognized; if relatives are listed, then should non-relatives living as family also be added to the list?)
- ! as a matter of policy, no minimum cohabitation period is required to establish a marriage-like relationship. This is consistent with the position adopted currently in most statutes addressing these issues. The identity of interest between people in a marriage-like relationship, whatever its duration, raises obvious concerns in these areas.

Category 5: Relational claims

The law recognizes that various people will have claims when a family member is injured or dies (*see, for example, the Family Compensation Act and the Workers Compensation Act*). The usual approach is to list people who may have a claim by the family relationship (a spouse, a parent, a child, for example). The class of applicants under the *Family Compensation Act* has been reconsidered in this project. Only a few other statutes address the issue. For consistency, consequently, the policy proposed is to adopt the (revised) *Family Compensation Act* rules by reference.

Category 6: Support

Category 7: Property rights

Category 8: Succession

Of the principles outlined earlier, the principles of voluntariness and of protecting the vulnerable have figured most prominently in these three categories. Voluntarily choosing the relationship (by marriage or making a domestic partner declaration) confers on each of the spouses or partners rights and obligations during the relationship as well as when it ends, or a spouse or partner dies.

So, for example, when the relationship ends, both married spouses and domestic partners are entitled to share in family assets under Part 5 of the *FRA*, and when a spouse dies without leaving a will, they are entitled to share on an intestacy.

In contrast, people who do not expressly accept the relationship, but who live in a marriage-like relationship, are protected under

- ! a new Part 5.1 of the *FRA* (which allows an application for a share of property at the end of a relationship based on revised constructive trust and resulting trust principles, as well as revised compensatory support principles), and
- ! a revised *Wills Variation Act* (which allows a surviving spouse or partner to apply for a share -- or a larger share -- of the deceased's estate whether the deceased died intestate, or left a will).

Category 9: Parents:

(a) *use of mother/father:* the policy adopted by the Institute is to use "parent" in preference to "mother" or "father" unless the reference can be to only one sex.

(b) *person who stands in place of a parent:* depending on context, the law recognizes a number of different people as being a "parent" or exercising parental duties and responsibilities:

- ! a natural parent
- ! an adoptive parent
- ! a guardian
- ! a person who has custody (sometimes referred to as a person having "care and control" of the child).
- ! a stepparent
- ! a person who stands in place of a parent

There are a number of reasons for recognizing a parent/child relationship:

- ! to identify and enforce obligations a parent owes a child (such as support).
- ! to determine relational rights (*see* category 5).

- ! to identify the rights that accrue to a parent through the child in addition to relational claims.
- ! to determine whether the adult can consent on behalf of a minor: minors are not of full capacity, and many privileges are not available to a minor, or available only with the consent of a parent (such as the right to apply for a driver's license, or to marry).
- ! to fix on an adult liability for wrongs committed by a child (penalties and vicarious liability).
- ! to determine entitlement to various social benefits (for example, in the form of grants and tax exemptions) by which the community supports families that consist of children.

The meaning of the term can (and should) vary significantly depending upon the nature of the statute. Factors that determine whether a person owes an obligation to support a child are quite different from those that determine whether the person is responsible for wrongs committed by a child, or should be entrusted with the duty of consenting (or withholding consent) on behalf of a child.

Reviewing the list set out above of people who may qualify as a parent, the first four categories are straightforward (natural parent, adoptive parent, guardian, person with lawful custody). In each case, the legal rules are well settled (although guardianship still poses some interesting points) as to when a person satisfies the requirements of the category (and as to when the person might be disqualified from being considered a parent). It is the last two categories (stepparents and people who stand in place of a parent) that pose difficult questions.

Until recently, one could not be a stepparent of a child without marrying a person who qualified as a parent to the child. The *Family Relations Act* initially recognized that a person of opposite sex living in a marriage-like relationship with a parent could be a stepparent, and has recently been amended to similarly recognize that the same is true of people of the same sex. One of the concerns of the *Family Relations Act* is whether there is an obligation to support the child, and a person is not considered to be a stepparent unless that person has supported the child for at least a year. The *Family Compensation Act*, also concerned with dependency, also insists upon that factor being present. Most other B.C. legislation does not define when a person qualifies as a stepparent.

A slightly more ambiguous category, which would include a stepparent if not otherwise specifically named, is the person who stands in place of a parent (formerly referred to in law as a person who stands "*in loco parentis*"). This is a relationship that has not been well developed in legal terms.

It cannot be said that family relationships are fully recognized if the status of people who assume parental responsibilities is entirely ignored by the law. Many B.C. statutes include in the definition of “parent” people who stand in place of a parent.

The policy proposed in this project is to recognize the family status of people *living together*, where one of them stands in place of a parent to the other, unless sound reasons for not recognizing the relationship can be identified. This is done either directly, or in the context of recognizing the status of household members (*see* Category 14).

As a practical matter, the question of whether a person stands in place of a parent will turn on who else is in the picture (for example, whether the child's natural parent is still fulfilling that role). Because of the variations that may exist, it is not practical to recognize an extended parent/child relationship in every case. It should be remembered, however, that the status also arises apart from statute at common law so that, even in cases where there is no express legislative recognition, a person may have rights and obligations by virtue of assuming a parental role.

These are the general categories of reasons why the policy has not been applied in particular cases:

(a) *problems of proving relationship:* where recognizing parental status represents a matter of some importance (as it usually does), problems of proving the relationship may be good reason for not recognizing the status of a person who stands in place of a parent. Even if the parties have proof of the relationship, the administrative machinery that would allow a third party to verify and rely upon the fact of the relationship may not exist. Moreover, by proof is meant not only that a parent/child relationship exists in fact -- but that the candidate has the best right to occupy the position. Recognizing a parent/child relationship where the child has no other parent (for example, the natural parent has abandoned the relationship) is one thing. But where the child has a natural parent, who may have quite different views about the upbringing of the child, recognizing the *de facto* parent would not be sound.

(b) *reference sufficiently comprehensive:* some legislation refers to parents, and then holds that other people are under the same responsibility or have the same prerogative (the formulation might be, for example, “parent or other person”). In these cases, the legislation is sufficiently comprehensive even if it does not specifically turn on whether the “other person” stands in place of a parent. In other cases, an amendment is proposed to recognize the family status of people (including non-relatives) living together as family, which will also include people living together in a parent/child relationship.

(c) *concerns about unjustified claims:* this is related to problems of proving the relationship. In many cases, the simple assertion by the parties that the relationship exists would be sufficient. But where valuable entitlements turn on who qualifies as a parent, recognizing people who stand in place of a parent as being more or less co-equal with natural parents would encourage decisions that are not necessarily in the child's best interest. That

would mean, for example, that in some cases tax consequences or social benefits could be affected by choosing the adult who is to be considered a “parent” by reference to the best financial result to the parent, rather than the best interests of the child. Such a result would run counter to the reason for recognizing the family relationship in the first place -- protecting the interests of the child.

(d) *penalty or vicarious liability*: because of the fluid nature of the relationship between a child and a person who stands in place of a parent to the child (the person may qualify as a parent in some situations and for some purposes, but not others) the board decided against recognizing the relationship if the only purpose was to enforce penalties exacted against parents (or guardians or persons with custody) for failing to control a child, or to impose liability for wrongs committed by the child.

(e) *consent*: the relationship is not recognized where the statute reserves a requirement for parental consent. The fact of the relationship may not provide the necessary assurances that would justify entrusting the protective role the statute requires of parents on people who stand in the place of a parent.

Category 10: Financial Implications

Some of the proposed changes have financial implications, to families, to government and to third parties. The annotations in Part V of this Report do not list all situations in which a legislative change involves a financial element to someone (some omissions include: if a support obligation is recognized there would be financial implications to both the payor and the payee; or that there may be financial implications to changing conflicts of interest rules). The following kinds of financial implications have been listed:

- (a) tax exemption
- (b) loss of tax exemption
- (c) statutory compensation
- (d) government grant or privilege
- (e) registry/administration responsibilities
- (f) expanded third party liability
- (g) pension/employment benefits
- (h) insurance

Category 11: Spouse definition

In accordance with the principles discussed earlier (mainly, the principle of voluntariness and the principle of protecting the vulnerable), three kinds of relationship involving spouses or partners are being recognized. Two of them arise voluntarily (marriage and domestic partners); one arises in fact (people in a marriage-like relationship). For the most part, all three kinds of relationship consist of the same rights, privileges and obligations while the relationship continues. Distinctions are drawn when a relationship ends (either when the parties separate or one of the spouses or partners dies). In these cases, the law recognizes rights voluntarily conferred on each other by married spouses (and, it is proposed, domestic partners). But with respect to partners in a marriage-like relationship, the law instead provides protections: chiefly, the (existing) right to apply for support; the (proposed) right to apply for a share of property under Part 5.1 of the *FRA*; and the (proposed) right to apply for a share of the estate under the (revised) *Wills Variation Act* (renamed “*Dependants Relief Act*”).

It is proposed that a number of changes, some of which are technical and others which are matters of policy, be made throughout the statutes:

(a) describing marriage as being between people of the same sex: some (but not all) definitions of “spouse” that recognize same sex marriage-like relationships also characterize the possibility of marriage being between people of the same sex (on the ground that other countries are recognizing same sex marriages, or ceremonies akin to marriage). The policy adopted by the Institute is not to use the word “marriage” to describe a relationship between people of the same sex (*see*, however, section 6 of the proposed *Family Status Recognition Act* which recognizes relationships formalized in another jurisdiction that are the equivalent of marriage or domestic partnership).

(b) use of “gender” or “sex”: there is some variation in the statutes concerning whether relationships are between people of the same or opposite “gender” or “sex.” As a matter of consistent drafting “sex” is used instead of “gender.”

(c) husband/wife: these synonyms for “spouse” are inappropriate when applied to extended spousal relationships. The policy adopted by the Institute is to use “spouse” in preference to “husband” and “wife” and to use “in a marriage-like relationship” in preference to “lives as husband and wife.” Unless the statute in question specifically defines “spouse,” this usage means that the proposed *Family Status Recognition Act* definitions will apply.

(d) widow/widower/widowed: these terms to describe a spouse after the death of a spouse are inappropriate when applied to extended spousal relationships. The policy adopted by the Institute is to use “surviving spouse” instead.

(e) end of status: some, but certainly not all, statutes address the question of when spouses, by reason of the end of their relationship, should no longer be considered spouses. It is easy

enough to point to something as conclusive as a divorce order, but relationships usually come to an end long before a divorce order is made. The problem is more difficult when dealing with marriage-like relationships, where the beginning and the end points are often hazy. It is desirable, consequently, to set out rules for determining when a person is no longer considered to be a spouse. These events include: (i) living separate and apart for a minimum period of one year where one or both parties have the intention that the relationship not continue; (ii) the making of a separation agreement; (iii) obtaining a declaratory order that the spouses have no reasonable prospect of reconciliation with each other; or (iv) obtaining an order that otherwise recognizes the end of the relationship (such as, for married spouses, an order of divorce or of nullity).

(f) *living separate and apart:* of the statutes that address when spousal status is lost, by far the most common formula is to adopt a test based on the parties living separate and apart. The question, of course, is what exactly does that phrase mean? Is it satisfied if the parties simply live apart. Must one (or both) parties have the intention that the relationship be over? The *Divorce Act* defines living separate and apart as occurring only if at least one party has the requisite intention. A number of B.C. statutes incorporate the *Divorce Act* test by reference. The *FSRA* adopts an approach that is similar to the *Divorce Act*. It is proposed, consequently, to change B.C. legislation that refers to the *Divorce Act* test to point instead to the *FSRA*.

(g) *extended definition:* for the most part, it is proposed to use the term “spouse” in B.C. legislation to mean married spouses, domestic partners and people in a marriage-like relationship. The policy is not applied, as mention earlier, where the matter addressed in the statute relates to rights and obligations arising on the end of the relationship. Distinctions are drawn depending upon whether (i) the relationship arises voluntarily, by marriage or the making of a domestic partner declaration, or (ii) the relationship is recognized because it is marriage-like. Another distinction turns on whether or not a prerequisite for a marriage-like relationship is that it have existed for at least two years. The policy adopted by the Institute is to not require a duration of the relationship test (sometimes called a “permanence test”) except in specially defined situations (*see* the next item).

(h) *duration of relationship test required:* the policy adopted by the Institute is to require that the relationship have lasted for at least 2 years before it will be recognized in certain circumstances, including claiming support and property rights at the end of the relationship, qualifying for special tax status or government grants and entitlements, pension rights and succession rights, and to assert entitlement to a relational claim.

(i) *inclusion of domestic partner:* the policy adopted by the Institute is to equate the rights and obligations of domestic partners with those of married spouses.

Where general policy is not applied, a reason is stated in the annotations to the Tables in Part IV of this Report. These are the reasons that support the (few) departures from policy:

(a) section has only historical relevance: a number of statutory provisions correct the policy of the common law, usually concerning the special status of married women. The common law in these cases never applied to partners in non-traditional relationships, and there is no need to revise these sections to achieve the policy objectives of recognizing family status.

(b) section has no prospective application: some statutory provisions relate to various vested rights and entitlements that will not be available to new recipients in the future (for example, pension rights of widows before 1973). Revising the sections would not achieve policy objectives (and may cause confusion).

(c) reference applies to only married spouses: if, because of the context, the legislation can only apply to married spouses, revising the legislation would not achieve policy objectives.

Category 12: Generic use of “family” and equivalent terms.

The statutes often use “family”, “dependant” and “dependent” as general terms to refer to family relationships or close family relationships. Less frequently, “relative” and “next of kin” are used for these purposes. These terms are typically not defined in the statutes (although definitions -- not always consistently applied -- have been attributed to them in various judicial decisions).

It is proposed to confirm that “family” includes a person’s spouse as well as people (including non-relatives) who live together as family.

No change is proposed in connection with “dependant/dependent” The term is not necessarily restricted to blood relationships and, consequently, is sufficiently comprehensive (although it is recognized that its suitability might be challenged where, in the context of the statute in which it is used, people in non-dependent relationships may very well be recognized).

Changes are also proposed where terms have mixed use (such as “relative” and “next of kin”) -- sometimes having a general sense of family or close family, and other times a more precise meaning (particularly “next of kin”). The proposals are designed to preserve the technical meanings. See the definitions in the proposed *Family Status Recognition Act*.

The annotations in the Tables include these references:

(a) family: the policy adopted by the Institute is to not to replace generic terms with more precise lists of family relationships (although the *FSRA* clarifies that “family” includes a person’s spouse and a second person (including a non-relative) living with a first person in a close relationship that is equivalent to a family relationship, to ensure that its general meaning includes extended family relationships). (Another category of generic use that was reviewed, but for which no changes are proposed, are terms used as adjectives (for example, “family status,” “family purpose,” “family dwelling,” “family bonus”).

(b) dependant: the policy adopted by the Institute is not to substitute other terms for “dependant” (or “dependent”) when it is used in only a general sense to describe family relationships (or is used as a general term which is more precisely defined outside the statute in, e.g., regulations).

(c) next of kin: the policy adopted by the Institute is to reserve next of kin for its technical meaning. The *FSRA* defines “next of kin” as meaning the person who would succeed to another’s property on an intestacy under the *Estate Administration Act*. “Family,” “close family,” “relative” or “near relative” are terms that may be substituted for “next of kin” when it is used to mean close family.

(d) relative: “relative” excludes family relationships that consist of non-relatives. The term is acceptable when it is not used restrictively (for example “relatives and others”). Otherwise, “family,” “family member” or “close family” is substituted.

In cases where the statutes use a general term, but the policy respecting the recognition of family relationships is specified in the regulations, it will be up to the responsible ministries to redraft the regulations. The proposed *Family Status Recognition Act*, however, defines the ground rules for that task.

Category 13: Marriage.

All references to “marry,” “married” and “marriage” were reviewed to determine whether the reference had to be changed to include extended spousal relationships, or could be retained because in the context the particular word could refer only to “marriage.”

Category 14: Household members

The policy adopted by the Institute is to recognize people (including non-relatives) who live with another in a close relationship that is the equivalent of a family relationship. Where priority among family members must be assigned, the policy adopted by the Institute is to accord a person living with another as a member of the family priority behind siblings. The typical drafting formulation used is to refer to one person living with a second “as a family member” or in a “close association that is the equivalent of a family relationship.” It will be up to the courts to determine whether or not the relationship is sufficiently close to qualify as a family relationship. Clearly, simply sharing a residence is not in itself sufficient to create a relationship that is equivalent to family. In most cases, something more in terms of how the parties regard each other, and conduct their domestic and financial affairs, would be required.

Consideration was given to defining with some precision what is meant by a “family” relationship, but this is a matter where discretion must play a large role, having regard to the nature of the entitlement in question. A third party asked to recognize a family relationship may be prepared, for non-financial entitlements, to rely upon the assertion of the parties, or an assertion

combined with proof of a common address. For other purposes, something more will be required -- but that will typically be where a financial benefit is involved, or where there is a competition with other family members.

If the policy is not applied, a reason is set out in the annotations to the Tables (the list of reasons is similar to those listed under *Category 9: Parents: (b) Person who stands in place of a parent*).

L. Future Considerations

Several issues arose in the course of this project which were considered by the Institute, but recommendations have not been made on them because they did not fall within the scope of the project or, while linked, raised larger issues that should be given separate consideration. It is useful to record tentative views on these areas in the hope that they can be considered in the future.

1. Support obligations

The Institute is concerned that federal and provincial legislation governing support obligations at the end of a relationship do not operate consistently. The *Divorce Act* and the *Family Relations Act* identify different factors to be taken into account. This suggests a need to reconsider the law to determine whether the distinctions are justifiable. One would expect that similar results should be obtainable under provincial or federal law.

It is a matter of concern when two pieces of legislation addressing essentially the same issue produce different results. This is an issue the Institute believes deserves study and which the Institute is prepared to consider adding to its program. One board member dissents from this position and urges immediate action (see Part VI of this Report).

2. Standardized lists of family relationships

In the review of statutory references to family relationships, it became clear that there is a great deal of variation between statutes that list "close" family connections. For example, in some cases the list might stop at brothers and sisters. Other statutes will include half siblings. Others extend the list to grandparents and grandchildren. Examples can also be found of lists that include greatgrandparents and greatgrandchildren. Another variation is whether to include "in-laws".

In most cases, the list is somewhat arbitrary, and variation reflects only the fact that when each statute was drafted, the issue was considered anew.

This is an area where some standardization would be useful. The Institute concluded that rationalizing these lists was outside the scope of this project. But preliminary definitions were developed which might serve as a point of departure for future consideration. These were two of the definitions:

"near relative" means a person's spouse, children, grandchildren, parents, grandparents and siblings.

"nearest relative" means the person, or a person of a class, mentioned in the definition of "near relative" who has priority in the order listed in that definition.

Variations on the definition of "nearest relative" that were considered included providing for situations where people could not be located, or it was not known whether there was a person of the class indicated.

If the statute should include relationships traced through a person's spouse, the formulation that was considered was to refer to a person's "near relatives or the near relatives of the person's spouse". Also, as indicated in recommendations made in this project, in many cases household members should be included in these lists.

It should be possible to settle on a fixed list, unless there are special reasons for including (or not including) various degrees of consanguinity. The list suggested in the definition of "near relative" above would appear to be acceptable as a default position.

3. Conflicts of Interest and Arms Length Transactions Policy

A further area where work might be considered in the future relates to legislation that addresses when the personal interest of one person might be considered to raise a conflict of interest for a family member of that person. Similar issues arise when determining whether transactions between family members are conducted at arms-length.

Again, B.C. legislation adopts differing, inconsistent policies for determining which family relationships raise these kinds of concerns. The Institute suggests that it would be reasonable to address these questions comprehensively with the object of revising the statutes to apply consistent legal policy to essentially identical issues.

4. Provincial Income Tax Act

Proposals to amend the provincial *Income Tax Act* to recognize non-traditional relationships were not made because the Act (for the most part) operates within the legal framework defined by the federal *Income Tax Act*. As such, it would not be meaningful to provide expanded definitions of family relationships. Nevertheless, the same justifications for the proposals made in this Report (not the least of which is the possibility of future *Charter* challenges) apply in the context of the provincial and federal legislation. It would be appropriate for the provincial government to make representations to federal counterparts urging legislative changes on the question of who qualifies as family for tax purposes.

M. Recommendation

The Institute recommends the enactment of legislation based on the draft *Family Status Recognition Act*, the Schedule to the *Family Status Recognition Act* and the *Domestic Partner Act*, set out in the balance of this Report.

N. Acknowledgments

The Institute would like to express its thanks for the preliminary work of the Project Committee which produced the materials upon which the Institute based its deliberations and recommendations. The Project Committee consisted of Gregory Steele, Christine Boyle and Arthur L. Close, Q.C. The Reporter to the Project Committee was Thomas G. Anderson.

Part II Table: Comparison of the Different Forms of Spousal Status

Title page for part 3 - proposed legislation

Part III. Proposed Legislation

A. *Family Status Recognition Act*

BILL XX -- 1999

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1. The following be enacted as the *Family Status Recognition Act*:

Family Status Recognition Act

Definitions

1. (1) In an enactment, unless otherwise provided in the enactment,

! The *Interpretation Act*, s. 1, defines “enactment” to mean “...an Act or regulation or a portion of an Act or regulation.” The Institute proposes the enactment of a separate *Family Status Recognition Act*, but it would be acceptable for this legislation to form part of either the *Interpretation Act* (to consolidate interpretation provisions of general application) or the *Family Relations Act* (to consolidate legislation dealing with family relationships).

Consideration was given to incorporating specific definitions directly in B.C. legislation. In many cases, however, particularly with respect to the definition of “spouse,” this would lead to a great deal of duplication that is avoided by enacting a statute of general application (the *Family Status Recognition Act*).

“court” means a court, tribunal, or arbitrator exercising its proper jurisdiction,

! findings and orders may be made under, *e.g.*, s. 4. In some cases, a tribunal other than a court (such as the Workers Compensation Board) will be competent to exercise this jurisdiction.

“domestic partner” means a party to a registered domestic partner declaration under the *Domestic Partner Act*, S.B.C. 199X, c. XX,

! “domestic partner” is used in the definition of “spouse.” *See* the proposed *Domestic Partner Act*. The Institute proposes that two adults of either sex be able by making a declaration, to decide for themselves to have a status that is the equivalent of married spouses. The definition requires a registered declaration, which is effective between the parties and as against third parties. An unregistered declaration, however, has significance as between the parties: *see* s. 4 of the *Domestic Partner Act*.

“family” includes a person’s spouse and a household member,

! “family” is used throughout the statutes in a non-technical sense. There is case law to the effect that unmarried partners do not constitute “family,” so it is desirable to state in the definition that spouses are included (*see* the definition of “spouse,” which includes domestic partners and people who live in marriage-like relationships).

In order to recognize modern family arrangements, it is also necessary to include in the definition of “family” non-relatives who live together as family. *See* the definition of “household member.”

“former domestic partner” means a former domestic partner under the *Domestic Partner Act*, S.B.C. 199X, c. XX,

! *see* the proposed *Domestic Partner Act*. A person becomes a former domestic partner when one of various events occurs, including a one year separation, the domestic partners make a separation agreement or a “Statement of Termination,” a domestic partner

marries a third party or the court makes a declaratory judgment under the *Family Relations Act* that the parties have no reasonable prospect of reconciliation with each other.

“former spouse” means a person described in section 2(1) and includes a former domestic partner,

! *see* s. 2(1). A person becomes a former spouse when one of various events occurs, similar to those discussed in the previous note (with the exception of the “Statement of Termination”). *See* the definition of “former domestic partner.”

“household member” means a relative or a non-relative of a second person who lives with the second person in a close association that is the equivalent of a family relationship,

! policy is to recognize the family status of people, including non-relatives, who live together as family (as opposed to roommates, boarders, or live-in employees, such as a housekeeper or other kinds of domestic staff).

“next of kin” means the person or persons who would succeed to another’s estate on an intestacy by operation of the *Estate Administration Act*,

! “next of kin” is sometimes used in the statutes in a general sense (to mean close relatives), in other cases in a technical sense (meaning the person or class of persons who will succeed on an intestacy). The Institute proposes that “next of kin” be used in only a technical sense.

The definition would not include a person qualifying as a “spouse” under the extended definition. The Institute proposes to recognize under the *Estate Administration Act* the rights of married spouses and domestic partners to share in an intestacy. People in a marriage-like relationship will not be so entitled, but will have status to apply for

a share under a revised *Wills Variation Act* (which would also apply on intestacies).

“relative” means a person who is related to a second person by blood or adoption and, where the second person has a spouse, includes the spouse,

“spouse” means a person who

- (a) is married to another person,
- (b) is a domestic partner of another person, or
- (c) is living with another person, who may be of the same or opposite sex, in a marriage-like relationship,

but does not include a former spouse,

! the definition includes non-traditional relationships. It does not require that spouses or partners cohabit for a minimum period. An analysis of the statutes shows that in most cases a duration of cohabitation test is not currently required. Situations where a cohabitation test is necessary:

- ! to establish rights as between the spouses or partners that arise when the relationship ends or a spouse or partner dies;
- ! to establish entitlement to various financial benefits, such as pensions or government grants or tax exemptions; and
- ! when there are evidentiary issues or problems of proof in connection with an entitlement.

In most other cases (particularly for purposes of conflict of interest or establishing arms length transactions) the fact of the relationship, not its duration, is the crucial element.

This general definition is used unless something more is called for, in which case a specific definition is included in the particular statute.

The Institute considered revising B.C. legislation to distinguish between married “spouses” and non-married “partners.” It is convenient, however, to use a general term such as “spouse” since all these people will have similar rights and obligations (at least while the relationship continues) by virtue of their status. Another option considered but rejected was to use “partner” as the omnibus term to include “spouses” and non-married “partners.”

The word “person” in B.C. law is defined to include a corporation. However, a word’s meaning is controlled by context. It is not possible for a corporation to have a spouse or form a marriage-like relationship, so there is no possible of ambiguity. The use of “person” in the *Domestic Partner Act*, however, would be ambiguous in the absence of a definition (*see s. 1 of that Act*).

“surviving spouse” means a person who was a spouse of a deceased person immediately before the deceased person’s death.

! s. 2 describes when a person becomes a former spouse. The combination of this definition and section 2 means that, *e.g.*, a person may qualify as a surviving spouse even after separation (of less than one year). If spousal status should end sooner under a statute, the statute must address the issue directly.

(2) If an enactment requires as an element of establishing a family relationship that the relationship have lasted for a minimum period of time, the period of time must be determined from

- (a) the date the relationship begins, or if not determinable, a reasonable date, to
- (b) the relevant date,

but a court has a discretion to deduct from the time period so calculated any substantial period during which the parties were separated with the intention that the relationship not continue.

! it is useful to have a rule for determining whether a duration test set by legislation has been met. The general rule proposed is that the period is determined as the time from the beginning of the relationship to the relevant date. In most cases, this rule will be used to determine the duration of a marriage-like relationship.

Obviously, it will not always (if ever) be possible to point to when a marriage-like relationship begins so that a reasonable commencement date must be selected in those cases.

Periods of separation would not be automatically deducted. In some cases, a period of separation may be largely irrelevant (*e.g.*, a separation that occurs early in a relationship after which the parties live together for years). In other cases, it may be more significant (*e.g.*, a 10 year relationship, but because of separation, the parties have lived together for only three scattered months in the last 2 years). Similarly, contrast three relationships,

- ! over a two year period, the parties frequently separate and reconcile.
- ! the parties live together for 1 year, separate for a month, and live together for another 12 months.
- ! the parties live together for 4 years, but each year they separate for a one or two month period before reconciling.

In the first case, the court would be unlikely to characterize the relationship as satisfying a 2 year rule. In the second situation, it may be reasonable to ignore the period of separation. In the third example, although there is no continuous two year period during which the spouses lived together, the fact that the parties lived together for at least 40 months in a four year period should satisfy a 2 year duration test.

What should happen if a prior separation led to a final settlement of all financial rights, and then the parties reconcile? In these cases, if

the relationship later ends again, courts frequently adjust rights by reference to the period from the date of the reconciliation (excluding from consideration cohabitation before the reconciliation). S. 1(2) would not prevent the same result for persons in non-traditional relationships. Basically, s. 1(2) sets out a rule for determining whether the relationship existed in fact in cases where legislation requires a duration test, not how a court should exercise a discretion conferred by statute to determine and adjust rights.

Termination of spousal status

2. (1) A spouse becomes the former spouse of another person after the earliest of the following events to occur:

- (a) the parties live separate and apart for more than one year and one or both parties has the intention that the relationship not continue,

! this is based on the approach adopted under the *Divorce Act* for determining when a marriage may be considered to have ended, although different language is used to provide for the intentional element.

- (b) the parties make a written agreement that would qualify as a separation agreement under Part 5 of the *Family Relations Act*,

! the *FRA* does not define “separation agreement” but the term is used in several places in that statute. Making a separation agreement is, *e.g.*, one of the events that is regarded as evidence of the end of a spousal relationship and triggers entitlement to a share of family assets. The question of the term’s meaning has generated a great deal of case law. Courts have accepted that in some cases oral agreements may qualify as separation agreements. Since the use of the term in the *FSRA* will serve to commence the running of a limitation period, the Institute proposes that separation agreements must be in writing.

- (c) the court makes a declaratory judgment under the *Family Relations Act* that the spouses have no reasonable prospect of reconciliation with each other, or

! currently a court may make such a declaration with respect to married spouses under Part 5 of the *FRA*. It is proposed to amend the *FRA* to provide a similar jurisdiction with respect to domestic partners and people in a marriage-like relationship.

- (d) a divorce order or an order of nullity becomes effective.

! in one sense, it is illogical to provide that a spouse becomes a former spouse after a decree of nullity is made. The essence of a decree of nullity is that the parties never were spouses. The status of “former spouse,” however, is being used as a tool for sorting out rights and obligations when a relationship ends. A marriage that ends by a decree of nullity (and therefore never was) isn’t really all that different from a marriage-like relationship ended by separation. The decree of nullity removes the legal fact of the marriage, not the reality that the parties lived together and may have thereby accrued rights and obligations. The list under s. 2(1) is based on events listed under Part 5 of the *Family Relations Act* that trigger entitlement to family assets.

(2) For the purposes of subsection (1)(a), a period during which spouses have lived separate and apart is not considered to have been interrupted or terminated

- (a) by reason only that either spouse has become incapable of forming or having an intention that the relationship not continue if it appears to the court that the separation would probably have continued if the spouse had not become so incapable, or
- (b) by reason only that the spouses have resumed cohabitation during a period of, or periods totalling,

not more than ninety days with reconciliation as its primary purpose.

! where a different rule is called for, it must be placed in the relevant statute. An example of where spousal status should be considered to be lost immediately is a former spouse's entitlement to be a representative of an adult under adult guardianship legislation.

The enactment of this section means that the general rule is,

! if an enactment is silent on the issue, and

! spousal status is lost by reference to these rules,

then all further rights under that statute that accrue to people by reason of being spouses come to an end (without prejudice to rights that accrued while a spouse).

Rights are then determined by the rights, if any, accorded to those having the status of "former spouses."

Relevant factors

3. (1) If a court must determine whether a marriage-like relationship exists between people who are not married, regard may be had to

! B.C. courts have had some experience determining whether or not a marriage-like relationship exists, or whether people who are not married are "spouses" under such statutes as the *Family Relations Act*, the *Estate Administration Act* and the *Family Compensation Act*. A good example of the kinds of factors courts will consider is found in *Molodowich v. Penttinen* (an Ontario case which has been referred to several times in B.C. with approval).

- (a) the duration of the relationship,
- (b) the nature of the relationship,

- (c) the extent to which the financial interests of the parties have been merged,
- (d) the extent to which direct and indirect contributions have been made by either party to the other or the mutual well-being of the parties,
- (e) the extent to which the parties' are socially and emotionally interdependent,
- (f) whether the parties hold each other out as partners, and
- (g) whether the parties have together taken responsibility for raising children.

(2) Subject to subsection (4), a determination under subsection (1) of whether a relationship is marriage-like must be based on objective factors, not the subjective intent of the parties.

(3) The absence of an express or implied life-long commitment between persons, or the finding that the parties expressly or impliedly intended their mutual commitment to be temporary, does not prevent a finding that the relationship is marriage-like if the parties have, on an objective assessment, a relationship that is equivalent to marriage.

(4) A marriage-like relationship does not arise between persons who cohabit if they keep their finances separate and one or both parties throughout the relationship expressly denies that the relationship is marriage-like.

! by a majority, the B.C. Court of Appeal in *Takacs v. Gallo* held that, unless legislation specifically provides to the contrary, persons will not be considered to be spouses unless there is evidence of the subjective intention to be spouses: (*per* Newbury J.A.)

“In both *Gostlin* and *Fitton*, the question of whether persons were living together as spouses notwithstanding that they were not legally married involved the court in an examination of their intentions and not simply an objective assessment of whether their financial and

living arrangements were “intertwined.” If the Legislature had intended the latter, it would have been an easy matter to so state. Objective factors will of course be relevant to determine the parties’ intentions as Lambert J.A. noted in *Gostlin* but those factors will rarely be determinative in and of themselves. Many combinations of people may live together and meet many of the criteria set forth in *Molodowich v. Penttinen*...but without intending or in fact entering the kind of psychological and emotional union that one associates with marriage.”

Subsections (2) to (4), consequently, are intended to direct the courts to determine whether the relationship is marriage-like by reference to objective factors, with the single exception of subs. (4). What is the distinction between subs. 3(3) and subs. 3(4)? Subs. 3(3) provides that the absence of the subjective intent to form a marriage-like relationship does not prevent a finding of a marriage-like relationship. Subs. 3(4) provides that a finding of an express subjective intent against the formation of such a relationship would be conclusive where the parties’ did not merge their finances.

Priority among spouses

4. (1) If more than one person qualifies as the spouse of a second person, the second person owes to each spouse all the rights and obligations that person would owe if the spouse were the person’s sole spouse.

! while the proposed legislation is based on the view that a person will have only one current spousal relationship at any one time, there will be situations where an ending relationship will overlap a new relationship. This section provides priority rules in these cases, and a jurisdiction to determine the status of people claiming to be another person’s spouse, and to adjust rights among such claimants.

(2) If a third party owes obligations to a person by reason of that person’s status as the spouse of a second person, and more than one person claims status as a spouse,

- (a) the combined liability of the third party to those claiming spousal status must not exceed the liability the third party has in cases where only one person claims status as a spouse, and

! a third party's exposure is not increased simply because spousal rights may overlap. The limitation may operate in one of several different ways. If there is a single benefit to be paid, the claims would be limited to that benefit (that is, the benefit would be divided among persons who establish their respective claims: *see* s. 4(3). The third party would not be required to pay out multiple benefits). If benefits are subject to a statutory or contractual maximum, the maximum available for the claim of one spouse would limit the combined claims of all of the parties. The same position would apply where other limiting factors exist (such as under the *Family Compensation Act*, and other statutes recognizing relational claims, where the maximum is established by the resources available to the deceased and which were used for the support of family members).

- (b) the third party may decline to recognize any of the claims without
- (i) an order under subsection (3), or
- (ii) the written authorization of all the claimants.

! this subsection would not allow a third party to ignore the legitimate claims that might be advanced where a person has a spouse and one or more "former spouses."

(3) A court with jurisdiction to determine the obligations of

- (a) a person to that person's spouse, or
- (b) a third party to a person by reason of that person's status as a spouse,

has discretion to

- (c) determine whether the people, or any of them, qualify as a spouse or former spouse, and
- (d) determine the priorities of the parties' claims and reapportion rights and obligations among the parties as may be fair in the circumstances.

Proof of relationship

5. (1) A person claiming an entitlement, benefit or right from a third party by reason of a family relationship has the onus of proving to the satisfaction of the third party that the claimant is entitled to the benefit.

(2) The third party may require the claimant to provide evidence to establish the claim, including

- (a) evidence by way of affidavit, declaration or certificate, and
- (b) where the claimant asserts a spousal relationship, production of
 - (i) a marriage certificate,
 - (ii) a registered or unregistered domestic partner declaration, or

! people may choose whether or not to register their domestic partner declaration (*see* the proposed *Domestic Partner Act*). If it is registered, the parties have a status that is equivalent to married spouses as between themselves and as against any third party. If it is not registered, however, the declaration is effective between the parties, but third parties may be able to acquire rights in priority. Nevertheless, an unregistered declaration would still be adequate proof of a relationship in many circumstances, since it is deemed to constitute evidence of a marriage-like relationship (*see* the *Domestic Partner Act*, s. 3(3)).

- (iii) other evidence of the existence of a marriage, domestic partnership or marriage-like relationship.

! it may not be necessary for a third party to require rigorous proof of the relationship. In many situations, all that would be necessary is for a person to state (or agree with another's representation) that another is that person's spouse or partner. The reason for claiming the status (*e.g.*, the nature of the entitlement in question) will often determine the sufficiency of proof necessary to establish whether the relationship exists.

Relationships formalized in another territory

6. People of the same or opposite sex in relationships that are the equivalent of marriage or domestic partnership and that were recognized under the law in the territory in which the relationship was formalized are considered to be married spouses or domestic partners, as the case may be, under this Act.

! other jurisdictions are taking steps to recognize non-traditional relationships. If people in such relationships relocate to British Columbia they would probably have status as people in a marriage-like relationship. If, however, the relationship they voluntarily formed is equivalent to marriage or domestic partnership, B.C. law should recognize that status.

Amendments to Other Acts

7. The enactments named in the Schedule are amended as set out in the Schedule.

Commencement, Transition and Application

8. (1) The provisions of this Act apply in an enactment unless otherwise provided under this Act or the enactment.

! the *FSRA* sets out rules of general application. The *FSRA* rules will apply in other enactments unless the other enactments specifically provide to the contrary (by, *e.g.*, adopting different definitions).

(2) This Act and the amendments in the schedule come into force by regulation of the Lieutenant Governor in Council.

(3) This Act, or an enactment amended by it, does not apply to people in marriage-like relationships who, before this Act or the amendment, as the case may be, comes into force separated in circumstances in which one or both of them intended that their relationship not continue, unless they resume their relationship after the Act or amendment comes into force.

Regulations

9. The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

Schedule to the *Family Status Recognition Act*

Statute	Cite	Section	Change
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B. Schedule to the *Family Status Recognition Act*

ADULT GUARDIANSHIP ACT	RS 1996 (Supp), 001 c. 6	Section 1 is amended (a) in the definition of "spouse"	<ul style="list-style-type: none"> (i) in paragraph (a), by adding a comma after "person" and by striking out "and is not living separate and apart, within the meaning of the Divorce Act (Canada), from the other person, or", (ii) in paragraph (b) by striking out "marriage or", and (iii) by renumbering paragraph (b) as "(c)" and adding the following paragraph after paragraph (a): (b) is the domestic partner of another person, or, (c) by renumbering section 1 as subsection "(1)", and (d) by adding the following subsection: (2) For the purposes of the definition of "spouse" in subsection (1) persons are not spouses if they are separated at the relevant time and one or both of them has the intention that the relationship not continue.
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ADULT GUARDIANSHIP ACT	RS 1996 (Supp), 001 c. 6	Section 1 is amended (a) in the definition of "near relative" by adding ", an adult household member" after "sister", and	<ul style="list-style-type: none"> (b) by adding the following: "household member" means a person who lives with an adult as a member of the adult's family;.
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ADULT GUARDIANSHIP ACT	RS 1996 (Supp), 004(06) c. 6	Section 4(6) is amended (a) by renumbering paragraph (f) as "(g)", and	<ul style="list-style-type: none"> (b) by adding after paragraph (e) the following paragraph: (f) a household member living with the adult, or .
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ADULT GUARDIANSHIP ACT	RS 1996 (Supp), 053 c. 6	Section 53(3)(b) is amended by adding "the adult's spouse or" after "may allow".	
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AUDITOR GENERAL ACT	RSBC 1996, c. 004 23	Section 4 is amended by adding the following subsection:	<ul style="list-style-type: none"> (7) For the purposes of this section, "spouse" has the same meaning as under the Pension (Public Service) Act.
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CEMETERY AND	RSBC 1996, c. 020	Section 20(1)(b) is amended by striking out	
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Schedule to the Family Status Recognition Act

Statute	Cite	Section	Change
FUNERAL SERVICES ACT 45			"relative" and substituting "families".
CEMETERY AND FUNERAL SERVICES ACT 45	RSBC 1996, c. 041	Section 41	is amended by striking out "next of kin" and substituting "a close member of the deceased's family".
CEMETERY AND FUNERAL SERVICES ACT 45	RSBC 1996, c. 051	Section 51	is amended (a) in s. 51(1)(b) by striking out "or a person who was living with the deceased as husband or wife for a continuous period of at least 2 years". (b) by adding after s. 51(1)(e) the following paragraph: (f) a person living with the deceased at the time of death as a member of the deceased's family, and (c) by renumbering the following paragraphs.
CEMETERY AND FUNERAL SERVICES ACT 45	RSBC 1996, c. 059	Section 59	is amended in paragraph 59(a) by striking out "or to a person who was living with the deceased as husband or wife for a continuous period of at least 2 years".
CEMETERY AND FUNERAL SERVICES ACT 45	RSBC 1996, c. 063	Section 63(3)	is amended by striking out "a next of kin" and substituting "a close member of the interred person's family".
CEMETERY AND FUNERAL SERVICES ACT 45	RSBC 1996, c. 114	Section 114(3)	is amended by striking out "a next of kin" and substituting "a close member of the deceased's family".
CHIROPRACTORS ACT 48	RSBC 1996, c. 012	Section 12(1)	is amended by repealing paragraph (c) and substituting the following paragraph: (c) all of the non-voting shares are legally and beneficially owned by (i) members, (ii) the spouse of a member who is a shareholder, (iii) a child of a member who is a shareholder, or (iv) any person who lives with a member who is a shareholder as a member of the family,.
COLUMBIA BASIN TRUST ACT 53	RSBC 1996, c. 016	Section 16	is amended by repealing the definition of "spouse".
COLUMBIA BASIN TRUST ACT 53	RSBC 1996, c. 018	Section 18	is amended by striking out "or child" and substituting ", child or a person who lives with the director as a member of the director's family."
COMMUNITY CARE FACILITY ACT 60	RSBC 1996, c. 001	The definition of "community care facility in section 1	is amended by striking out "by

Schedule to the Family Status Recognition Act

Statute	Cite	Section	Change
			blood or marriage" and substituting "by blood, adoption, marriage, or the formation of a spousal relationship".
COMMUNITY CARE FACILITY ACT	RS 1996 (Supp), c. 60	017	Section 17(2)(h) is amended by deleting "child, parent or spouse" and substituting "member of the family".
COMMUNITY CARE FACILITY ACT	RSBC 1996, c. 60	017	Section 17 is amended (a) in subsection (2)(d) by striking out "spouse or relative" wherever it appears and substituting in each instance "member of the family", (b) in subsection (2)(f)(i) by striking out "child, parent or spouse" and substituting "member of the family", and (c) in subsection (2)(g) by striking out "child, parent or spouse" and substituting "member of the family".
COMPANY ACT	RSBC 1996, c. 62	001	Section 1 is amended (a) in the definition of "associate" (i) by repealing paragraph (d) and (e), (ii) by adding after paragraph (c) "and," (iii) by adding after paragraph (c) the following paragraph: (d) a member of the person's immediate family., and (b) by adding the following: "immediate family" means a person's spouse, child or parent and includes a second person who lives with the first person as a member of the first person's family;.
COMPANY ACT	RSBC 1996, c. 62	183	Section 183(3) is amended by repealing paragraph (a).
CONSUMER PROTECTION ACT	RS 1996 (Supp), c. 69	001	Section 6.1(2)(b) is amended by adding "or would qualify as related persons under that section under a test by which persons are considered to be connected by marriage if one is, within the meaning of the Family Status Recognition Act, the spouse of the other or the spouse of a person who is connected by blood relationship to the other," after "(Canada),".
CORONER'S ACT	RSBC 1996, c. 72	017	Section 17 is amended by repealing subsection (3) and substituting the following subsection: (3) On request, the coroner must make the information recorded under subsection (2) available to (a) the spouse, parents, children, brothers and sisters of the deceased,

Schedule to the Family Status Recognition Act

Statute	Cite	Section	Change
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(b) persons who lived with the deceased immediately before the deceased's death as members of the deceased's family, and
(c) the personal representative of the deceased.

CORPORATION CAPITAL TAX ACT	RSBC 1996, c. 73	001	The definition of "family farm corporation" in section 1 is amended by repealing paragraph (iii) and substituting the following paragraph: (iii) actively engaged in farming or who are (a) the parents, children or spouse of a person who is actively engaged in farming, or (b) a person who lives with a person who is actively engaged in farming as a member of the family;.
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CORRECTION ACT	RSBC 1996, c. 74	034	Section 34(1)(d)(4) is amended by adding " a person who stands in place of a parent" after "parent".
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COURT ORDER ENFORCEMENT ACT	RSBC 1996, c. 78	028	The definition of "judgment" in section 28(1) is amended by striking out "or reputed spouse".
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COURT RULES ACT	RSBC 1996, c. 80	001	Paragraph 1(2)(f) is amended by striking out "Wills Variation Act" and substituting "Dependants Relief Act".
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CREDIT REPORTING ACT	RSBC 1996, c. 81	001	Section 1 is amended by repealing the definition of "spouse".
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CREDIT UNION INCORPORATION ACT	RSBC 1996, c. 082	001	Section 1 is amended by repealing the definition of "spouse".
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CREDIT UNION INCORPORATION ACT	RSBC 1996, c. 82	041	Section 41(3) is amended by repealing paragraph (b) and substituting the following paragraph: (b) a second person who lives with that person as a member of that person's family
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CRIMINAL INJURY COMPENSATION ACT	RSBC 1996, c. 85	001	The definition of "immediate family member" in section 1 is amended by (a) adding ", person living with the victim as part of the victim's family" after "half sibling", (b) adding ", the domestic partner of," after "married to", (c) striking out "marriage or", and (d) striking out "gender" and substituting "sex".
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CRIMINAL	RSBC 1996, c. 018	018	Section 18 is amended by repealing the
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Schedule to the Family Status Recognition Act

Statute	Cite	Section	Change
RECORDS REVIEW ACT 86			definition of "unlicensed family child care facility" and substituting the following: "unlicensed family child care facility" means a facility other than a facility under the Community Care Facility Act that offers child care to one or 2 children (a) not related by blood or adoption to the operator of the facility or the operator's spouse, or (b) who do not live with the operator as members of the operator's family.
ELECTION ACT 106	RSBC 1996, c. 007	Section 7	is amended by adding the following subsection: (3) For the purposes of this section, "spouse" has the same meaning as under the Pension (Public Service) Act.
ELECTION ACT 106	RSBC 1996, c. 032	Section 32(2)	is amended by striking out "being an individual who is married to the individual or who is living with the individual in a marriage-like relationship, including such a relationship between members of the same sex".
EMPLOYEE INVESTMENT ACT 112	RSBC 1996, c. 001	Section 1	is amended (a) in the definition of "associate", by repealing paragraph (f) and substituting the following paragraph: (f) a second person who lives with the person as a member of the person's family;; and (b) by repealing the definition of "spouse".
EMPLOYMENT STANDARDS ACT 113	RSBC 1996, c. 051	Section 51(1)	is amended by adding the following paragraph: (d) for the spouse of a birth mother, after the child's birth and within 52 weeks after that event.
EMPLOYMENT STANDARDS ACT 113	RSBC 1996, c. 053	Section 53	is amended by adding "or of the immediate family of the employee's spouse" after "family".
ESCHEAT ACT 120	RSBC 1996, c. 008	Paragraph 8(a)(i)	is amended by striking out "kin or other".
ESTATE ADMINISTRATION ACT 122	RSBC 1996, c. 001	Section 1	is amended (a) by adding the following: "former domestic partner" means a former domestic partner under the Domestic Partner Act;; (b) by adding the following: "former spouse" means a former spouse under the Family Status Recognition Act;;

Schedule to the Family Status Recognition Act

Statute	Cite	Section	Change
			(c) by repealing the definition of "common law spouse" and substituting the following: "spouse" means a person who (a) is married to another person, or (b) is the domestic partner of another person but does not include a former spouse or former domestic partner; and (d) by adding the following: "surviving spouse", except under Part 13, means a person who was a spouse of a deceased person immediately before the deceased person's death;.
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	006	Section 6 is amended by striking out "widow or widower" wherever they appear and in each instance substituting "surviving spouse".
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	076	Section 76 is repealed.
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	082	Subsection 82(7) is amended by striking out "widow" and substituting "surviving spouse".
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	095	Section 95 is repealed and the following section substituted: 95. No surviving spouse is entitled to dower out of or curtesy in the land owned or formerly owned by the deceased spouse at the time of death.
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	098	Section 98 is repealed.
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	112	Section 112(1)(a) is amended (a) by repealing subparagraphs (iii), (iv) and (v), (b) by adding "or" at the end of subparagraph (ii), and (c) by adding the following subparagraph: (iii) a spouse, former spouse or child, as defined under the Dependents Relief Act, who is entitled to apply under that Act with respect to the deceased's estate, and .
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	121	Section 121 is amended by striking out "widow or widower" and substituting "surviving spouse".
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	122	Section 122 is amended by striking out "widow or widower" and substituting "surviving spouse".

Schedule to the Family Status Recognition Act

Statute	Cite	Section	Change
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 123	Section 123 is amended by striking out "widow or widower" wherever it appears and substituting in each instance "surviving spouse".	
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 124	Section 124 is repealed and the following section substituted: 124. (1) For the purposes of this part, "surviving spouse" has the same meaning as under the Family Status Recognition Act. (2) If the application is made by a surviving spouse who was not legally married to the deceased or not the domestic partner of the deceased, the affidavit required under s. 123 must state that the deceased was not survived by a legally married spouse or domestic partner within the meaning of section 1.	
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 125	Section 125 is amended by striking out "widow, widower or common law spouse" and substituting "surviving spouse".	
EVIDENCE ACT 124	RSBC 1996, c. 006	Section 6 is amended by striking out "wife or husband" and substituting "spouse".	
EVIDENCE ACT 124	RSBC 1996, c. 007	Section 7 is amended (a) in subsection (1) by striking out "wives and husbands" and "wives or husbands" and substituting in each instance "spouses", and (b) in subsection (2) (i) by striking out "husband or wife" and substituting "spouse", (ii) by striking out "party to the marriage" and substituting "spouse", and (iii) by striking out "during the marriage" and substituting "during the relationship".	
EVIDENCE ACT 124	RSBC 1996, c. 008	Section 8 is repealed and the following section substituted: 8. A spouse is not compellable to disclose any communication made by the other spouse during the relationship.	
EVIDENCE ACT 124	RSBC 1996, c. 070	Section 70 is amended by adding "or in the Family Status Recognition Act" after "and if a word is not defined in that Act".	
FAMILY COMPENSATION ACT	RSBC 1996, c. 126	Section 1 is amended by repealing the definition of "parent" and substituting the following: "parent" includes (a) a grandparent, (b) a stepparent who contributed to the support of the deceased for not less than	

Schedule to the Family Status Recognition Act

Statute Cite Section Change

one year, and
(c) a person who lived with the deceased and stood in place of parent to the deceased;.

FAMILY RSBC 1996, c. 001 Section 1 is amended
COMPENSATION 126 (a) by repealing the definition of
ACT "stepparent",
(b) renumbering section 1 as subsection (1),
and
(c) adding the following subsection:
(2) For the purpose of paragraph (b) of the definition of "parent" in subsection (1), a person is the stepparent of a child if the person and a parent of the child
(a) are or were married,
(b) are or were domestic partners, or
(b) lived together in a marriage-like relationship for a period of at least 2 years and, for the purposes of this Act, the marriage-like relationship may be between persons of the same sex.

FAMILY RSBC 1996, c. 001 Section 1 is amended by repealing the
COMPENSATION 126 definition of "child" and substituting the
ACT following:
"child" includes
(a) a child of the deceased who was not yet born on the death of the deceased, but subsequently born alive,
(b) a person living with the deceased at the time of death to whom the deceased stood in place of a parent, and
(c) a person whose stepparent was the deceased;

FAMILY RSBC 1996, c. 001 Section 1 is amended
COMPENSATION 126 (a) by adding the following:
ACT "former spouse" means a former spouse under the Family Status Recognition Act; and
(b) by repealing the definition of "spouse" and substituting the following:
"spouse" means a person who
(a) is married to another person,
(b) is a domestic partner of another person,
or
(c) is living with another person, who may be of the same or opposite sex, in a marriage-like relationship which has continued for at least 2 years,
but does not include a former spouse;.

FAMILY RSBC 1996, c. 001 Section 1 is amended by adding the
COMPENSATION 126 following:
ACT "dependant" means a person who was dependent upon the deceased for financial support

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pursuant to an agreement, court order or otherwise or a spouse, former spouse or child entitled to claim support under provincial or federal legislation;

FAMILY COMPENSATION ACT	RSBC 1996, c. 126	003	Section 3 is amended by striking out "or child" and substituting ", child or dependant".
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FAMILY MAINTENANCE ENFORCEMENT ACT	RSBC 1996, c. 127	001	The definition of "spouse" in section 1 is amended (a) by striking out "individual" and substituting "person", (b) by adding ", the domestic partner of" after "married to", (c) by striking out "marriage or", and (d) by striking out "gender" and substituting "sex".
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FAMILY MAINTENANCE ENFORCEMENT ACT	RSBC 1997, c. 127	014.1	Section 14.2(1) is amended (a) by adding the following: "household member" means a person who lives with a debtor as a member of the debtor's family;, and (b) in the definition of "immediate family" by adding ", household member" after "half-sibling".
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FAMILY RELATIONS ACT	RSBC 1996, c. 128	001	Section 1(2) is amended (a) in paragraph (a) by striking out "or", (b) in paragraph (b) by striking out "gender" and substituting "sex", (c) by renumbering paragraph (b) as "(c)", and (d) by adding after paragraph (a) the following paragraph: (b) are or were domestic partners, or .
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FAMILY RELATIONS ACT	SBC 1997, c. 20	001	Section 1 is amended (a) by adding the following: "domestic partner" means a party to a registered or unregistered domestic partner declaration made under the Domestic Partner Act;, (b) by adding the following: "former domestic partner" means a former domestic partner under the Domestic Partner Act; and (c) by repealing the definition of "spouse" in subsection (1) and substituting the following: "spouse" means a person who (a) is married to another person or is the domestic partner of another person, (b) except under Parts 5 and 6, lived with
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Schedule to the Family Status Recognition Act

Statute	Cite	Section	Change
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another person in a marriage-like relationship for a period of at least 2 years if the application under this Act is made within one year after they ceased to live together and, for the purposes of this Act, the marriage-like relationship may be between persons of the same sex, or

(c) applies for an order under this Act within 2 years of the person becoming a former domestic partner or the making of an order

(i) for dissolution of the person's marriage,

(ii) for judicial separation,

(iii) declaring the person's marriage to be null and void, or

(iv) declaring that the parties have no reasonable prospect of reconciliation with each other; and

(b) by adding the following subsection:

(3) Notwithstanding a change of status, a person who was a spouse within the meaning of subsection (1) and obtained an order under this Act is considered to be a spouse for the purpose of enforcing or varying the order.

FAMILY RELATIONS ACT	RSBC 1996, c. 128	056	Section 56 is amended (a) in the marginal note, by adding "or domestic partnership" after "marriage", (b) by adding the following subsection: (1.1) With respect to spouses who are domestic partners, each spouse is entitled to an interest in each family asset on the earliest of the following to occur with respect to the domestic partnership (a) the spouses make a separation agreement, (b) a declaratory judgment is made under section 57, or (c) the Director of Vital Statistics notes on the register maintained in accordance with the Domestic Partner Act and the Vital Statistics Act the termination of the domestic partnership., (c) in subsection (3)(b) by adding ", domestic partner agreement" after "marriage agreement", and (d) in subsection (4) by adding "and to a domestic partnership formed after the Domestic Partner Act comes into force".
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FAMILY RELATIONS ACT	RSBC 1996, c. 128	057	Section 57 is amended by striking out "married to each other".
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FAMILY	RSBC 1996, c.	058	Section 58(4) is repealed and the following
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RELATIONS ACT 128 subsection is substituted:
(4) The definition of family asset applies to
(a) property acquired before or after March 31, 1979,
(b) marriages entered into before or after March 31, 1979, and
(c) domestic partnerships entered into after the Domestic Partner Act comes into force.

FAMILY RSBC 1996, c. 061 The following section is added:
RELATIONS ACT 128 61.1 (1) This section defines domestic partner agreement for the purposes of this Part and this definition applies to domestic partnerships entered into, to domestic partner agreements made and to property of a spouse acquired before or after this section comes into force.
(2) A domestic partner agreement is an agreement entered into by two people before or during their domestic partnership to take effect on the date of they make a domestic partner declaration or on the execution of the agreement, whichever is later, for
(a) management of family assets or other property during the domestic partnership, or
(b) ownership in, or division of, family assets or other property during the domestic partnership, or on the parties becoming former domestic partners.
(3) A domestic partner agreement may form part of, or be separate from, a domestic partner declaration.
(4) A domestic partner agreement, or an amendment or rescission of a domestic partner agreement, must be in writing, signed by both spouses, and witnessed by one or more other persons.
(5) Except as provided in this Part, if a domestic partner agreement is made in compliance with subsection (4), the terms described by subsection (2) (a) and (b) are binding between the spouses whether or not there is valuable consideration for the domestic partner agreement.
(5) A provision of a domestic partner agreement that is void or voidable is severable from the other provisions of the domestic partner agreement.
(6) If a domestic partner agreement provides that specific gifts made to one or both spouses are not disposable without the consent of the donor, the donor is deemed to be a party to the domestic partner agreement for the purpose of enforcement or amendment

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of the provision.

(7) For the purposes of this Part, a reference to "marriage agreement", other than in s. 61, includes a domestic partner agreement.

FAMILY RSBC 1996, c. 065 Section 65 is amended
RELATIONS ACT 128 (a) in subsection (1)(a), by adding "or domestic partnership" after "marriage", and (b) in subsection (3) by adding "or formation of the domestic partnership" after "marriage".

FAMILY RSBC 1996, c. 068 Section 68(2) is amended
RELATIONS ACT 128 (a) by adding ", or the spouses becoming former domestic partners" after "void", and (b) by striking out "marriage" and substituting "relationship".

FAMILY RSBC 1996, c. 069.1 The Family Relations Act is amended by
RELATIONS ACT 128 adding the following Part:

Part 5.1 Property Rights of Spouses in Marriage-like Relationships
Definitions

69.1 (1) For the purposes of this part, "family asset" means an asset that would qualify as a family asset under Part 5 had the spouses been married.

Entitlement to family assets on the termination of a relationship

69.2 (1) Each spouse is entitled to claim an interest in accordance with this Part in each family asset when

(a) a separation agreement, or
(b) a declaratory judgment under section 69.3,

respecting their relationship is first made.

(2) Whether an interest should be granted under subsection (1), and the extent of the interest, is to be determined by the court having regard to the factors set out in section 69.4.

(3) Where the spouses' relationship has continued for at least 10 years, it is presumed that each spouse is entitled to an undivided half interest in the family assets as a tenant in common as if the spouses were married, subject to the principles for reapportioning entitlement under Parts 5 and 6.

(4) The presumption under subsection (3) does not restrict a court's jurisdiction to determine that a spouse is entitled to an equal share of property, or a share that is

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greater than or less than equal, in a relationship lasting for a period that is less than 10 years or 10 years or more.
(5) If the court finds that a spouse is entitled to an interest in the pension of the other spouse, Part 6 applies to the division of the pension on the same basis as if the spouses were married or domestic partners.

(6) An interest under subsection (1) is subject to
(a) an order under this Part of Part 6, or
(b) a separation agreement or an agreement under section 120.1.

(7) In applying Part 5 or 6 for the purpose of this section, a reference to "marriage" in Part 5 or 6 must be deemed to be a reference to a marriage-like relationship between the spouses who are not married to each other, including spouses of the same sex.

Declaratory judgment

69.3 On application by 2 spouses or by one of the spouses, the Supreme Court may make a declaratory judgment that the spouses have no reasonable prospect of reconciliation with each other.

Determining a spouse's interest

69.4 (1) A court may apportion entitlement to family assets between the spouses if it is fair to do so having regard to
(a) the duration of the relationship,
(b) the extent to which the spouse claiming an interest made direct or indirect contributions which
(i) benefited the other,
(ii) relieved the other of expenses,
(iii) allowed the other to save money, or
(iv) allowed the other to acquire, preserve or maintain property,
(c) the extent to which the spouse claiming an interest suffered economic prejudice by reason of the relationship, including by giving priority to homemaking and childrearing responsibilities, with the express or implied consent of the other spouse,
(d) whether the spouse owning property made an express or implied promise to share property, or there was conduct from which such an intention could be inferred and upon which it was reasonable for the non-owning spouse to rely,
(e) the extent to which the spouse claiming an interest benefited by reason of the

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relationship or from direct or indirect contributions made by the other spouse,
 (f) rights or claims the spouse who owns the property may have in or to the property of the other spouse claiming an interest,
 (g) debts and other liabilities incurred by a spouse for the benefit in whole or in part of the other spouse, or the mutual benefit of both spouses, and

(h) any other circumstances relating to the acquisition, preservation, maintenance, improvement or use of property or the capacity or liability of the spouses.

(2) For greater certainty, direct or indirect contributions by a spouse under subsection (1) that entitle the spouse to an interest in property need not be causally linked to the acquisition, preservation, maintenance or improvement of the property that is reappportioned between the spouses.

(3) For the purposes of subsection (1), an indirect contribution includes savings through effective management of household or child rearing responsibilities by the spouse who holds no interest in the property.

(4) The court may also apportion family assets between the spouses if to not do so would be unfair because the spouses tended to conduct their economic affairs as a single economic unit, each contributing to the best of their ability to their mutual welfare.

69.5 In proceedings under this Part, the Supreme Court may determine any matter respecting the ownership, right of possession or division of property under this Part, including the vesting of property, and has the jurisdiction to make any order that it could in proceedings between married spouses and domestic partners under Part 5.

Application of this Part

69.6 (1) If there is a conflict between this Part and the Partition of Property Act this Part prevails.

(2) The rights under this Part are in addition to and not in substitution for rights under equity or any other law.

FAMILY RELATIONS ACT	RSBC 1996, c. 128	071	Section 71(3) is amended by striking out "marriage" and substituting "relationship".
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FAMILY RELATIONS ACT	SBC 1997, c. 20	075.1	Section 75.1(1) is amended by striking out "marriage breakdown" and substituting "the end of their relationship".
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Statute	Cite	Section	Change
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FAMILY RELATIONS ACT	RSBC 1996, c. 128	078	Section 78 is amended by adding the following subsection: 78 (4) Notwithstanding subsection (1), if a member dies before the limited member receives a share of the pension under section 74, (a) the share received by the limited member from the plan must be the greater of (i) the proportionate share of the preretirement survivor benefit payable under the plan, and (ii) the commuted value of the proportionate share of the pension determined the day before the member died.
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FAMILY RELATIONS ACT	RSBC 1996, c. 128	082	Section 82(1)(a) is amended by striking out "marriage breakdown" and substituting "the breakdown of the relationship".
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FAMILY RELATIONS ACT	RSBC 1996, c. 128	086	Section 86(a) is amended by adding "or other relationship" after "marriage".
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FAMILY RELATIONS ACT	RSBC 1996, c. 128	095	Section 95(1) is amended (a) in paragraph (b) (i) by adding "or the domestic partner of" after "married to" and by striking out "marriage" and substituting "relationship", (ii) by striking out "or" at the end of subparagraph (i), (iii) by adding "or" after the end of subparagraph (ii), and (iv) by adding the following subparagraph: (iii) by the spouses becoming former domestic partners if that occurs within 300 days before the birth of the child; and (b) in paragraph (c) by adding "or becomes the domestic partner of" after "marries".
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FAMILY RELATIONS ACT	RSBC 1996, c. 128	120.1	Section 120.1 is amended (a) in subsection (1) (i) by adding ", including spouses of the same sex," after "each other", and (ii) by adding "unless the spouses otherwise expressly or impliedly provide," after "make an agreement", and (b) in subsection (2) by striking out the semi-colon after "marriage" and adding the following new line: "but does not include an agreement that expressly or impliedly waives the application of Part 5;" (b) in subsection (3) by adding ", including spouses of the same sex" after "other".
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FINANCIAL	RSBC 1996, c.	001	Section 1 is amended by repealing the
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Statute	Cite	Section	Change
INSTITUTIONS ACT	141		definition of "spouse".
FINANCIAL INSTITUTIONS ACT	RSBC 1996, c. 141	001	Section 1(1) is amended in the definition of "unaffiliated director" by repealing paragraph (f) and substituting the following paragraph: (f) a person who lives with an individual described in paragraph (a) or (b) as a member of the individual's family, or
FINANCIAL INSTITUTIONS ACT	RSBC 1996, c. 141	001	Section 1 is amended by repealing the definition of "child".
FINANCIAL INSTITUTIONS ACT	RSBC 1996, c. 141	048	Subsection 48(1) is amended by repealing paragraph (f) and substituting (f) a second person who lives with the first person as a member of the first person's family.
FINANCIAL INSTITUTIONS ACT	RSBC 1996, c. 141	144	Section 144(1) is amended by repealing paragraph (m) and substituting the following paragraph: (m) is a person who lives with an individual who is a related party under paragraph (a), (b), (c), (d) or (o) as a member of the individual's family,.
FINANCIAL INSTITUTIONS ACT	RSBC 1996, c. 141	151	Section 151 is amended by repealing subsection (2) and substituting the following subsection: (2) Despite subsection (1), if an individual (the "first individual") is directly or indirectly interested in a transaction described in subsection (1) and lives with an individual (the "second individual") who is a related party under section 144(1) (a), (b), (c), (d), (e) or (o) as a member of the second individual's family (a) subsection (1) does not apply to the first individual, and (b) the second individual must disclose in writing to the directors of the financial institution the nature and extent of the first individual's interest in the transaction to the best of the second individual's knowledge.
FOREST ACT	RSBC 1996, c. 157	053	Section 53 is amended by repealing the definition of "spouse".
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT	RSBC 1996, c. 165	033	Paragraph 33(q) is amended by adding ", a member of the family" after "next of kin".

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Statute	Cite	Section	Change
HEALTH ACT 179	RSBC 1996, c. 080	Section 80	is amended by repealing subsection (1) and substituting the following subsection (1) A householder who knows or suspects, or has reason to know or suspect, that any person living in the household has a contagious or infectious disease, must, within 24 hours of the time the disease is known or suspected to exist, give notice of it to the medical health officer of the municipality or health district in which the householder resides.
HEALTH CARE (CONSENT) AND CARE FACILITY (ADMISSIONS) ACT	RS 1996 (Supp), c. 181	001	Section 1 is amended (a) in the definition of "spouse" (i) in paragraph (a) by adding a comma after "person" and by striking out "and is not living separate and apart, within the meaning of the Divorce Act (Canada), from the other person, or", (ii) in paragraph (b) by striking out "marriage or", (iii) by renumbering paragraph (b) as "(c)" and adding the following paragraph after paragraph (a): (b) is the domestic partner of another person, or, and (b) by renumbering section 1 as subsection "(1)" and adding the following subsection: (2) For the purposes of the definition of "spouse" in subsection (1) persons are not spouses if they are separated at the relevant time and one or both of them has the intention that the relationship not continue.
HEALTH CARE (CONSENT) AND CARE FACILITY (ADMISSIONS) ACT	RS 1996 (Supp), c. 181	016	Section 16 is amended by renumbering paragraph (e) as "(f)", and adding the following paragraph: (e) a person who lives with the adult as a member of the adult's family;.
HEALTH CARE (CONSENT) AND CARE FACILITY (ADMISSIONS) ACT	RS 1996 (Supp), c. 181	021	Section 21(2) is amended by repealing paragraph (c) and substituting the following paragraph: (c) a person referred to in s. 22(2)(b) to (f);.
HEALTH CARE (CONSENT) AND CARE FACILITY (ADMISSIONS) ACT	RS 1996 (Supp), c. 181	022	Section 22 is amended (a) by renumbering paragraph (e) as "(f)", and (b) by adding after paragraph (d) the following paragraph: (e) a person who lives with the adult as a member of the adult's family;.

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Statute	Cite	Section	Change
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<p>HEALTH PROFESSIONS ACT</p>	<p>RSBC 1996, c. 183</p>	<p>043 Section 43 is amended by repealing paragraph (d) and substituting the following</p>	<p>(d) all non-voting shares of the corporation are legally and beneficially owned by persons who are</p> <ul style="list-style-type: none"> (i) registrants of the college, (ii) the spouse of a shareholding registrant of the college, (iii) a child of a shareholding registrant of the college, (iv) a person who resides with a shareholding registrant as a member of the family;.
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<p>HIGHWAY (INDUSTRIAL) ACT</p>	<p>RSBC 1996, c. 189</p>	<p>024 Section 24 is amended</p>	<p>(a) in subsection (2) by striking out "or the wife or husband, parent or child, executor or administrator, heir or personal representative, of a person," and substituting "the person's executor or administrator, or anyone on whose behalf a claim under the Family Compensation Act could be brought by reason of the death of the person," and</p> <p>(b) in subsection (3) by striking out "or the person's heir, personal representative, wife, husband, parent or child" and substituting "the person's executor or administrator, or anyone on whose behalf a claim under the Family Compensation Act could be brought by reason of the death of the person using the road".</p>
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<p>HOME CONVERSION AND LEASEHOLD LOAN ACT</p>	<p>RSBC 1996, c. 192</p>	<p>001 Section 1 is amended</p>	<p>(a) by adding the following: "former spouse" means a former spouse under the Family Status Recognition Act; and</p> <p>(b) by adding the following: "spouse" means a person who</p> <ul style="list-style-type: none"> (a) is married to another person, (b) is a domestic partner of another person, <p>or</p> <p>(c) is living with another person, who may be of the same or opposite sex, in a marriage-like relationship which has continued for at least 2 years but does not include a former spouse;.</p>
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<p>HOME OWNER GRANT ACT</p>	<p>RSBC 1996, c. 194</p>	<p>001 Section 1 is amended</p>	<p>(a) by adding the following: "former spouse" means a former spouse under the Family Status Recognition Act; and</p> <p>(b) by repealing the definition of "spouse" and substituting the following: "spouse" means a person who</p>
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(a) is married to another person,
 (b) is a domestic partner of another person,
 (c) is living with another person, who may be of the same or opposite sex, in a marriage-like relationship which has continued for at least 2 years, but does not include a former spouse;.

HOMESTEAD ACT 197	RSBC 1996, c. 007	Section 7 is amended by repealing subsection (2) and substituting the following subsection: (2) Despite subsection (1), if the owner of a homestead has a spouse, the owner must not abandon, alienate, mortgage, part with, limit or encumber the homestead, except with the consent of the spouse, if the spouse is a resident of British Columbia.	
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HOSPITAL (AUXILIARY) ACT 200	RSBC 1996, c. 005	Subsection 5(4) is amended by striking out "neither the spouse or surviving spouse or any near relative of the patient will" and substituting "the spouse, surviving spouse, any near relative of the patient or any person who lived with the patient as a member of the patient's family will not".	
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HOSPITAL ACT 200	RSBC 1996, c. 005	The definition of "private hospital" or "hospital" in section 5 is amended by adding "or other person living with the owner or operator as a member of the family of the owner or operator" after "owner or operator".	
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HOSPITAL ACT 200	RSBC 1996, c. 018	Section 18 is amended by striking out "patient's next of kin" and substituting "a close member of the patient's family".	
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HUMAN TISSUE GIFT ACT 211	RSBC 1996, c. 005	Section 5 is amended (a) by adding after paragraph (d) the following paragraph: (e) if none, or if none is readily available, someone who has attained the age of majority and who lives with the person as a member of the person's family, and (b) by renumbering the following paragraphs.	
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HUMAN TISSUE GIFT ACT	SBC 1998, c. 37	015 Section 15 is amended (a) in subsection (1)(a) by adding "or other persons" after patients, and (b) in subsection 1(b) by adding "or other persons" after "relatives".	
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INCOME TAX ACT 215	RSBC 1996, c. 017	Section 17 is amended by adding the following subsections: (4.1) For the purposes of s. 17(4)(iii),	
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related persons under the federal Act include persons who would qualify as related persons under that section under a test by which persons are considered to be connected by marriage if one is, within the meaning of the Family Status Recognition Act, the spouse of the other or the spouse of a person who is connected by blood relationship to the other.

INFANTS ACT 223	RSBC 1996, c. 029	Subsection 29(1) is amended by striking out "on, or in contemplation of, his or her marriage,".
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INFANTS ACT 223	RSBC 1996, c. 031	Subsection 31(1) is amended by striking out "marriage".
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INSURANCE ACT 226	RSBC 1996, c. 000	The Schedule is amended (a) In Part II - Total Disability, by striking out paragraph (1) and substituting the following paragraph: (1) a spouse residing in the same dwelling premises as the other spouse and not otherwise engaged in occupation or employment for wages or profit, if injured, is deemed disabled only if completely incapacitated and unable to perform any household duties, and while so incapacitated must receive \$50 per week for not more than 26 weeks., (b) in subparagraph 1(b)(i) of Special Provisions, Definitions, and Exclusions of Section B, striking out "husband and wife" and substituting "spouses", and (c) in paragraph 1(d) by adding "or dependent household member" after "dependent relative".
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INSURANCE ACT 226	RSBC 1996, c. 001	Section 1 is amended by adding the following: "household member" means a person who lives with a second person as a member of the second person's family;.
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INSURANCE ACT 226	RSBC 1996, c. 029	The definition of "family insurance" in section 29 is amended (a) by striking out "or" after "blood" and adding a comma, (b) by adding ", formation of a spousal relationship" after "marriage", and (c) by adding "or who live with the insured as members of the insured's family" after adoption.
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INSURANCE ACT	RSBC 1996, c. 037	Section 37 is amended by
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Statute	Cite	Section	Change
226			(a) by changing the period at the end of paragraph (e) to a semi-colon, and (b) by adding after paragraph (e) the following paragraph: (f) a second person who resides with the first person as a member of the family.
INSURANCE ACT 226	RSBC 1996, c. 054	Section 54(2)	is amended by striking out "or parent" and substituting ", parent or other member of the family" after "grandchild".
INSURANCE ACT 226	RSBC 1996, c. 081	The definition of "family insurance" in section 81	is amended (a) by adding ", formation of a spousal relationship" after "marriage", and (b) by adding "or who live with the insured as members of the insured's family" after adoption.
INSURANCE ACT 226	RSBC 1996, c. 094	Section 94	is amended (a) by changing the period at the end of paragraph (e) to a semicolon, and (b) by adding after paragraph (e) the following paragraph: (f) any person who resides with the person as a member of the family.
INSURANCE ACT 226	RSBC 1996, c. 107	Section 107(2)	is amended by striking out "or parent" and substituting ", parent or other member of the family" after "grandchild".
INSURANCE ACT 226	RSBC 1996, c. 113	Section 113	is amended (a) in paragraph (a) by adding "or formation of a spousal relationship" after "marriage", (b) by renumber paragraph (b) as "(c)", and (c) by adding the following paragraph after paragraph (a): (b) a person living with the insured or the group person insured as a member of the family, and.
INSURANCE ACT 226	RSBC 1996, c. 146	Subparagraph 146(1)(b)(i)	is amended by striking out "daughter, son, wife or husband" and substituting "spouse or child".
INSURANCE ACT 226	RSBC 1996, c. 147	Section 147	is amended by striking out "daughter, son, husband or wife" and substituting "spouse or child".
INSURANCE ACT 226	RSBC 1996, c. 167	Section 167(1)(d)	is amended by adding "or dependent household member" after "dependent relative".
INSURANCE ACT	RSBC 1996, c. 168	Section 168(1)(b)	is amended by adding "or

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			226 dependent household member" after "dependent relative".
INSURANCE ACT 226	RSBC 1996, c. 169	Section 169(1)(b)	is amended by adding "or dependent household member" after "dependent relative".
INTERNATIONAL FINANCIAL BUSINESS (TAX REFUND) ACT	RSBC 1996, c. 235	001	Subparagraph 1(3)(a)(iii) is amended by adding "or by persons who would qualify as related persons under those sections under a test by which persons are considered to be connected by marriage if one is, within the meaning of the Family Status Recognition Act, the spouse of the other or the spouse of a person who is connected by blood relationship to the other," after "(Canada),".
INTERNATIONAL FINANCIAL BUSINESS ACT	RSBC 1996, c. 234	001	Subparagraph 1(2)(a)(iii) is amended by adding "or by persons who would qualify as related persons under those sections under a test by which persons are considered to be connected by marriage if one is, within the meaning of the Family Status Recognition Act, the spouse of the other or the spouse of a person who is connected by blood relationship to the other," after "(Canada),".
LAND (SPOUSE PROTECTION) ACT	RSBC 1996, c. 246	001	Section 1 is amended (a) by adding the following: "former spouse" means a former spouse under the Family Status Recognition Act; (b) in the definition of "homestead" by striking out "the husband or wife" and substituting "a spouse" and by striking out "the husband and wife" and substituting "the spouses", and (c) by adding the following: "spouse" means a person who (a) is married to another person, (b) is a domestic partner of another person, or (c) is living with another person, who may be of the same or opposite sex, in a marriage-like relationship which has continued for at least 2 years, but does not include a former spouse;
LAND (SPOUSE PROTECTION) ACT	RSBC 1996, c. 246	003	Subsection 3(1) is amended by striking out "husband or wife of that spouse" and substituting "other spouse".
LAND (SPOUSE PROTECTION) ACT	RSBC 1996, c. 246	005	Section 5 is repealed.

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LAND (SPOUSE PROTECTION) ACT 246 RSBC 1996, c. 006 Section 6 is repealed and the following substituted:

6. This Act ceases to apply with respect to an entry made on behalf of a spouse against a homestead registered in the name of the other spouse when the spouses become former spouses.

LAND (SPOUSE PROTECTION) ACT 246 RSBC 1996, c. 008 Section 8 is amended (a) in subsection by striking out "has not, since the marriage, lived" and substituting "no longer resides...", and

(b) in subsection (3) by striking out "has not, since the marriage, lived" and substituting "no longer resides...".

LAND (SPOUSE PROTECTION) ACT 246 RSBC 1996, c. 011 Section 11 is amended by striking out "that a decree has been pronounced dissolving or

annulling the marriage of the spouse on whose behalf an entry was made to the spouse in whose name the homestead is registered" and substituting "that the spouses have become former spouses".

LAND SURVEYORS ACT 248 RSBC 1996, c. 051 Section 51(1) is amended by repealing paragraph (c) and substituting the following paragraph:

(c) all of the non-voting shares are legally and beneficially owned by
(i) members,
(ii) the spouse of a member who is a shareholder,
(iii) a child of a member who is a shareholder, or
(iv) any person who lives with a member who is a shareholder as a member of the family,.

LAND TAX DEFERMENT ACT 249 RSBC 1996, c. 005 Section 5 is amended (a) in subsection (1) by repealing subparagraph (d)(ii) and substituting the following subparagraph:

(ii) a person whose spouse has died who has not formed a new spousal relationship, or, and
(b) by repealing subsection (6) and substituting the following subsection:
(6) If eligible property is held in joint tenancy or tenancy in common,
(a) in respect of an application under subsection (3), all owners must qualify under that subsection, and
(b) in respect of an application under subsection (1),
(i) if all of the co-owners are spouses, only one of them needs to qualify,
(ii) if there is a principal supporter of

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Statute	Cite	Section	Change
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the family, the principal supporter must qualify, and
 (iii) in all other cases, all owners must qualify
 under that subsection.

LAND TAX DEFERMENT ACT 249	RSBC 1996, c. 008	Section 8(4) is amended (a) by striking out "widow or widower" and substituting "surviving spouse", (b) by striking out "remarries" and substituting "forms a new spousal relationship", and (c) by striking out "remarriage" and substituting "the new spousal relationship".	
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LAND TITLE ACT 250	RSBC 1996, c. 215	Section 215 is amended (a) in subsection (6) by adding "or Part 5.1". after "Part 5", and (b) in subsection (7) by striking out "Wills Variation Act" and substituting "Dependants Relief Act".	
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LEGISLATIVE ASSEMBLY ALLOWANCES AND PENSION ACT 257	RSBC 1996, c. 001	Section 1 is amended (a) by adding the following: "former spouse" means a former spouse under the Family Status Recognition Act; and (b) by repealing the definition of "spouse" and substituting the following: "spouse" means a person who (a) is married to another person, (b) is a domestic partner of another person, or (c) is living with another person, who may be of the same or opposite sex, in a marriage-like relationship which has continued for at least 2 years but does not include a former spouse;.	
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LEGISLATIVE ASSEMBLY ALLOWANCES AND PENSION ACT 257	RSBC 1996, c. 022	Section 22 is amended by adding the following subsections: (5) Subject to subsection (6), if as a result of a written agreement or court order made under Part 5, 5.1 or 6 of the Family Relations Act a former spouse is entitled to receive a share of benefits paid on the death of the member, whether or not a nomination has been made, the benefit specified in this section, or so much of it as required under the written agreement or court order, must be paid to the former spouse as if the former spouse were the surviving spouse. (6) An agreement or order under Part 5, 5.1 or 6 of the Family Relations Act is effective	
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(a) to change a form of plan elected by a contributor receiving a pension or supplemental benefits allowance or both if the contributor began receiving the pension or supplemental benefits allowance less than 6 months before, or
 (b) to require payment under a pension or supplemental benefits allowance of any benefit or part of a benefit payable after, the agreement or order was deposited with the commissioner, but otherwise such an agreement or court order is ineffective to change a form of plan or require the commissioner to repay benefits already paid under the pension or supplemental benefits allowance.

<p>MARRIAGE ACT 282</p>	<p>RSBC 1996, c. 028</p>	<p>Section 28 is amended in subsection (1) by striking out "not being a widower or widow" and substituting "not having previously been married".</p>	
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<p>MEDICARE PROTECTION ACT 286</p>	<p>RSBC 1996, c. 001</p>	<p>Section 1 is amended in the definition of "spouse"</p>	<p>(a) by striking out "marriage or", (b) by striking out "gender" and substituting "sex", and (c) by adding ", the domestic partner of" after "married to".</p>
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<p>MEMBERS' CONFLICT OF INTEREST ACT</p>	<p>RSBC 1996, c. 287</p>	<p>001 Section 1 is amended by repealing the definition of "spouse".</p>	
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<p>MENTAL HEALTH ACT 288</p>	<p>RSBC 1996, c. 001</p>	<p>Section 1 is amended</p>	<p>(a) by repealing the definitions of "father" and "mother", and (b) by adding the following: "parent" includes the spouse of a parent of a mentally disordered person, and a person a mentally disordered person lives with who stands in place of a parent to the mentally disordered person;</p>
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<p>MENTAL HEALTH ACT 288</p>	<p>RSBC 1996, c. 001</p>	<p>Section 1 is amended by repealing the definition of "near relative" and substituting the following: "near relative" means a grandparent, parent, child, spouse, sibling, half sibling, friend, caregiver or companion designated by patient and includes the legal guardian of a minor and a committee having custody of the person of a patient under the Patients Property Act;</p>	
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Statute	Cite	Section	Change
MENTAL HEALTH ACT 288	RSBC 1996, c.	034	Section 34 is amended (a) in subsection (1) by striking out "a patient's next of kin" and substituting adding "a near relative of the patient", and (b) in subsection (2) by striking out "the patient's next of kin" and substituting "any of the near relatives of the patient".
MINERAL TAX ACT	definitions	001	Section 1 is amended by adding the following subsection: (7) For the purposes of the definition of "related persons" in subsection (1), related persons under the federal Act include persons who would qualify as related persons under that section under a test by which persons are considered to be connected by marriage if one is, within the meaning of the Family Status Recognition Act, the spouse of the other or the spouse of a person who is connected by blood relationship to the other.
MORTGAGE BROKERS ACT	RSBC 1996, c.	011	Section 11 is amended in paragraph (1)(e) by striking out "or marriage settlement" and substituting "settlement made by reason of marriage or the formation of a spousal relationship".
MUNICIPAL ACT 323	RSBC 1996, c.	946	Section 946(2) is amended by repealing paragraph (b) and substituting the following paragraph: (b) the application is made for the purpose of providing a separate residence for the owner or for the owner's parent, child or grandchild, or the parent, child or grandchild of the owner's spouse;.
NAME ACT 328	RSBC 1996, c.	001	Section 1 is amended by repealing the definition of "widowed".
NAME ACT 328	RSBC 1996, c.	002	Section 2(2)(a) is amended by adding "under section 3(c)" after "the other spouse".
NAME ACT 328	RSBC 1996, c.	004	Section 4 is amended by adding the following subsection: (7) Other than under section 3, if a person applies to change the person's surname to that of the person's spouse, the consent of the person's spouse is required.
NOTARIES ACT 334	RSBC 1996, c.	058	Section 58(1) is amended by repealing paragraph (c) and substituting the following paragraph: (c) all of the non-voting shares are legally and beneficially owned by

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- (i) members,
- (ii) the spouse of a member who is a shareholder,
- (iii) a child of a member who is a shareholder, or
- (iv) any person who lives with a member who is a shareholder as a member of the family,.

NURSES (REGISTERED) ACT	RSBC 1996, c. 335	040	Section 40(2) is amended by striking out "nearest known relative" and substituting "closest known member of the family".
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OMBUDSMAN ACT 340	RSBC 1996, c. 005	Section 5 is amended by adding the following subsection: (7) For the purposes of this section, "spouse" has the same meaning as under the Pension (Public Service) Act.
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OPTOMETRISTS ACT	RSBC 1996, c. 342	013	Section 13(1) is amended by repealing paragraph (c) and substituting (c) all of the non-voting shares are legally and beneficially owned by (i) optometrists, (ii) the spouse of an optometrist who is a shareholder, (iii) a child of an optometrist who is a shareholder, or (iv) any person who lives with an optometrist who is a shareholder as a member of the family;.
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PARTNERSHIP ACT 348	RSBC 1996, c. 004	Section 4(c)(iii) is amended by adding "including a child to whom the deceased partner stood in place of a parent" after "of a deceased partner".
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PENSION (COLLEGE) ACT	RSBC 1996, c. 353	001	Section 1 is amended (a) by adding the following: "former spouse" means a former spouse under the Family Status Recognition Act; (b) by repealing the definition of "spouse" and substituting the following: "spouse" means a person who (a) is married to another person, (b) is a domestic partner of another person, or (c) is living with another person, who may be of the same or opposite sex, in a marriage-like relationship which has continued for at least 2 years but does not include a former spouse; and (c) by adding the following: "surviving spouse" means a person who was the spouse of a contributor immediately before the contributor's death;.
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PENSION (COLLEGE) ACT	RSBC 1996, c. 353	015	Section 15(2) is amended by adding ", Part 5.1" after "Part 5".
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PENSION (COLLEGE) ACT	RSBC 1996, c. 353	018	Section 18 is repealed and the following is substituted:
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18 An agreement or order under Part 5, 5.1 or 6 of the Family Relations Act is effective

(a) to change a form of plan elected by a contributor receiving a pension or supplemental benefits allowance or both if the contributor began receiving the pension or supplemental benefits less than 6 months before, or

(b) to require payment under a pension or supplemental benefits allowance of any benefit or part of a benefit payable after, the agreement or order was deposited with the commissioner, but otherwise such an agreement or court order is ineffective to change a form of plan or require the commissioner to repay benefits already paid under the pension or supplemental benefits allowance.

PENSION (COLLEGE) ACT	RSBC 1996, c. 353	020	Section 20 is amended
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(a) in subsection (1) by adding "surviving"

after "The pension payable to the",

(b) in subsection (2) by adding "surviving" after "at the option of the",

(c) in subsection (3) by adding "surviving" after "subsection (1), the",

(d) by repealing subsection (5),

(e) by adding the following subsection:

(5) Subject to s. 18, if as a result of a written agreement or court order made under Part 5, 5.1 or 6 of the Family Relations Act, a former spouse is entitled to receive a share of benefits paid on the death of the member, whether or not a nomination has been made, the benefit specified in subsection (1), or so much of it as required under the written agreement or court order, must be paid to the former spouse as if the former spouse were the surviving spouse.,

(f) in subsection (7) by adding "or of an agreement or court order made under Part 5, 5.1 or 6 of the Family Relations Act," after "nomination made under this section",

(g) by repealing subsection (9), and

(h) by repealing subsection (10).

PENSION (MUNICIPAL) ACT	RSBC 1996, c. 355	001	Section 1 is amended
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(a) by adding the following:

"former spouse" means a former spouse under

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the Family Status Recognition Act;
 (b) by repealing the definition of "spouse"
 and substituting the following:
 "spouse" means a person who
 (a) is married to another person,
 (b) is a domestic partner of another person,
 or
 (c) is living with another person, who may
 be of the same or opposite sex, in a
 marriage-like relationship which has
 continued for at least 2 years
 but does not include a former spouse; and
 (c) by adding the following:
 "surviving spouse" means a person who was
 the spouse of a contributor immediately
 before the contributor's death.

PENSION (MUNICIPAL) ACT 355	RSBC 1996, c. 017(2)	Section 17(2) is amended by adding "	Part 5.1" after "Part 5".
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PENSION (MUNICIPAL) ACT 355	RSBC 1996, c. 020	Section 20 is repealed and the following substituted:	
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20 An agreement or order under Part 5, 5.1
 or 6 of the Family Relations Act, is
 effective
 (a) to change a form of plan elected by a
 contributor receiving a pension or
 supplemental benefits allowance or both if
 the contributor began receiving the pension
 or supplemental benefits less than 6 months
 before, or
 (b) to require payment under a pension or
 supplemental benefits allowance of any
 benefit or part of a benefit payable after,
 the agreement or order was deposited with
 the commissioner, but otherwise such an
 agreement or court order is ineffective to
 change a form of plan or require the
 commissioner to repay benefits already paid
 under the pension or supplemental benefits
 allowance.

PENSION (MUNICIPAL) ACT 355	RSBC 1996, c. 022	Section 22 is amended:	(a) in subsection (1) by adding "surviving"
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after "The pension payable to the",
 (b) in subsection (2)(a) by adding
 "surviving" after "(a) to the",
 (c) in subsection (2)(a)(i) by adding "
 domestic partnership" after "last marriage",
 (d) in subsection (3) by adding "surviving"
 after "subsection (1), the",
 (e) in subsection (5.1), by striking out
 "With respect to a marriage-like
 relationship," and by adding "domestic
 partnership or" after "nomination was made

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or a",
(f) by repealing subsection (7) and substituting the following subsection:
(7) Subject to s. 20, if as a result of a written agreement or court order made under Part 5, 5.1 or 6 of the Family Relations Act, a former spouse is entitled to receive a share of benefits paid on the death of the member, whether or not a nomination has been made, the benefit specified in subsection (1), or so much of it as required under the written agreement or court order, must be paid to the former spouse as if the former spouse were the surviving spouse.,
(g) subsection (8) is amended by adding "or of an agreement or court order made under Part 5, 5.1 or 6 of the Family Relations Act," after "subsection (5)",
(h) by repealing subsection (9),
(i) by repealing subsection (10), and
(j) by repealing subsection (11).

PENSION (PUBLIC SERVICE) ACT 356 RSBC 1996, c. 001 Section 1 is amended
(a) by adding the following:
"former spouse" means a former spouse under the Family Status Recognition Act;
(b) by repealing the definition of "spouse" and substituting the following:
"spouse" means a person who
(a) is married to another person,
(b) is a domestic partner of another person,
or
(c) is living with another person, who may be of the same or opposite sex, in a marriage-like relationship which has continued for at least 2 years but does not include a former spouse; and
(c) by adding the following:
"surviving spouse" means a person who was the spouse of a contributor immediately before the contributor's death.

PENSION (PUBLIC SERVICE) ACT 356 RSBC 1996, c. 018 Section 18(4) is amended by adding "Part 5.1" after "Part 5".

PENSION (PUBLIC SERVICE) ACT 356 RSBC 1996, c. 025 Section 25 is repealed and the following substituted:
25 An agreement or order under Part 5, 5.1 or 6 of the Family Relations Act, is effective
(a) to change a form of plan elected by a contributor receiving a pension or supplemental benefits allowance or both if the contributor began receiving the pension or supplemental benefits less than 6 months

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before, or
(b) to require payment under a pension or supplemental benefits allowance of any benefit or part of a benefit payable after, the agreement or order was deposited with the commissioner, but otherwise such an agreement or court order is ineffective to change a form of plan or require the commissioner to repay benefits already paid under the pension or supplemental benefits allowance.

PENSION (PUBLIC SERVICE) ACT 356 RSBC 1996, c. 026 Section 26 is amended
(a) in subsection (1) by adding "surviving" after "The pension payable to the",
(b) in subsection (2) by adding "surviving" after "subsection (1), the", and
(c) by repealing subsection (4) and substituting the following subsection:
(4) Subject to s. 25, if as a result of a written agreement or court order made under Part 5, 5.1 or 6 of the Family Relations Act, a former spouse is entitled to receive a share of benefits paid on the death of the member, whether or not a nomination has been made, the benefit specified in subsection (1), or so much of it as required under the written agreement or court order, must be paid to the former spouse as if the former spouse were the surviving spouse.

PENSION (PUBLIC SERVICE) ACT 356 RSBC 1996, c. 029 Section 29 is amended
(a) in subsection (3) by adding ", domestic partnership" after "marriage",
(b) by repealing subsection (4),
(c) in subsection (5.1), by striking out "With respect to a marriage-like relationship", and by adding "domestic partnership or" after "nomination was made or a",
(d) by repealing subsection (7), and
(e) by repealing subsection (8).

PENSION (PUBLIC SERVICE) ACT 356 RSBC 1996, c. 040 Subsection 40(3) is amended
(a) by adding "surviving" after "the participant, or to the", and
(b) by adding "or by reason of an agreement or court order made under Part 5, 5.1 or 6 of the Family Relations Act," after "spouse of the participant,".

PENSION (TEACHERS) ACT 357 RSBC 1996, c. 001 Section 1 is amended
(a) by adding the following:
"former spouse" means a former spouse under the Family Status Recognition Act;,

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(b) by repealing the definition of "spouse" and substituting the following:
 "spouse" means a person who
 (a) is married to another person,
 (b) is a domestic partner of another person,
 or
 (c) is living with another person, who may be of the same or opposite sex, in a marriage-like relationship which has continued for at least 2 years but does not include a former spouse;, and
 (c) by adding the following:
 "surviving spouse" means a person who was the spouse of a contributor immediately before the contributor's death.

PENSION (TEACHERS) ACT	RSBC 1996, c. 357	016	Section 16(3) is amended by adding ", Part 5.1" after "Part 5".
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PENSION (TEACHERS) ACT	RSBC 1996, c. 357	019	Section 19 is repealed and the following substituted:
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19 An agreement or order under Part 5, 5.1 or 6 of the Family Relations Act, is effective
 (a) to change a form of plan elected by a contributor receiving a pension or supplemental benefits allowance or both if the contributor began receiving the pension or supplemental benefits less than 6 months before, or
 (b) to require payment under a pension or supplemental benefits allowance of any benefit or part of a benefit payable after, the agreement or order was deposited with the commissioner, but otherwise such an agreement or court order is ineffective to change a form of plan or require the commissioner to repay benefits already paid under the pension or supplemental benefits allowance.

PENSION (TEACHERS) ACT	RSBC 1996, c. 357	021	Section 21 is amended:
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(a) in subsection (1) by adding "surviving" after "The pension payable to the",
 (b) in subsection (2) by adding "surviving" after "subsection (1), the",
 (c) in subsection (3.1), by striking out "With respect to a marriage-like relationship," and by adding "domestic partnership or" after "nomination was made or a".
 (c) in subsection (5)(a) by adding ", domestic partnership" after "last marriage",
 (d) in subsection (6) by adding "surviving" after "payable to the" and by adding "or of

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an agreement or court order made under Part 5, 5.1 or 5 of the Family Relations Act," after "nomination made under this section",
 (e) by repealing subsection (7) and substituting the following subsection:
 (8) Subject to s. 20 (1), if as a result of a written agreement or court order made under Part 5, 5.1 or 6 of the Family Relations Act, R.S.B.C. 1995, c. 128, a former spouse is entitled to receive a share of benefits paid on the death of the member, whether or not a nomination has been made, the benefit specified in subsection (1), or so much of it as required under the written agreement or court order, must be paid to the former spouse as if the former spouse were the surviving spouse.,
 (f) by repealing subsection (8), and
 (g) by repealing subsection (9).

PENSION BENEFITS STANDARDS ACT	RSBC 1996, c. 352	001	Section 1 is amended by repealing subsection 1(2).
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PENSION BENEFITS STANDARDS ACT	RSBC 1996, c. 352	001	Section 1 is amended (a) by adding the following: "former spouse" means a former spouse under the Family Status Recognition Act; (b) by repealing the definition of "spouse" and substituting the following: "spouse" means a person who (a) is married to another person, (b) is a domestic partner of another person, or (c) is living with another person, who may be of the same or opposite sex, in a marriage-like relationship which has continued for at least 2 years but does not include a former spouse; and (c) by adding the following: "surviving spouse" means a person who was the spouse of a member of former member immediately before the death of the member or former member;.
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PENSION BENEFITS STANDARDS ACT	RSBC 1996, c. 352	034	Section 34 is amended by adding the following subsection: (12) For the purposes of this section, to the extent that a former spouse is entitled to a share of a member of former member's pension under an agreement or order referred to in section 64, the former spouse is a surviving spouse.
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PENSION BENEFITS	RSBC 1996, c. 352	064	Section 64 is amended by adding "or Part 5.1" after "Part 5".
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STANDARDS ACT			
PENSION FUND SOCIETIES ACT	RSBC 1996, c. 354	008	Section 8(3)(b) is amended by striking out "relatives" and substituting "members of their families".
PENSION FUND SOCIETIES ACT	RSBC 1996, c. 354	009	Section 9(1)(d) is amended by striking out "relatives" and substituting "members of the families".
PENSION FUND SOCIETIES ACT	RSBC 1996, c. 354	010	Section 10 is amended by striking out "relatives" and substituting "members of the family".
PENSION FUND SOCIETIES ACT	RSBC 1996, c. 354	015	Section 15(1)(b) is amended by striking out "relatives" and substituting "members of the family".
PODIATRISTS ACT	RSBC 1996, c. 366	013	Section 13(1) is amended by repealing paragraph (c) and substituting (c) all of the non-voting shares are legally and beneficially owned by (i) podiatrists, (ii) the spouse of a podiatrist who is a shareholder, (iii) a child of a podiatrist who is a shareholder, or (iv) any person who lives with a podiatrist who is a shareholder as a member of the family,.
POLICE ACT	RSBC 1996, c. 367	013	Section 1 is amended by adding the following: "child" includes a person who lived with a second person and to whom the second person stood in place of a parent.
POLICE ACT	SBC 1997, c. 37	019	Section 19 is amended by adding the following subsection: (3) For the purposes of this section, "children" includes a person to whom a second person stands in place of a parent.
PROPERTY LAW ACT	RSBC 1996, c. 377	012	Section 12 is amended by striking out "A husband and wife" and substituting "Spouses".
PROPERTY TRANSFER TAX ACT	RSBC 1996, c. 378	001	Section (1) is amended by repealing the definition of "child" and the definition of "parent".
PROPERTY TRANSFER TAX ACT	RSBC 1996, c. 378	001	Section 1(1) is amended (a) by repealing the definition of "related individual" and substituting the following: "related individual" means

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(a) a person's spouse, or
 (b) a child, grandchild, greatgrandchild,
 parent, grandparent, or greatgrandparent of
 a person or of the person's spouse;

PROPERTY TRANSFER TAX ACT	RSBC 1996, c. 378	001	Section 1(1) is amended (a) by adding the following: "former spouse" means a former spouse under the Family Status Recognition Act, and (b) by repealing the definition of "spouse" and substituting the following: "spouse" means a person who (a) is married to another person, (b) is a domestic partner of another person, or (c) is living with another person, who may be of the same of opposite sex, in a marriage-like relationship which has continued for at least 2 years but does not include a former spouse;.
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PROPERTY TRANSFER TAX ACT	RSBC 1996, c. 378	014	Section 14(3)(r) is amended by striking out "widow or widow er" and substituting "or surviving spouse".
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PROVINCIAL COURT ACT	RSBC 1996, c. 379	020	Section 20 is amended by adding the following subsection: (5) For the purposes of this section, "spouse" has the same meaning as under the Pension (Public Service) Act.
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RAILWAY ACT 395	RSBC 1996, c. 395	253	Section 253(3) is amended by striking out "or the spouse, parent, child, executor or administrator, heir or personal representative, of any person" and substituting "the person's executor or administrator, or anyone on whose behalf a claim could be brought under the Family Compensation Act by reason of the death of the person".
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REAL ESTATE ACT 397	RSBC 1996, c. 397	002	Section 2(1)(a) is amended by striking out "marriage settlement" and substituting "settlement made by reason of marriage or the formation of a spousal relationship".
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RENT DISTRESS ACT 403	RSBC 1996, c. 403	003	Section 3(3) is amended by repealing paragraph (d) and substituting the following paragraph: (d) if the property is claimed by the tenant's spouse, the tenant's child or child's spouse or the tenant's relative, or by a person living with the tenant as a member of the family, or by a person whose title is derived by purchase, gift, transfer
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or assignment from a relative to whom the restriction does not apply.

REPRESENTATION AGREEMENT ACT	RS 1996 (Supp), 001 c. 405	Section 1 is amended	(a) in the definition of "spouse", (i) in paragraph (a) by adding a comma after "person" and by striking out "and is not living separate and apart, within the meaning of the Divorce Act (Canada), from the other person, or" (ii) in paragraph (b) by striking out "marriage or", (b) by renumbering paragraph (b) as "(c)" and adding the following paragraph after paragraph (a): (b) is a domestic partner of another person, or, (c) by renumbering the existing section 1 as subsection "(1)" and adding the following subsection: (2) For the purposes of the definition of "spouse" in subsection (1) persons are not spouses if they are separated at the relevant time and one or both of them has the intention that the relationship not continue.
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REPRESENTATION AGREEMENT ACT	RS 1996 (Supp), 001 c. 405	Section 1 is amended	(a) in the definition of "near relative" by adding "adult household member" after "sister," and (b) by adding the following: "household member" means a person who lives with an adult as a member of the adult's family;.
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REPRESENTATION AGREEMENT ACT	RS 1996 (Supp), 013 c. 405	Section 13(5) is amended	by repealing paragraph (b) and substituting the following paragraph: (b) a near relative of anyone named in the agreement as a representative or alternate representative;.
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REPRESENTATION AGREEMENT ACT	RS 1996 (Supp), 029 c. 405	Section 29(1) is amended	by repealing paragraph (d) and substituting the following paragraph (d) if the adult and the adult's representative are spouses, the date they become former spouses within the meaning of the Family Status Recognition Act;.
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SCHOOL ACT 412	RSBC 1996, c. 055	Section 55 is amended	(a) by repealing the definition of "spouse", and (b) by adding the following:
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Schedule to the Family Status Recognition Act

Statute	Cite	Section	Change
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"household member" means a person living with a trustee as a member of the trustee's family;.

SCHOOL ACT 412	RSBC 1996, c. 057	Section 57 is repealed and the following section substituted:	
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57. For the purposes of this Part, the pecuniary interest of the trustee's spouse, parent or child, or of a household member is, if known to the trustee, deemed to be also the pecuniary interest of the trustee.

SECURITIES ACT 418	RSBC 1996, c. 001	Section 1 is amended	
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(a) by adding the following:
 "former spouse" means a former spouse under the Family Status Recognition Act; and
 (b) in the definition of "spouse"
 (i) in paragraph (a), by adding a comma after "person" and by striking out "and is not living separate and apart, within the meaning of the Divorce Act (Canada), from the other person, or",
 (ii) in paragraph (b) by striking out "marriage or",
 (iii) by renumbering paragraph (b) as "(c)" and adding the following paragraph after paragraph (a):
 (b) is the domestic partner of another person, or, and
 (iv) by adding the following new line:
 but does not include a former spouse;.

SECURITIES ACT 418	RSBC 1996, c. 001	Section 1(1) is amended, in the definition of definition of "associate",	
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(a) by striking out "or" at the end of paragraph (c),
 (b) by repealing paragraph (d) and substituting the following paragraphs:
 (d) the person's spouse, or
 (e) a second person who lives with the person as a member of the person's family;.

SMALL BUSINESS VENTURE CAPITAL ACT	RSBC 1996, c. 001 429	Section 1(1) is amended by repealing the definition of "spouse".	
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SMALL BUSINESS VENTURE CAPITAL ACT	RSBC 1996, c. 001 429	Section 1(1) is amended, in the definition of "associate" by repealing paragraph (f) and substituting the following paragraph	
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(f) a second person living with the first person as a member of the first person's family;.

SOCIETY ACT 433	RSBC 1996, c. 043	Section 43(3) is amended by repealing paragraph (a) and substituting the following	
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Schedule to the Family Status Recognition Act

Statute	Cite	Section	Change
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paragraph:
 (a) the immediate family of the person referred to means the spouse, parent, or child of the person or a second person who lives with the first person as a member of the family,.

SUPREME COURT ACT	RSBC 1996, c. 443	012	Section 12 is amended by adding the following subsection: (6) For the purposes of this section, "spouse" has the same meaning as under the Pension (Public Service) Act.
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TOBACCO DAMAGES RECOVERY ACT	SBC 1997, c. 41	001	Section 1 is amended by repealing the definition of "beneficiary" and substituting the following: "beneficiary" means a person on whose behalf a claim under the Family Compensation Act could be brought by reason of the death of an insured person;.
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TOBACCO DAMAGES RECOVERY ACT	SBC 1997, c. 41	015	Section 15(1)(c) is amended by striking out "spouse, parent or child, as defined in the Family Compensation Act, of the deceased person" and substituting "beneficiaries".
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UTILITIES COMMISSION ACT	RSBC 1996, c. 473	054	Section 54 is amended (a) in subsection (1) by repealing the definition of "spouse", and (b) in subsection (2) by repealing paragraph (g) and substituting the following paragraph: (g) they live together as family.
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VICTIMS OF CRIME ACT	RSBC 1996, c. 478	001	Section 1 is amended, in the definition of "child", by repealing paragraph (c) and substituting the following paragraph: (c) a person who lives with the victim and to whom the victim stands in place of a parent;.
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VICTIMS OF CRIME ACT	RSBC 1996, c. 478	001	Section 1 is amended by adding "or a person who lives with the individual as a member of the individual's family," after "parent of the individual,".
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VICTIMS OF CRIME ACT	RSBC 1996, c. 478	001	Section 1 is amended by repealing the definition of "spouse".
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VICTIMS OF CRIME ACT	RSBC 1996, c. 478	001	Section 1, in the definition of "parent" is amended by repealing paragraph (c) and substituting the following paragraph: (c) a person who lives with the victim and stands in place of a parent to the victim;.
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Schedule to the Family Status Recognition Act

Statute	Cite	Section	Change
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VITAL STATISTICS ACT	RSBC 1996, c. 479	003	Section 3(1)(a) is repealed and the following paragraph is substituted: (a) the parents of the child,.
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VITAL STATISTICS ACT	RSBC 1996, c. 479	015	The following section is added: Registration of Domestic Partner Declaration 16.1 (1) A domestic partner declaration under the Family Status Recognition Act may be registered as provided under the Family Status Recognition Act and this Act. (2) Either party to the domestic partner declaration may deliver it to the district registrar of the registration district in which the domestic partner declaration was signed.
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VITAL STATISTICS ACT	RSBC 1996, c. 479	016	[This is enacted as part of s. 16.1] 16.1 (3) If a domestic partner declaration is not registered within one year from the day it is signed, and application for registration of it is made by a party to the declaration to the director by affidavit accompanied by (a) a statement in the form required by the director respecting the domestic partnership, and (b) other evidence as may be prescribed, the director must, subject to subsection (4), register the domestic partner declaration if satisfied (c) as to the truth and sufficiency of the matters stated in the application, and (d) that the application is made in good faith. (4) Despite subsection (3), a valid domestic partner declaration may not be accepted for registration if, after the declaration was made but before it was delivered for registration, a party to it became married or became a party to another registered domestic partner declaration.
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VITAL STATISTICS ACT	RSBC 1996, c. 479	025	Section 25 is amended (a) by renumbering section 25 as section "25(1)" and adding the following subsection: (2) For the purposes of section 25(1), "marriage" includes the formation of a spousal relationship.
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VITAL STATISTICS ACT	RSBC 1996, c. 479	026	Section 26 is amended (a) in subsection (1)(a) by adding ", domestic partner declaration" after "birth", (b) in subsection (1)(b) by adding ", formed a domestic partnership" after "born" and by adding ", domestic partner declarations"
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Schedule to the Family Status Recognition Act

Statute	Cite	Section	Change
			(b) a person on the authority in writing of a party to the domestic partner declaration; (c) a person on the authority in writing of the deputy minister; (d) a person on the order of a court.
VITAL STATISTICS ACT	RSBC 1996, c. 479	40	Section 40(1) is amended by adding "37.1," after "37,".
VITAL STATISTICS ACT	RSBC 1996, c. 479	41	Section 41 is amended (a) in subsection (1) by adding after "37.1," after "37," and (b) In subsection (2) by adding after "37.1," after "37,".
VITAL STATISTICS ACT	RSBC 1996, c. 479	43	Section 43 is amended by adding "domestic partner declarations" after "changes of name" and by adding "terminations of domestic partner declarations" after "marriages,".
VITAL STATISTICS ACT	RSBC 1996, c. 479	44	Section 44 is amended by adding "domestic partner declarations" after "marriages" and by adding "terminations of domestic partner declarations" after "annulments of marriage".
VITAL STATISTICS ACT	RSBC 1996, c. 479	47	Section 47 is amended (a) by renumbering section 47 as section 47(1), and (b) by adding the following subsection: (2) This Act applies in respect of a domestic partner declaration made after the passing of the Domestic Partner Act.
VITAL STATISTICS ACT	RSBC 1996, c. 479	50	Section 50 is amended by adding ", domestic partner declarations" after "marriages".
VITAL STATISTICS ACT	RSBC 1996, c. 479	52	Section 52 is amended by adding ",domestic partner declarations" after "deaths".
VITAL STATISTICS ACT	RSBC 1996, c. 479	54	Section 54 is amended (a) in paragraph (c) by adding "domestic partner declarations," after "marriages", and (b) in paragraph (g) by adding ",domestic partner declaration" after "marriage".
WILLS ACT 489	RSBC 1996, c. 489	011	Section 11(1) is amended by striking out "wife or husband" and "wife or the husband" and substitute in each instance "spouse".
WILLS ACT 489	RSBC 1996, c. 489	012	Section 12 is amended by striking out "wife or husband" and substituting "spouse".

Schedule to the Family Status Recognition Act

Statute	Cite	Section	Change
WILLS ACT 489	RSBC 1996, c. 016	Section 16 is repealed and the following substituted:	"16. If in a will a testator (a) gives an interest in property to a spouse, (b) appoints a spouse executor or trustee, or (c) confers a general or special power of appointment on a spouse, and after the making of the will and before the testator's death (d) the testator and the spouse lived separate and apart for more than a year with one or both parties having the intention that the relationship not continue or otherwise became former spouses within the meaning of the Family Status Recognition Act, then, unless a contrary intention appears in the will, the gift, appointment or power is revoked and the will takes effect as if the spouse had predeceased the testator, without prejudice to any rights the spouse may have under the Dependants Relief Act, or the Family Relations Act.
WILLS ACT 489	RSBC 1996, c. 025	Section 25 is amended by striking out "if the testator had died intestate" and substituting "if the testator or other person had died intestate".	
WILLS VARIATION ACT 490	RSBC 1996, c. 001	Section 1 is amended by adding the following:	"dependant" means a person who was dependent upon the deceased for support pursuant to an agreement, court order or otherwise or a child, spouse or former spouse entitled to claim support under provincial or federal legislation;
WILLS VARIATION ACT 490	RSBC 1996, c. 001	Section 1 is amended	(a) by adding the following: "former spouse" means a former spouse under the Family Status Recognition Act; and (b) by adding the following: "spouse" means a person who (a) is married to another person, (b) is a domestic partner of another person, or (c) is living with another person, who may be of the same or opposite sex, in a marriage-like relationship which has continued for at least 2 years but does not include a former spouse;.

Schedule to the Family Status Recognition Act

Statute	Cite	Section	Change
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WILLS VARIATION ACT	RSBC 1996, c. 490	001	The title of the Wills Variation Act is changed to the "Dependants Relief Act". Section 1 is amended by adding the following "child" includes (a) a child of the deceased who was not yet born on the death of the deceased, but subsequently born alive, and (b) a person living with the deceased at the time of death to whom the deceased stood in place of a parent;
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WILLS VARIATION ACT	RSBC 1996, c. 490	002	Section 2 is amended by striking out "wife, husband or children" wherever they appear and substitute in each instance "spouse, children or dependants".
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WILLS VARIATION ACT	RSBC 1996, c. 490	003	Section 3(1) is amended by repealing paragraph (c) and substituting the following paragraph: (c) if there are minor children or minor dependants of the deceased, or if the spouse, child or dependant of the deceased is mentally disordered, a copy of the writ of summons has been served on the Public Trustee.
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WILLS VARIATION ACT	RSBC 1996, c. 490	005	Section 5(1)(b) is amended by striking out "wife, husband or children" and substituting "spouse, children or dependants".
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WILLS VARIATION ACT	RSBC 1996, c. 490	007	Section 7 is amended by striking out "wife, husband or children" and substituting "spouse, children or dependants".
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WORKERS COMPENSATION ACT	RSBC 1996, c. 492	001	Section 1 is amended: (a) by repealing the definition of "member of the family" and substituting the following: "member of the family" means a spouse, parent, grandparent, stepparent, child, grandchild, stepchild, sibling, half sibling and household member;; (b) by adding the following: "child" includes a person to whom the worker stood in place of a parent;; (c) by adding the following: "former spouse" means a former spouse under the Family Status Recognition Act;; (f) by adding the following: "household member" means a person who lived with the worker as a member of the worker's family;; (e) by adding the following: "parent" includes a person who stood in place of a parent to a worker;;
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Schedule to the Family Status Recognition Act

Statute	Cite	Section	Change
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(f) by adding the following:
 "spouse" means a person who is
 (a) married to another person,
 (b) the domestic partner of another person,
 or
 (c) is living with another person, who may be of the same or opposite sex, in a marriage-like relationship which has continued for at least 2 years but does not include a former spouse; and
 (g) by adding the following:
 "surviving spouse" means a person who was a spouse of a deceased person immediately before the deceased person's death;

WORKERS COMPENSATION ACT RSBC 1996, c. 017 Section 17 is amended:
 492 (a) by striking out "widow or widower" in each instance and substituting "surviving spouse",
 (b) in subsection (3)(f) by striking out "or common law spouse",
 (c) in subsection (4) by striking out "spouse, widow, widower" and substituting "surviving spouse",
 (d) by repealing subsection (7) and substituting the following subsection:
 (7) Where 2 workers are spouses, and each contributes to the support of a common household, each is deemed to be a dependant of the other.,
 (e) by repealing subsection (11),
 (f) by repealing subsection (12), and
 (g) in subsection (13), by striking out "widow or widower, common law wife or common law husband" and substituting "surviving spouse".

WORKERS COMPENSATION ACT RSBC 1996, c. 018 Section 18(1)(c) is amended by striking out "widow" wherever it appears and in each instance substituting "surviving spouse".

WORKERS COMPENSATION ACT RSBC 1996, c. 019 Section 19 is amended
 492 (a) in the definition of "monthly payments", by striking out "widow, widower, former common law wife or former common law husband" and substituting "surviving spouse", and
 (b) in the definition of "person"
 (i) by striking out "widow or former common law wife" wherever they appear and substituting in each instance "surviving spouse", and
 (ii) by striking out "common law" after "new" and substituting "spousal".

Schedule to the Family Status Recognition Act

Statute	Cite	Section	Change
WORKERS COMPENSATION ACT	RSBC 1996, c. 492	035	Section 35(4) is amended by striking out "widow, widower" and substituting "surviving spouse".
WORKERS COMPENSATION ACT	RSBC 1996, c. 492	059	Section 59(2)(b) is amended by striking out "husband or wife" and substituting "spouse" and adding "or a person who lives with the employer as a member of the employer's family" after "employer".
WORKERS COMPENSATION ACT	RSBC 1996, c. 492	098	Section 98 is amended (a) in subsection (3) by striking out "wife, husband" wherever they appear and substituting in each instance "spouse", (b) in subsection (4) by striking out "wife, husband" wherever they appear and substituting in each instance "spouse", (c) in subsection (4) by striking out "wife or husband" and substituting "spouse", and (d) by repealing subsection (5).
YOUNG OFFENDERS (BRITISH COLUMBIA) ACT	RSBC 1996, c. 494	001	Section 1, in the definition of "parent" is amended (a) by adding "and" at the end of paragraph (b), and (b) by adding the following paragraph: (c) stands in place of a parent to the young person and with whom the young person lives;.

C. Domestic Partner Act

BILL XX -- 1999

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1. The following be enacted as the *Domestic Partner Act*:

Domestic Partner Act

Definitions

1. In this Act,

“director” means the Director of Vital Statistics under the *Vital Statistics Act*, R.S.B.C. 1996, c. 479,

! a domestic partner declaration may be registered with the Director of Vital Statistics.

The Institute proposes recognizing three kinds of spousal status: married spouses, domestic partners, and people in a marriage-like relationship. Domestic partners would have rights and obligations that are equated with those of married spouses.

A domestic partner declaration allows the parties to it to voluntarily assume legally recognized spousal status.

“domestic partner” means a person who is a party to a registered domestic partner declaration made in accordance with section 2 and does not include a former domestic partner,

“former domestic partner” means a person described in section 4(1), and

! *see* s. 4(1). A person becomes a former domestic partner when one of various events occurs, including a one year separation, the domestic partners make a separation agreement or a “Statement of Termination,” a domestic partner marries a third party or the court makes a declaratory judgment under the *FRA* that the parties have no reasonable prospect of reconciliation with each other.

“person” means a natural person,

! unless defined, “person” would include a corporation.

“register” means the register maintained by the director under the *Vital Statistics Act*, R.S.B.C. 1996, c. 479, and when used as a verb means to record in that register.

! the *Vital Statistics Act* will be amended to provide for registering domestic partnerships, paralleling, to the extent necessary, the procedures that apply to registering, issuing and cancelling certificates of marriage.

Domestic Partner Declaration

2. (1) Subject to this section, two people may make a domestic partner declaration in the prescribed form.

! forms will be set out in the regulations. *See* the sample forms.

(2) The domestic partner declaration must be signed by both parties and witnessed by one or more people.

(3) A person may not make a domestic partner declaration if the person is a minor.

! s. 4 of the *Age of Majority Act* provides that “minor” means a person who is not of the age of majority (19 in B.C.).

(4) A person may not make a domestic partner declaration if the person is married unless

- (a) the spouses have been separated for more than one year and one or both of them has the intention that the relationship not continue, or
- (b) the court has made a declaratory judgment under the *Family Relations Act* that the spouses have no reasonable prospect of reconciliation with each other.

(5) A person may not make a domestic partner declaration if the person is a party to another subsisting domestic partner declaration while the other domestic partner is still alive.

! s. 4 does not list the death of a domestic partner as an event by which the survivor becomes a “former domestic partner.” The status of “former domestic partner” is primarily concerned with the rights and obligations that exist when a relationship ends by parties separating and financial issues must be sorted out. A married spouse doesn’t become a “former spouse” on the death of a partner, but rather a “surviving spouse” and the same rule will apply to domestic partners (*see* the definition of “spouse” and “surviving spouse” in the *FSRA*.) The rights of a “former” spouse or partner are quite different from the rights of a “surviving” spouse or partner.

(6) A domestic partner declaration executed by two persons who intend to revoke it is invalid.

! various benefits would accrue to domestic partners. It would be an abuse for people who do not intend to be domestic partners to use the Act to claim a benefit. *See* subs. 5(3).

Registration of a domestic partner declaration

3. (1) In accordance with the *Vital Statistics Act*, R.S.B.C. 1996, c. 479, either party may submit a domestic partner declaration made under section 2 to the director for registration together with

- (a) prescribed registration fees, and
- (b) such proof as the director may require that the parties are eligible to make a domestic partner declaration.

! proposals are made to amend the *Vital Statistics Act* to provide for the registry machinery for domestic partner declarations.

(2) Upon registration of a domestic partner declaration, domestic partners, as between themselves and with respect to any third party, have as of the date of the registration rights and obligations that are equivalent to those of people who are married.

! jurisdictions that recognize domestic partnerships adopt one of two approaches: (a) the agreements are effective without registration, or (b) the agreements are only effective if registered. Experience in other jurisdictions suggests that not all people wish their relationships to be publicly declared so that a requirement for public registration may discourage people from becoming domestic partners.

The Institute proposes that a domestic partner declaration must be registered to create the status of domestic partner, and to be effective against third parties.

Under the draft legislation, either domestic partner may submit the declaration for registration (*see s. 3(1)*).

An unregistered declaration, however, would have significance between the parties (*see s. 3(3)*), and would, where relevant, be evidence of a marriage-like relationship (not all people who sign a domestic partner declaration will necessarily have a marriage-like relationship).

Just as with married spouses, it is open to domestic partners to enter into agreements (or make other legal instruments, such as wills) that limit or otherwise affect the rights and obligations associated with the

relationship. These arrangements would be subject to the same limitations that apply when made by married spouses. In many cases the law provides courts with a discretion to review these arrangements to ensure that they are fair to the other spouse or partner.

(3) A domestic partner declaration that is not registered is

- (a) effective as between the parties to it, during their joint lifetimes, to confer on each of them the status, rights and obligations of domestic partners, and

! the effect of para. (a) is limited to issues arising between the parties to a domestic partner declaration during their joint lifetimes. It would be ineffective, consequently, to confer, *e.g.*, succession rights on the surviving party. The reason for this is that, in any dispute between the parties, there would be little risk of an invalid unregistered declaration having any significance. After a party dies, however, it would be very difficult for third parties having an interest to contest the validity an unexpectedly produced unregistered domestic partner declaration. (Persons who, for reasons of privacy, do not wish to register a domestic partner declaration, however, would be free to make wills to ensure that the surviving partner is protected on the death of the other, and the revised *Wills Variation Act* would also provide a remedy to a surviving partner, if the parties had a marriage-like relationship (*see s. 3(3)(b)*).

- (b) with respect to a competition with or a claim against a third party, where relevant, evidence that the parties are spouses by reason of a marriage-like relationship within the meaning of the *Family Status Recognition Act*, S.B.C. 199X, c. XX.

! the words “where relevant” are added in recognition of the fact that not all domestic partnerships will involve people in a marriage-like relationship. If the relationship is not in fact marriage-like, then the unregistered domestic partnership would have no relevance as against third parties.

(4) If one of the parties to the declaration is married, the director may not accept a domestic partner declaration for registration unless the married person submits

- (a) an affidavit in the prescribed form swearing or affirming to the fact that the spouses have been separated for more than one year and one or both of them has the intention that the relationship not continue, or
- (b) a true copy of a declaratory judgment made under the *Family Relations Act*, R.S.B.C. 1996, c. 128 that the spouses have no reasonable prospect of reconciliation with each other.

! *see* s. 2(4). It is possible for a married person to be a domestic partner of another person, if there is sufficient evidence that the marriage has ended.

Former domestic partner

4. (1) A domestic partner becomes the former domestic partner of another person after the earliest of the following events to occur:

- (a) the parties live separate and apart for more than one year and one or both parties has the intention that the relationship not continue,
- (b) the parties make a written agreement that would qualify as a separation agreement under Part 5 of the *Family Relations Act*,

! the *FRA* does not define “separation agreement” but the term is used in several places in that statute. Making a separation agreement is, *e.g.*, one of the events that is regarded as evidence of the end of a spousal relationship and triggers entitlement to a share of family assets. The question of the term’s meaning has generated a great deal of case law. Courts have accepted that in some cases oral agreements may qualify as separation agreements. Since the use of the term in

the *FSRA* will serve to commence the running of a limitation period, the Institute proposes that separation agreements must be in writing.

- (c) the court makes a declaratory judgment under Part 5 of the *Family Relations Act*, R.S.B.C. 1996, c. 128 that the parties have no reasonable prospect of reconciliation with each other,

! it is proposed that Part 5 of the *FRA*, which currently applies to married spouses and allows a declaration of irreconcilability to be made, be revised to apply to domestic partners as well.

- (d) the parties file with the director an executed Statement of Termination in the prescribed form, and

! *see* the sample forms.

- (e) one of the domestic partners marries a third party.

! a domestic partner declaration is not a prohibition against marriage.

Marriage of the domestic partners to each other is not listed as an event that makes them former domestic partners. The status of former domestic partners is equated with that of “former spouses.” By definition, however, the domestic partners, who had status equivalent to married spouses are not “former spouses.” They have now become married spouses.

(2) For the purposes of sections 4(1)(a), 2(4) and 3(4), a period during which parties have lived separate and apart is not considered to have been interrupted or terminated

- (a) by reason only that either party has become incapable of forming or having an intention that the relationship not continue if it appears to the court that the separation would probably have continued if the party had not become so incapable, or

- (b) by reason only that the parties have resumed cohabitation during a period of, or periods totalling, not more than ninety days with reconciliation as its primary purpose.

! where a different rule is called for, it must be placed in the relevant statute. An example of where status as a domestic partner should be considered to be lost immediately is with respect to entitlement to be a representative of an adult.

The enactment of this section means that the general rule is,

! if an enactment is silent on the issue, and

! status as a domestic partner is lost by reference to these rules,

then all further rights under that statute that accrue to people by reason of being domestic partners come to an end (without prejudice to rights that accrued while a domestic partner).

Rights are then determined by the rights, if any, accorded to those having the status of “former spouses” (*see* subsection 4(3)).

(3) If a circumstance listed in subsection (1) occurs, terminating the domestic partnership, subject to the provisions of any other statute expressly addressing the rights of domestic partners, each of the former domestic partners has the same rights and obligations that accrue to former spouses after a marriage has ended by separation, separation agreement or court order, as the case may be.

Validity and Penalties for a False Declaration

5. (1) A domestic partner declaration signed in accordance with section 2 is binding until terminated in the circumstances listed in section 4 whether or not

- (a) there is valuable consideration for the domestic partner declaration, or

- (b) one or both parties had independent legal advice.

! similarly, marriage is binding whether or not there is consideration or the parties had independent legal advice.

(2) Registration of an invalid domestic partner declaration does not validate the declaration.

(3) A person who makes a domestic partner declaration intending to revoke it is liable in damages to compensate

- (a) a third party for pecuniary loss incurred in reliance on the declaration, and
- (b) an innocent person with whom the family relationship is claimed, for pecuniary and nonpecuniary loss incurred as a consequence of the declaration.

(4) A court may set aside a domestic partner declaration if it was obtained by fraud, duress or undue influence or in circumstances in which a marriage could be annulled.

(5) If a person

- (a) purports to make a domestic partner declaration in circumstances in which the person is not permitted to do so under section 2, or
- (b) uses a domestic partner declaration to claim a family relationship with another person who has not signed the declaration, or whose signature has been obtained in circumstances that would allow a court to set the declaration aside under this Act,

! *see* subsection 5(3). *See* also s. 2.

the invalid declaration is, where relevant, evidence of a marriage-like relationship with the other party to the declaration, and the person is liable in damages to compensate:

! the invalid declaration would not be relevant in circumstances in which the parties in fact did not have a marriage-like relationship.

- (c) a third party who suffers pecuniary loss incurred in reliance on the invalid declaration, and
- (d) an innocent party with whom the family relationship is claimed for pecuniary and non-pecuniary loss incurred as a consequence of the invalid declaration.

! where two people make a domestic partner declaration, both intending to revoke it (*see* subsection 2(6)), neither would be considered to be “innocent” or entitled to claim compensation from the other.

Consideration was given to various methods of curtailing abuses of a domestic partner declaration, such as creating an offence. The Institute recommends that the operation of the legislation be closely monitored. If declarations are being misused with respect to some statutes, (*e.g.*, declarations are being made to claim a relationship for the sole purpose of tax evasion), the preferred course would be to amend the statutes in question, rather than to provide tools in the *FSRA* which may work generally, but be less effective in particular situations.

Revocation of the registration of a domestic partner declaration

6. The director must note on the register the termination of a registered domestic partner declaration upon the payment of prescribed filing fees and upon receipt of

- (a) a true copy of a declaratory judgment made by a court under the *Family Relations Act*, R.S.B.C. 1996, c. 128, that the domestic partners have no reasonable prospect of reconciliation with each other,

- (b) a Statement of Termination in prescribed form signed by both domestic partners,

! the subparagraphs under s. 6 are based on the factors in s. 4 by which a domestic partner becomes a former domestic partner, other than s. 4(1)(b) “the parties make a separation agreement.” There will be some cases where it will be difficult to determine whether a written agreement qualifies as a separation agreement. Making that legal determination is not a duty that should be placed on the Director of Vital Statistics. It is open to parties who make a written agreement to put the matter beyond doubt and also sign a Statement of Termination. If they choose not to, then one of the other factors must be present before the Director is required to note that the domestic partnership has ended.

It should be noted that, while either partner can file an affidavit concerning the end of the relationship by reason of a one year separation, a Statement of Termination must be signed by both parties. The Statement of Termination is intended to allow the parties, where it is desirable, to end a domestic partnership in less than one year and without court proceedings. But to allow either party to unilaterally file the Statement would require a number of protective mechanisms (such as notice to the other party). Just as with marriage, a domestic partnership should not be lightly ended. Building in a procedural roadblock is beneficial. It allows time for perspective. Relationships are often marked by rocky periods. It would not be desirable to allow one partner, fresh from a heated argument, to race down to the Director of Vital Statistics to file a unilateral Statement of Termination, only to regret the decision the next day, week or month. If that policy were adopted, then it would probably be necessary to also devise some mechanism whereby the relationship could be revived when the partners decide to reconcile.

- (c) an affidavit in the prescribed form swearing or affirming to the fact that the domestic partnership has ended under section 4(1)(a) by reason of the parties having been separated for more than one year and one or both parties has the intention that the relationship not continue, or

! see the sample affidavits.

- (d) a true copy of the certificate of marriage of the domestic partners or of one of the domestic partners to a third party.

! the marriage of a domestic partner to a third party is a factor listed in s. 4 as changing the status of the parties to “former domestic partners.” The marriage of domestic partners to each other is not listed under s. 4. That is because, while the domestic partnership has ended, the parties have become married spouses, not “former domestic partners” : see the note to s. 4(1)(e).

Partnership Act

7. The *Partnership Act*, R.S.B.C. 1996, c. 348, does not apply to the relationship created by executing a domestic partner declaration.

Regulations

8. (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*, R.S.B.C. 1996, c. 238.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:

- (a) providing for the registration of domestic partnerships or registration of the termination of domestic partnerships, in cases not otherwise provided for in this Act; and
- (b) prescribing the forms to be used under this Act.

! it is proposed that the registration machinery be located in the *Vital Statistics Act*, where amendments are suggested which would provide for a suitable regulation making power. However, there is some obvious overlap between the *Domestic Partner Act* and the

Vital Statistics Act (since substantive rights turn on registration, and termination). This regulation making power is include as a safety precaution. See also, the revised s. 54 of the *Vital Statistics Act*.

Commencement

9. This Act comes into force by regulation of the Lieutenant Governor in Council.

Sample Forms

Domestic Partner Declaration

Domestic Partner Act, S.B.C. 199X, c. XX, s. 2(1)

This is a declaration in accordance with section 2 of the *Domestic Partner Act*, S.B.C. 199X, c. XX.

We hereby formally record and declare that

- (a) each of us is 19 years of age or older,
- (b) neither of us is a party to a ongoing marriage or domestic partnership,
- (c) we have a family relationship based on a mutual commitment to each other's best interests and well being and as such intend our relationship to continue,
- (d) we intend each of us to have the benefits and burdens that are equivalent to those that accrue to people who are married.*

We understand that the relationship established by this declaration will terminate at the earliest of the following events to occur:

- (a) if we separate for a period of more than one year and one or both of us has the intention that the relationship not continue,
- (b) the date we make a separation agreement,
- (c) the date a court makes a declaratory judgment under the *Family Relations Act*, R.S.B.C. 1996, c. 128, that we have no reasonable prospect of reconciliation with each other,
- (d) the date a Statement of Termination made by us is accepted for filing by the Director of Vital Statistics, or
- (e) the date one of us marries a third party.

We also understand that if our relationship ends, each of us will have the same rights and obligations that apply to people after a marriage has ended by separation, separation agreement or court order, as the case may be.

Date: _____

Witness

[Domestic Partner]

[Print Name]

[Print Name]

Witness

[Domestic Partner]

[Print Name]

[Print Name]

! unless registered, this declaration is only effective to determine rights as between the parties. An unregistered declaration is also evidence, where relevant, that the parties are spouses by reason of a marriage-like relationship. Third parties may acquire rights in priority to those created by an unregistered declaration.

** This declaration is valid under British Columbia law, but may be limited by federal law or the law of another province or territory.*

Statement of Termination

Domestic Partner Act, S.B.C. 199X, c. XX, s. 4(1)(d)

To the Director of Vital Statistics:

We hereby formally record and declare that

- (a) we have been living separate and apart as of _____ *[date]* *
- (b) we intend to continue doing so, and
- (c) our domestic partnership is ended.

Date: _____

Witness

[Domestic partner]

[Print Name]

[Print Name]

Witness

[Domestic partner]

[Print Name]

[Print Name]

** while the parties must be separated to file a Statement of Termination, no minimum period of separation is required for filing. The date of separation may be relevant, however, with respect to determining various rights and limitation periods that affect when those rights are lost.*

D. *Family Relations Act, Part 5.1*

Part 5.1

Property Rights of Spouses in Marriage-like Relationships

! the Institute proposes that a new Part 5.1 be added to the *Family Relations Act*, which will govern property rights between people in a marriage-like relationship when the relationship ends.

Part 5 currently governs the property rights of married spouses at the end of the relationship. It provides that when a marriage ends, each spouse is entitled to a half interest as a tenant in common of family assets. The Institute proposes that Part 5 also apply to domestic partners. Marriage and domestic partnership are relationships that arise voluntarily. It is presumed that by entering into the relationship, each spouse or partner confers on the other various rights and entitlements, including (deferred) property rights.

Part 5.1 will determine the property rights of people who qualify by reason of a "marriage-like relationship" that lasts for at least 2 years and will include relationships between persons of the same sex. Part 5.1 does not start from the premise that each party is entitled to a half interest in family property. Instead, each party is presumed to own property separate from the other, but either may claim a share of the other's property based on factors set out in s. 69.4. Part 5.1 performs a protective role, to ensure that one party is not allowed to profit unfairly from the relationship at the expense of the other party. (See the discussion in *Part I: Introduction to the Materials* concerning the principles of voluntariness and of protecting the vulnerable).

It is open to people in a marriage-like relationship to agree that Part 5 applies to their relationship (*see, FRA, s. 120.1.*)

Note: the draft legislation is set out here for the purposes of exposition, but the amendments to the *Family Relations Act* will be introduced by the Schedule to the *Family Status Recognition Act*).

Definitions

69.1 (1) For the purposes of this part, "family asset" means an asset that would qualify as a family asset under Part 5 had the spouses been married.

! a revised definition of "spouse" in the *FRA* is proposed which affects the operation of Part 5.1. It will be located in section 1. This is the proposed definition:

"spouse" means a person who

(a) except under Part 5.1, is married to another person or is the domestic partner of another person,

(b) except under Parts 5 and 6, lived with another person in a marriage-like relationship for a period of at least 2 years if the application under this Act is made within one year after they ceased to live together and, for the purposes of this Act, the marriage-like relationship may be between persons of the same sex, or

(c) applies for an order under this Act within 2 years of a person becoming a former domestic partner under the *Domestic Partner Act*, or the making of an order

(i) for dissolution of the person's marriage,

(ii) for judicial separation,

(iii) declaring the person's marriage to be null and void, or

(iv) declaring that the parties have no reasonable prospect of reconciliation with each other;

1(3) Despite a change of status, a person who was a spouse within the meaning of subsection (1) and obtained an order under this Act is considered to be a spouse for the purpose of enforcing or varying the order.

Subs. 1(3) restates what was previously paragraph (d) of the definition.

The definition of "spouse" defines the limitation period that applies under this Part. If rights under Part 5.1 are lost by operation of a limitation period, a spouse might still be able to advance a claim by way of a constructive or resulting trust. In the result, slightly different limitation periods apply depending on the relationship. Married spouses, *e.g.*, must apply within two years of the making of a listed court order. Separation or making a separation agreement does not start a limitation period running. Domestic partners must apply within two years of becoming a former domestic partner, so that

separation would not start a limitation period running, but making a separation agreement would (see s. 4 of the *Domestic Partner Act*). For people in a marriage-like relationship, separation does start a limitation period running, and an application must be made within one year of separation.

The *Family Status Recognition Act* sets out a rule for determining the duration of a family relationship that would apply to the 2 year test required for people in a marriage-like relationship.

Entitlement to family assets on the termination of a relationship

69.2 (1) Each spouse is entitled to claim an interest in accordance with this Part in each family asset when

(a) a separation agreement, or

! "separation agreement" is not defined in the *FRA* but has been the subject of much consideration by the courts. In some circumstances, an oral agreement may qualify as a "separation agreement." As a rule of thumb, the agreement must either expressly or by implication support an agreement that the relationship not continue. An interim agreement dealing with only a few of the issues between spouses will not necessarily qualify as a separation agreement. (Note, however, that in the *FSRA* and the *DPA*, it is proposed to require a *written* separation agreement).

(b) a declaratory judgment under section 69.3,

respecting their relationship is first made.

(2) Whether an interest should be granted under subsection (1), and the extent of the interest, is to be determined by the court having regard to the factors set out in section 69.4.

! the drafting here largely parallels the drafting under Part 5.

(3) Where the spouses' relationship has continued for at least 10 years, it is presumed that each spouse is entitled to an undivided half interest in the family assets as a tenant in common as if the spouses were married, subject to the principles for reapportioning entitlement under Parts 5 and 6.

! Part 5 allows the court to reapportion entitlement to family assets between spouses, as well as to make a wide variety of orders pertaining to the property (such as vest title, or award compensation in lieu of a property interest). Basically, if the presumption applies, the starting point is a 50/50 share.

Under Part 5.1, which applies between people qualifying as spouses by reason of a marriage-like relationship whose relationship lasted for more than 2 and less than 10 years, the starting point is separate property. A share of property can be awarded, however, on revised constructive trust principles, or to compensate for economic prejudice suffered by reason of the relationship. *See* section 69.4.

If the marriage-like relationship lasts for 10 years (*see* the *FSRA* rules for determining the period of time) property rights are then determined under Part 5.

Before concluding in favour of this approach, the Institute considered the following options:

- (a) applying Part 5 to all spousal relationships.
- (b) modifying Part 5 for persons in a marriage-like relationship so that property brought into the relationship would not be divisible, and s. 65(1)(e) (need for economic self-sufficiency) would be an excluded factor.
- (c) providing that Part 5.1 apply to persons in a marriage-like relationship lasting for more than 2 and less than 7 years. After 7 years, Part 5 would apply.

A significant minority of the Institute was in favour of option (c), which was based on the view that 10 years was too long and that 7 years was preferable because it is commonly regarded as a long relationship (for both marriage and marriage-like relationships).

Options (a) and (b) were not favoured because they conflict with the principle of voluntariness (see the *Introduction to the Materials*). Part 5.1 is based on the principle of protecting the vulnerable.

One member of the Institute, however, was of that view that the same principles should apply to married and non-married spouses and favoured option (a). See the dissent of Etel Swedahl in Part VI of this Report.

(4) The presumption under subsection (3) does not restrict a court's jurisdiction to determine that a spouse is entitled to an equal share of property, or a share that is greater than or less than equal, in a relationship lasting for a period that is less than 10 years or 10 years or more.

(5) If the court finds that a spouse is entitled to an interest in the pension of the other spouse, Part 6 applies to the division of the pension on the same basis as if the spouses were married or domestic partners.

! Part 6 deals with division of pensions. It sets out default rules to resolve pension division issues that are not addressed by agreement or court order.

(6) An interest under subsection (1) is subject to

(a) an order under this Part or Part 6, or

(b) a separation agreement or an agreement under section 120.1.

! this section parallels a section in Part 5.

(7) In applying Part 5 or 6 for the purpose of this section, a reference to "marriage" in Part 5 or 6 must be deemed to be a reference to a marriage-like relationship between the spouses who are not married to each other, including spouses of the same sex.

! section 120.1 was added by the *FRAA, 1997*. Revisions are also suggested to that section: *see* the Schedule to the *Family Status Recognition Act*.

Declaratory judgment

69.3 On application by 2 spouses or by one of the spouses, the Supreme Court may make a declaratory judgment that the spouses have no reasonable prospect of reconciliation with each other.

! the court has this jurisdiction under Part 5 with respect to married spouses and domestic partners. It would be convenient to consolidate the two sections. Definition problems arise, however, since different rights are available to married spouses and domestic partners (under Part 5), and to persons in marriage-like relationships (under Part 5.1). Consequently, the issue must be addressed separately in Part 5.1.

Determining a spouse's interest

69.4 (1) A court may apportion entitlement to family assets between the spouses if it is fair to do so having regard to

! the test of what is "fair" might be objected to because of its generality, but for the fact that a similar formulation is used in Part 5 to describe the court's jurisdiction to reappportion property between married spouses (in that context, it is to avoid "unfairness"). The courts have had over 2 decades experience applying that standard and that experience should help in applying the jurisdiction under Part 5.1. Just as under s. 65 (in Part 5), not all listed factors will apply in all cases. The application (and weight to be attached to) a factor will depend upon the circumstances of the case.

(a) the duration of the relationship,

(b) the extent to which the spouse claiming an interest made direct or indirect contributions which

- (i) benefited the other,
- (ii) relieved the other of expenses,
- (iii) allowed the other to save money, or
- (iv) allowed the other to acquire, preserve or maintain property,

! *see* subsection (3) concerning direct and indirect contributions.

(c) the extent to which the spouse claiming an interest suffered economic prejudice by reason of the relationship, including by giving priority to homemaking and childrearing responsibilities, with the express or implied consent of the other spouse,

! currently courts will compensate a spouse for economic prejudice suffered during a marriage by making, *e.g.*, a lump sum award of compensatory maintenance (*Moge*) or by reapportioning entitlement to property (*Lodge*). Economic prejudice may arise, *e.g.*, where one spouse subordinates a career to the career of the other (relocation, for example, may benefit one spouse's employment prospects and harm the other), or suffers by being out of the job market while raising children.

(d) whether the spouse owning property made an express or implied promise to share property, or there was conduct from which such an intention could be inferred and upon which it was reasonable for the non-owning spouse to rely,

! this is a restatement of resulting trust principles.

(e) the extent to which the spouse claiming an interest benefited by reason of the relationship or from direct or indirect contributions made by the other spouse,

! the court should not look at one party's contributions in isolation. A number of cases have observed that in the circumstances, whatever detriment caused a party by making contributions to the other, was more than offset by benefits derived from the relationship.

(f) rights or claims the spouse who owns the property may have in or to the property of the spouse claiming an interest,

! it may be appropriate to set off rights each spouse has in the property of the other.

(g) debts and other liabilities incurred by a spouse for the benefit in whole or in part of the other spouse, or the mutual benefit of both spouses, and

! Part 5 of the *FRA* does not address the significance of debt, or how to deal with it, but courts have developed guiding principles. The inclusion of para. (g), consequently, is consistent with the policy that applies under Part 5.

(h) any other circumstances relating to the acquisition, preservation, maintenance, improvement or use of property or the capacity or liability of the spouses.

! para. (h) is based on a paragraph in Part 5 defining the court's ability to reapportion entitlement between married spouses.

(2) For greater certainty, direct or indirect contributions by a spouse under subsection (1) that entitle the spouse to an interest in property need not be causally linked to the acquisition, preservation,

maintenance or improvement of the property that is apportioned between the spouses.

! currently, a spouse cannot successfully claim an interest in the property of the other without establishing a nexus or causal link between a contribution (or detriment suffered) and the property. This unduly restricts the court's ability to adjust property rights on the end of a relationship. The court is not so limited with respect to married spouses under Part 5. S. 65 expressly allows a court to divide family assets or any other property to avoid "unfairness."

(3) For the purposes of subsection (1), an indirect contribution includes savings through effective management of household or child rearing responsibilities by the spouse who holds no interest in the property.

! restates a section currently found in Part 5.

(4) The court may also apportion family assets between the spouses if to not do so would be unfair because the spouses tended to conduct their economic affairs as a single economic unit, each contributing to the best of their respective abilities to their mutual welfare.

! if the parties essentially conducted themselves as a single economic unit, both contributing to the extent of their ability, it is likely that property acquired during the relationship should be divided between them when the relationship ends. This factor is set out separately from subsection (1), which lists objective factors for dividing property. Subsection (4) has a subjective element. The absence of the subjective element, however, is not a reason to decline to divide property by reason of the application of one or more factors under subsection (1).

Determination of ownership, possession or division

69.5 In proceedings under this Part, the Supreme Court may determine any matter respecting the ownership, right of possession or division of property under this Part, including the vesting of property, and has the jurisdiction to make any order that it could in proceedings between married spouses and domestic partners under Part 5.

! section 69.5 incorporates by reference provisions appearing in Part 5, particularly

! s. 66, which sets out the powers a court has to make an appropriate order concerning property, including awarding compensation or establishing a trust, and

! s. 67, which allows the court to make an order restraining the disposition of property or respecting the possession, delivery, safekeeping and preservation of property.

Application of this Part

69.6 (1) If there is a conflict between this Part and the *Partition of Property Act* this Part prevails.

(2) The rights under this Part are in addition to and not in substitution for rights under equity or any other law.

! section 69.6 repeats another provision from Part 5.

title page for part 4

About the Annotated Tables

This Part of the Report contains the following annotated Tables:

- ! Table I: Sections to be amended
- ! Table II: Sections not amended but affected by other changes
- ! Table III: Sections not changed

The annotations to the Tables provide information concerning the analysis supporting the Institute's proposals.

The Schedule to the proposed *Family Status Recognition Act* is based on the material set out in Table I.

Table II is included to show legislation that is not directly changed, but which will be affected by the proposals and legislative changes made elsewhere.

Table III shows legislation that was reviewed but which will remain unchanged by the Institute's proposals.

References are made in the annotations to the Tables to different "Categories." A fuller explanation of the Categories can be found in Section K of the *Introduction to the Materials*.

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
ADULT GUARDIANSHIP ACT	RS 1996 (Supp), c. 6	001	The definition of "spouse" includes married spouses who are not living separate and apart and opposite sex and same sex spouses living with the person (no 2 year test).	Section 1 is amended (a) in the definition of "spouse" (i) in paragraph (a), by adding a comma after "person" and by striking out "and is not living separate and apart, within the meaning of the Divorce Act (Canada), from the other person, or", (ii) in paragraph (b) by striking out "marriage or", and (iii) by renumbering paragraph (b) as "(c)" and adding the following paragraph after paragraph (a): (b) is the domestic partner of another person, or, (c) by renumbering section 1 as subsection "(1)", and (d) by adding the following subsection: (2) For the purposes of the definition of "spouse" in subsection (1) persons are not spouses if they are separated at the relevant time and one or both of them has the intention that the relationship not continue.	Category 11: Spouse definition: (a) describing marriage as being between persons of the same sex. Policy is not to describe marriage as being between people of the same sex. (f) living separate and apart. While policy is to refer to the FSRA rules, or restate them, in this case a special rule applies and spousal status is lost immediately on separation, requiring the issue to be addressed in a separate subsection. (g) extended definition. (i) inclusion of domestic partner: policy is to equate the rights and obligations of domestic partners with those of married spouses.
ADULT GUARDIANSHIP ACT	RS 1996 (Supp), c. 6	001	Definition of "near relative" provides a list of close relations. Definition of "nearest relative" accords priority among relations.	Section 1 is amended (a) in the definition of "near relative" by adding ", an adult household member" after "sister", and (b) by adding the following: "household member" means a person who lives with an adult as a member of the adult's family;.	Category 14: Household members. Policy is to recognize persons (including non-relatives) living together as family. Where priority among family members must be assigned, policy is to accord household members priority behind a person's siblings. A "spouse" is not included in the definition of "near relative" because, throughout the Act, the status of an adult's spouse is addressed separately.
ADULT GUARDIANSHIP ACT	RS 1996 (Supp), c. 6	004(06)	4(6) If the adult decides not to agree and is apparently incapable of making that decision, the first of the following may make the decision of behalf of the adult: spouse, child, parent, brother or sister, and any one else related by birth or adoption). (S. 4(7) requires a person deciding	Section 4(6) is amended (a) by renumbering paragraph (f) as "(g)", and (b) by adding after paragraph (e) the following paragraph: (f) a household member living with the adult, or .	Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. Where priority among family relationships must be assigned, policy is to accord household members priority after siblings.

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
			on behalf of the adult to be an adult, be in contact with the adult, not have a dispute with the adult and be capable of making a decision).		
ADULT GUARDIANSHIP ACT	RS 1996 (Supp), c. 6	053	A person from a designated agency may allow relatives or friends who accompany the person to help the person understand the support or assistance plan.	Section 53(3)(b) is amended by adding "the adult's spouse or" after "may allow".	- the section is inclusive as to parties who may assist an adult in understanding a support and assistance plan, but should specifically refer to the adult's spouse, as is the formulation throughout the Act [compare s. 54].
AUDITOR GENERAL ACT	RSBC 1996, c. 23	004	Pension for surviving spouse of auditor general.	Section 4 is amended by adding the following subsection: (7) For the purposes of this section, "spouse" has the same meaning as under the Pension (Public Service) Act.	Category 2: Pension/Employment benefits. The s. incorporates the Pension (Public Service) Act provisions by reference. The amendment is to ensure congruence with the Pension (Public Service) Act definition.
CEMETERY AND FUNERAL SERVICES ACT	RSBC 1996, c. 45	020	Operators must adopt by-laws respecting, among other things, the rights and privileges of a lot owner and the lot owner's relatives.	Section 20(1)(b) is amended by striking out "relative" and substituting "families".	Category 12: Generic use of "family" and equivalent terms: (d) relative. "Relative" excludes family relationships that consist of non-relatives. (a) "family". The FSRA defines "family" as including a person's spouse and a second person (including a non-relative) living with a first person in a close relationship that is equivalent to a family relationship, to ensure that its general meaning includes extended family relationships. Category 11: Spouse definition: (g) extended definition. The FSRA provides an extended definition of spouse. There is no need for a duration of relationship test where the person qualifies as the person's spouse under the FSRA rules at the time of death (with the exception of s. 51, which addresses control of disposition of the deceased's remains -- a distinction currently drawn in the Act).

Table I: Sections to be amended

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Effect of Section</i>	<i>Proposed Change</i>	<i>Notes</i>
CEMETERY AND FUNERAL SERVICES ACT	RSBC 1996, c. 45	041	An operator must keep records showing, among other things, the name and mailing address of "a next of kin" (undefined) of the deceased or other person having some relationship with the deceased.	Section 41 is amended by striking out "next of kin" and substituting "a close member of the deceased's family".	Category 12: Generic use of "family" and equivalent terms: (c) next of kin: policy is to reserve next of kin for its technical meaning. The FSRA defines "next of kin" as meaning the person who would succeed to another's property on an intestacy under the Estate Administration Act. "Family," "close family," "relative" or "near relative" are terms that may be substituted for "next of kin" when it is used to mean close family. - the FSRA defines "family" as including a person's spouse, as well as people (including non-relatives) living together as family. In this context, it would mean people who lived together as family while the deceased was alive. - "close member of the deceased's family" is not defined. This is consistent with current practice in the statutes, where equivalent formulations (such as near relative") are often undefined.
CEMETERY AND FUNERAL SERVICES ACT	RSBC 1996, c. 45	051	The s. lists persons having the right to control the disposition of human remains with this priority: personal representative named in will; married spouse (if living with deceased at time of death) or opposite sex spouse (2 year cohabitation test); adult child; parent; adult sibling; adult nephew or niece; adult next of kin as determined under the EAA; Minister of Human Resources or Official Guardian; or adult person having some ties with the deceased not based on blood ties or affinity.	Section 51 is amended (a) in s. 51(1)(b) by striking out "or a person who was living with the deceased as husband or wife for a continuous period of at least 2 years". (b) by adding after s. 51(1)(e) the following paragraph: (f) a person living with the deceased at the time of death as a member of the deceased's family, and (c) by renumbering the following paragraphs.	Category 11: Spouse definition: (g) extended definition. The revision incorporates the extended definition of "spouse" under the Family Status Recognition Act. The formulation excludes the general rules under the FSRA for determining when spousal status ends. Note: the current Act requires a spouse qualifying under the extended definition to have cohabited with the deceased for 2 years, which has not been carried forward. Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) who lived together as family. Where family relationships must be ranked, policy is to accord

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
					household members priority after siblings. - s. 51, 54 and 58 define rights to direct the disposition of human remains (on death, when donated for medical purposes and no longer required, when cemetery is closed and alternative arrangements must be made). - the s. 51 list is referred to in several parts of the Act: s. 37 and 38 (substitution of a lot for a reclaimed lot, or where there is a need to rectify an error, must be acceptable to person listed in s. 51); s. 52 (funeral cannot be provided without written authorization of a person listed in s. 51); s. 53 (the rights of a person listed in s. 51 are subject to organ donation, instructions in a will, or pre-arranged funeral plans); s 58 (person listed in s. 51 can authorize exhumation).
CEMETERY AND FUNERAL SERVICES ACT	RSBC 1996, c. 45	059	An application to court may be made to permit or restrain an exhumation and, among factors that should be considered are the feelings of those related to or associated with the deceased, with particular regard to the legally married spouse of the deceased, if not separated, or an opposite sex spouse (2 years cohabitation).	Section 59 is amended in paragraph 59(a) by striking out "or to a person who was living with the deceased as husband or wife for a continuous period of at least 2 years".	Category 11: Spouse definition: (g) extended definition. The amendment allows the FSRA extended definition of spouse to apply. The formulation excludes the general rules that determine when spousal status ends. See the note to s. 51.
CEMETERY AND FUNERAL SERVICES ACT	RSBC 1996, c. 45	063	Notice of closure of a cemetery must be given to the owner of a lot, or "a next of kin" of the interred person or other person of record whose address can be ascertained.	Section 63(3) is amended by striking out "a next of kin" and substituting "a close member of the interred person's family".	Category 12: Generic use of "family" and equivalent terms: (c) next of kin: policy is to reserve next of kin for its technical meaning. The FSRA defines "next of kin" as meaning the person who would succeed to another's property on an intestacy under the Estate Administration Act. "Family," "close family," "relative" or "near relative" are terms that may be substituted for "next of kin"

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
					<p>when it is used to mean close family.</p> <ul style="list-style-type: none"> - the FSRA defines "family" as including a person's spouse, as well as people (including non-relatives) who lived together as family. - "close member of the interred person's family" is not defined. This is consistent with current practice in the statutes, where equivalent formulations (such as near relative") are often undefined.
CEMETERY AND FUNERAL SERVICES ACT	RSBC 1996, c. 45	114	An operator may remove goods that are unsightly, dangerous or impede maintenance, but before doing so must give notice to "a next of kin" of the interred person or other person of record whose address can be ascertained and give them an opportunity to correct the matter.	Section 114(3) is amended by striking out "a next of kin" and substituting "a close member of the deceased's family".	<p>Category 12: Generic use of "family" and equivalent terms: (c) next of kin: policy is to reserve next of kin for its technical meaning. The FSRA defines "next of kin" as meaning the person who would succeed to another's property on an intestacy under the Estate Administration Act. "Family," "close family," "relative" or "near relative" are terms that may be substituted for "next of kin" when it is used to mean close family.</p> <ul style="list-style-type: none"> - the Family Status Recognition Act defines "family" as including a person's spouse, as well as people (including non-relatives) who lived together as family. - "close member of the deceased's family" is not defined. This is consistent with current practice in the statutes, where equivalent formulations (such as near relative") are often undefined.
CHIROPRACTORS ACT	RSBC 1996, c. 48	012	Sets out the requirements to establish a professional chiropractic corporation, particularly which shareholders are considered to be family members: "spouse" (including opposite sex relationships of 2 years duration);	Section 12(1) is amended by repealing paragraph (c) and substituting the following paragraph: (c) all of the non-voting shares are legally and beneficially owned by (i) members, (ii) the spouse of a member who	<p>Category 3: Professional corporation. Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. Category 11: Spouse</p>

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
			"child" and "relatives" living with a member.	is a shareholder, (iii) a child of a member who is a shareholder, or (iv) any person who lives with a member who is a shareholder as a member of the family,.	definition: (g) extended definition. The FSRA extends the meaning of "spouse" (with no requirement for a duration of relationship test). - the words "a child, as defined in the Family Relations Act" have not been carried forward. The FRA has several (inconsistent) definitions of child, depending upon the Part that applies (e.g., for most of the Act, a child means a minor. In one Part, however, it means an adult child).
COLUMBIA BASIN TRUST ACT	RSBC 1996, c. 53	016	"Spouse" means persons who are married, or opposite sex spouses who have had a 2 year relationship. A married person is no longer considered to be a spouse after a separation formalized by a written agreement or court order.	Section 16 is amended by repealing the definition of "spouse".	Category 4: Conflicts of interest/Arms' length transactions:. B.C. statutes adopt various rules for determining which classes of family relationships raise questions about conflict of interest or whether parties are dealing at arms' length. These statutes have been reviewed to ensure that they recognize extended family relationships within the identified classes. It would be desirable to address standardizing the rules relating to conflicts of interest and (arms' length transactions), but that is outside the scope of this initiative. Category 11: Spouse definition: (g) extended definition. Deleting the definition of "spouse" means that the FSRA definition of "spouse" (and when that relationship ends) will apply. Policy is not to require a duration of relationship test in legislation dealing with conflicts of interest or arms' length transactions.
COLUMBIA BASIN TRUST ACT	RSBC 1996, c. 53	018	The pecuniary interest of a spouse, parent or child, if known to the director, is the pecuniary interest of the director.	Section 18 is amended by striking out "or child" and substituting ", child or a person who lives with the director as a member of the director's family."	Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family.

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
COMMUNITY CARE FACILITY ACT	RSBC 1996, c. 60	001	"Community care facility" provides services to three or more persons not related "by blood or marriage" to an operator of the facility. A "community care facility" doesn't include a "sibling group". A "sibling group" consists of 3 or more children who reside in the same household in the care of listed persons, including a parent, or person with custody or guardianship, or a spouse of either of those two.	The definition of "community care facility" in section 1 is amended by striking out "by blood or marriage" and substituting "by blood, adoption, marriage, or the formation of a spousal relationship".	Category 13: Marriage. Policy is to give equal recognition to spousal relationships arising from marriage and in other ways. There is some ambiguity in the current law concerning who is (apart from spouses) considered to be related by marriage and, if "in-laws" are to be included, how many degrees of separation are embraced. The ambiguity does not seem to have caused problems, and probably allows for a usefully flexible approach to the question. Where a more precise formulation for the purpose of including relationships traced through a person's spouse, the proposal is to refer to "a person's relatives, and the relatives of the person's spouse". Category 11: Spouse definition: (g) extended definition. The reference to "spouse" will be extended by the Family Status Recognition Act. Category 9: Parents: (b) person who stands in place of a parent. Policy is to recognize as a parent a person who stands in place of a parent (unless sound reasons can be identified for not including that relationship). Reason policy not applied: adding that to this definition would defeat the distinction that is being made (since conceivably for some purposes the person would stand in place of a parent to all children in the facility).
COMMUNITY CARE FACILITY ACT	RS 1996 (Supp), c. 60	017	Amendments which will be necessary when the adult guardianship legislation comes into force.	Section 17(2)(h) is amended by deleting "child, parent or spouse" and substituting "member of the family".	
COMMUNITY CARE FACILITY ACT	RSBC 1996, c. 60	017	17(2)(d) Restrictions are placed on the actions of a licensee or employee from inducing a resident to make	Section 17 is amended (a) in subsection (2)(d) by striking out "spouse or relative" wherever it appears and	- an operator or employee may not use the position to extract a personal benefit or to benefit a related person

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
			<p>a disposition or a testamentary gift to the operator or employee, or the spouse or relative of either of them. 17(2)(f) Restrictions are placed on situations where a licensee or employee may have a resident's power of attorney. 17(2)(g) A licensee or employee may not act as representative of a resident or former resident, unless the licensee is a child, parent or spouse of the resident.</p>	<p>substituting in each instance "member of the family", (b) in subsection (2)(f)(i) by striking out "child, parent or spouse" and substituting "member of the family", and (c) in subsection (2)(g) by striking out "child, parent or spouse" and substituting "member of the family".</p>	<p>(unless from a resident who is a family member). - "relative" does not include non-relatives. The FSRA, however, defines "family" as including a person's spouse as well as people (including non-relatives) who live together as family.</p>
COMPANY ACT	RSBC 1996, c. 62	001	<p>"Associate" is a defined term used for determining when another person has a close identity of interest with a person. It includes defined business relationships as well as the person's "spouse, son or daughter" and a relative of the person or the person's spouse who has the same home as the person.</p>	<p>Section 1 is amended (a) in the definition of "associate" (i) by repealing paragraph (d) and (e), (ii) by adding after paragraph (c) "and," (iii) by adding after paragraph (c) the following paragraph: (d) a member of the person's immediate family., and (b) by adding the following: "immediate family" means a person's spouse, child or parent and includes a second person who lives with the first person as a member of the first person's family;.</p>	<p>Category 4: Conflicts of interest/Arms' length transactions: B.C. statutes adopt various rules for determining which classes of family relationships raise questions about conflict of interest or whether parties are dealing at arms' length. These statutes have been reviewed to ensure that they recognize extended family relationships within the identified classes. It would be desirable to address standardizing the rules relating to conflicts of interest and (arms' length transactions), but that is outside the scope of this initiative. Category 11: Spouse definition: (g) extended definition. Policy is not to require a duration of relationship test to qualify as a spouse for legislation dealing with conflicts of interest or arms' length transactions. Category 14: Household members: Policy is to recognize the family status of people (including non-relatives) who live together as family. - the definition of "immediate family" is also used in s. 183.</p>

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
COMPANY ACT	RSBC 1996, c. 62	183	A company's auditor must be independent, which is a question of fact, but listed relationships will establish a lack of independence, including a financial interest between the company and the auditor (various persons in business relationships with the auditor, and the auditor's "immediate family" (defined in subs. (3) (a) to include the person's spouse, parent, child or a relative of the person or of the person's spouse who resides with the person.)).	Section 183(3) is amended by repealing paragraph (a).	Category 4: Conflicts of interest/Arms' length transactions: B.C. statutes adopt various rules for determining which classes of family relationships raise questions about conflict of interest or whether parties are dealing at arms' length. These statutes have been reviewed to ensure that they recognize extended family relationships within the identified classes. It would be desirable to address standardizing the rules relating to conflicts of interest and (arms' length transactions), but that is outside the scope of this initiative. - The definition of "immediate family" in s. 183(3)(a) is no longer necessary with the addition of the definition of the term to s. 1 of the Act.
CONSUMER PROTECTION ACT	RS 1996 (Supp) , c. 69	001	A creditor in a purchase financing transaction has no greater rights than the seller when there is an identity of interest with the seller that arises in listed circumstances, one of which is when the creditor and seller would qualify as "related persons" under the Bankruptcy and Insolvency Act.	Section 6.1(2)(b) is amended by adding "or would qualify as related persons under that section under a test by which persons are considered to be connected by marriage if one is, within the meaning of the Family Status Recognition Act, the spouse of the other or the spouse of a person who is connected by blood relationship to the other," after "(Canada),".	Category 4: Conflicts of interest/Arms' length transactions. This is the definition of "related persons" (basically the same as in the Income Tax Act (Canada). (2) For the purposes of this Act, persons are related to each other and are "related persons" if they are (a) individuals connected by blood relationship, marriage or adoption; (b) a corporation and (i) a person who controls the corporation, if it is controlled by one person, (ii) a person who is a member of a related group that controls the corporation, or (iii) any person connected in the manner set out in paragraph (a) to a person described in subparagraph (i) or (ii); or [listed business relationships]... The definition explains who is connected by blood marriage or

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
					adoption (in subs. (3), but does not include the extended definition of spouse nor people (including non-relatives) living together as family. Category 11: Spouse definition: (g) extended definition. The amendment means that persons related by spousal relationships other than marriage are included. - The section is not amended to include non-relatives who live together as family. Policy is to accept the categories of relationships currently adopted in each statute and ensure that within them, extended relationships are recognized.
CORONER'S ACT	RSBC 1996, c. 72	017	Persons entitled to information from the coroner concerning the decision not to hold an inquest are limited to the deceased's spouse, parents, children, brothers, sisters and personal representative.	Section 17 is amended by repealing subsection (3) and substituting the following subsection: (3) On request, the coroner must make the information recorded under subsection (2) available to (a) the spouse, parents, children, brothers and sisters of the deceased, (b) persons who lived with the deceased immediately before the deceased's death as members of the deceased's family, and (c) the personal representative of the deceased.	Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. Category 11: Spouse definition: (g) extended definition. The FSRA gives "spouse" an extended definition.
CORPORATION CAPITAL TAX ACT	RSBC 1996, c. 73	001	Definition of "family corporation" requires shareholders to be actively engaged in farming or be the parent, child or spouse of a person who is actively engaged in farming.	The definition of "family farm corporation" in section 1 is amended by repealing paragraph (iii) and substituting the following paragraph: (iii) actively engaged in farming or who are (a) the parents, children or spouse of a person who is actively engaged in farming, or (b) a person who lives with a person who is actively engaged in farming as a member of the family;.	Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) who lived with another as family. Category 11: Spouse definition. (g) extended definition. The meaning of spouse will be extended by the FSRA.
CORRECTION ACT	RSBC 1996,	034	The director must investigate complaints,	Section 34(1)(d)(4) is amended by adding ", a person who stands in	Category 9: Parents: (b) person who stands in place of

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
	c. 74		including those made by a youth's "parents" or "guardians".	place of a parent" after "parent".	a parent. Policy is to include as a parent a person who stands in place of a parent (unless sound reasons can be identified for not including that relationship).
COURT ORDER ENFORCEMENT ACT	RSBC 1996, c. 78	028	Support orders for a "spouse or former spouse or reputed spouse or a child or any other dependant of the person" are excluded from the definition of "judgment" for the purposes of reciprocal enforcement of judgment legislation.	The definition of "judgment" in section 28(1) is amended by striking out "or reputed spouse".	Category 11: Spouse definition: (g) extended definition. The reference in the drafting to "reputed spouse" is obsolete with the recognition of extended spousal relationships. The reference to "spouse" will incorporate the extended definition under the Family Status Recognition Act (which does not require a duration of relationship test). The determinative factor is whether the spouse has obtained a support order.
COURT RULES ACT	RSBC 1996, c. 80	001	Court rules may govern matters arising under listed statutes, including the Wills Variation Act.	Paragraph 1(2)(f) is amended by striking out "Wills Variation Act" and substituting "Dependants Relief Act".	- it is proposed that the Wills Variation Act be renamed.
CREDIT REPORTING ACT	RSBC 1996, c. 81	001	The definition of "spouse" includes persons "living together as if married, having done so continuously throughout the immediately preceding 2 years.	Section 1 is amended by repealing the definition of "spouse".	Category 11: Spouse definition: (g) extended definition. The reference to "spouse" will be extended by the Family Status Recognition Act. No duration of relationship test is required.
CREDIT UNION INCORPORATION ACT	RSBC 1996, c. 082	001	The definition of "spouse" includes persons "living together as if married, having done so continuously throughout the immediately preceding 2 years".	Section 1 is amended by repealing the definition of "spouse".	Category 11: Spouse definition: (g) extended definition. The reference to "spouse" will be extended by the Family Status Recognition Act. No duration of relationship test is necessary.
CREDIT UNION INCORPORATION ACT	RSBC 1996, c. 82	041	In addition to a person who is a member of a group the credit union was formed to serve, also eligible for membership are that person's spouse, parent, or child wherever they reside, or a relative or spouse's relative who resides with the person.	Section 41(3) is amended by repealing paragraph (b) and substituting the following paragraph: (b) a second person who lives with that person as a member of that person's family	Category 14: Household member. Policy is to recognize the family status of people (including non-relatives) living together as family. Category 11: Spouse definition: (g) extended definition.

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
CRIMINAL INJURY COMPENSATION ACT	RSBC 1996, c. 85	001	"immediate family member" means (a) a spouse, child, sibling, step-sibling, half sibling or parent of the victim or a person who, although not a parent or child of the victim, was like a parent or child to the victim and, for this purpose (i) spouse means the individual recognized under subsection (2) as the spouse of the victim or the individual who is married to or living in a marriage like relationship with the victim and this marriage or marriage like relationship may be between persons of the same gender, and (ii) child includes an individual recognized under subsection (2) as the child of the victim and, with reference to the victim as parent, a child born after the death of the victim, or (b) if dependent in whole or in part on the victim for financial support at the time of the victim's death, a grandparent or grandchild of the victim;	The definition of "immediate family member" in section 1 is amended by (a) adding ", person living with the victim as part of the victim's family" after "half sibling", (b) adding ", the domestic partner of," after "married to", (c) striking out "marriage or", and (d) striking out "gender" and substituting "sex".	Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. Category 11: Spouse definition: (a) describing marriage as being between persons of the same sex. Policy is not to describe marriage as being between people of the same sex. (b) use of "gender" or "sex". Policy is to use "sex" in preference to "gender". (i) inclusion of domestic partner.
CRIMINAL RECORDS REVIEW ACT	RSBC 1996, c. 86	018	The definition of "unlicensed family child care facility" requires that it must offer care to one or two children not related to the operator by blood or marriage. (An operator of an unlicensed child care facility who applies for a license must have a criminal record check).	Section 18 is amended by repealing the definition of "unlicensed family child care facility" and substituting the following: "unlicensed family child care facility" means a facility other than a facility under the Community Care Facility Act that offers child care to one or 2 children (a) not related by blood or adoption to the operator of the facility or the operator's spouse, or (b) who do not live with the operator as members of the operator's family.	Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. Category 13: Marriage. Policy is to give equal recognition to spousal relationships arising from marriage and in other ways. See the note to s. 1 of the Community Care Facility Act.
ELECTION ACT	RSBC 1996,	007	Pension for surviving spouse of chief electoral	Section 7 is amended by adding the following subsection:	Category 2: Pension/employment benefits.

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
	c. 106		officer.	(3) For the purposes of this section, "spouse" has the same meaning as under the Pension (Public Service) Act.	The s. incorporates the Pension (Public Service) Act provisions by reference. The amendment is to ensure that the definition of spouse in this Act is congruent with the definition in the Pension (Public Service) Act.
ELECTION ACT	RSBC 1996, c. 106	032	A person's residence is not changed if absent for a temporary purpose, including accompanying a spouse (extended same sex definition), a child or a parent. The residence of a person imprisoned in a penal institution is not the prison, but the person may elect between the person's last residence, or the current residence of the person's spouse, parent or dependant.	Section 32(2) is amended by striking out "being an individual who is married to the individual or who is living with the individual in a marriage-like relationship, including such a relationship between members of the same sex".	Category 11: Spouse definition: (g) extended definition. The deletion means that the reference in s. 32 to "spouse" will be extended by the Family Status Recognition Act (without a requirement for a duration of relationship test). Category 9: Parents: (b) person who stands in place of a parent. Policy is to recognize the family status of people where one stands in place of a parent to the other (unless there are sound reasons for not doing so). Although unusually framed (described as "in a child-parent relationship") the current s. 32(2)(c) is consistent with this policy. Reason for not applying policy in s. 32(4): a person entitled to vote would be an adult, so that it would be meaningless to characterize a relationship with a non-parent as that of a person standing in place of a parent.
EMPLOYEE INVESTMENT ACT	RSBC 1996, c. 112	001	The Act allows defined companies to permit employees to invest in them, but restrictions are placed on uses of funds by the companies in transactions that involve directors, or "associates" of the directors or the company. In addition to business and trust relationships, the following family relationships are included in the definition: spouse, parent, grandparent, grandchild, brother,	Section 1 is amended (a) in the definition of "associate", by repealing paragraph (f) and substituting the following paragraph: (f) a second person who lives with the person as a member of the person's family;; and (b) by repealing the definition of "spouse".	Category 4: Conflicts of interest/Arms' length transactions: B.C. statutes adopt various rules for determining which classes of family relationships raise questions about conflict of interest or whether parties are dealing at arms' length. These statutes have been reviewed to ensure that they recognize extended family relationships within the identified classes. It would be desirable to address standardizing the rules relating to conflicts of

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
			<p>sister, or a spouse's parent, grandparent, grandchild, brother or sister who reside with the director. The definition of "spouse" includes opposite sex unmarried relationships after 6 months cohabitation. The definition of "trust disposition" includes a situation where a share is transferred in trust to be held for the benefit of the transferor or the transferor's "spouse".</p>		<p>interest and (arms' length transactions), but that is outside the scope of this initiative. Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. Category 11: Spouse definition: (g) extended definition. The references to "spouse" in the definition of "associate" and "trust disposition" will be extended by the Family Status Recognition Act. Policy is not to require a duration of relationship test where the legislation is aimed at conflicts of interest issues, or ensuring that transactions are made at arms' length.</p>
EMPLOYMENT STANDARDS ACT	RSBC 1996, c. 113	051	A birth mother, a birth father and an adopting parent are entitled to 12 consecutive weeks of unpaid parental leave.	Section 51(1) is amended by adding the following paragraph: (d) for the spouse of a birth mother, after the child's birth and within 52 weeks after that event.	Category 9: Parents: (b) person who stands in place of a parent. Policy is to recognize the parental status of persons who stand in place of a parent. This means that stepparent relationships should be recognized, unless there is a sound reason for not doing so. The current Act does not accommodate parental leave in situations where the birth mother's spouse is not the birth father. Category 11: Spouse definition: (g) extended definition. The FSRA meaning of "spouse" will apply.
EMPLOYMENT STANDARDS ACT	RSBC 1996, c. 113	053	Entitlement to 3 days unpaid bereavement leave on the death of a member of the immediate family.	Section 53 is amended by adding "or of the immediate family of the employee's spouse" after "family".	- as currently drafted, the section would not allow an employee bereavement leave on the death, e.g., of the spouse's parent.
ESCHEAT ACT	RSBC 1996, c. 120	008	Cabinet may make an assignment of property that is ownerless in various listed situations, including a person dying intestate without leaving "any kin or other person	Paragraph 8(a)(i) is amended by striking out "kin or other".	- nothing is added by the words "kin or other". "Any person entitled to succeed to it" is comprehensive.

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	001	entitled to succeed to it." Definition of common law spouse also includes relationship valid by common law.	Section 1 is amended (a) by adding the following: "former domestic partner" means a former domestic partner under the Domestic Partner Act;; (b) by adding the following: "former spouse" means a former spouse under the Family Status Recognition Act;; (c) by repealing the definition of "common law spouse" and substituting the following: "spouse" means a person who (a) is married to another person, or (b) is the domestic partner of another person but does not include a former spouse or former domestic partner;; and (d) by adding the following: "surviving spouse", except under Part 13, means a person who was a spouse of a deceased person immediately before the deceased person's death;.	Category 8: Succession rights. Category 11: Spouse definition: (d) widow/widowed/widower: Policy is to replace these terms with "surviving spouse". A definition of "surviving spouse" that includes a person who was in a marriage-like relationship is used under Part 13. (e) end of status. (i) inclusion of domestic partner. Policy is to equate the rights and obligations of domestic partners with those of married spouses. A married spouse and a domestic partner are entitled to share on an intestacy automatically. A person who is a spouse by reason of a marriage-like relationship lasting more than two years will have the right to apply for a share of the estate under a revised Wills Variation Act (renamed "Dependants Relief Act) which will apply whether or not the deceased died leaving a will. (The reason for the distinction is explained in the Introduction to the Materials: see particularly the discussion concerning the principle of voluntariness and the principle of protecting the vulnerable). Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. Reason policy not applied: (a) problems of proving relationship. (c) concerns about unjustified claims. The EAA will not recognize the claims of non-relatives who lived with the deceased as members of the family (although a "dependant" may apply under the revised Wills Variation Act). A person wishing a household

Table I: Sections to be amended

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Effect of Section</i>	<i>Proposed Change</i>	<i>Notes</i>
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	006	List of persons who may be granted administration includes the "widow" or "widower" and the person's "next of kin".	Section 6 is amended by striking out "widow or widower" wherever they appear and in each instance substituting "surviving spouse".	member to benefit on the person's death may make a will. The intestate rules cannot be tailored to meet the range of family relationships that might exist. In these cases, priority is being given to spousal and blood relationships. Category 11: Spouse definition: (d) widow/widower/widowed. Policy is to replace these terms with "surviving spouse". - s. 7 of the EAA gives the court discretion to appoint someone other than a surviving spouse or next of kin, so it is not necessary to define the priority that might be accorded to non-relative members of the family.
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	076	A common law spouse may apply for a share of estate (for "support, maintenance and benefit").	Section 76 is repealed.	- a person not legally married to the deceased or who is not a domestic partner, but who qualifies as a spouse by reason of a marriage-like relationship lasting two years, although not entitled as of right to share on an intestacy, may apply under the revised Wills Variation Act (renamed "Dependants Relief Act"). The Dependants Relief Act removes the need for s. 76.
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	082	Transition provisions re widows entitled to dower before 1934.	Subsection 82(7) is amended by striking out "widow" and substituting "surviving spouse".	Category 11: Spouse definition: (d) widow/widower/widowed. Policy is to replace these terms with "surviving spouse". However, the section has only historical relevance.
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	095	Abolition of dower and curtesy.	Section 95 is repealed and the following section substituted: 95. No surviving spouse is entitled to dower out of or curtesy in the land owned or formerly owned by the deceased spouse at the time of death.	Category 11: Spouse definition: (c) husband/wife. Policy is to use "spouse" in preference to "husband" and "wife". (d) widow/widower/widowed. Policy is to replace these terms with "surviving spouse". (The change is more cosmetic, however, since spouses in

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	098	A spouse who is separated from the intestate for more than one year is not automatically entitled to share in the estate. The court has a discretion.	Section 98 is repealed.	non-traditional relationships are not entitled, in any event, to rights of dower and curtesy). Category 11: Spouse definition: (e) end of status. The FSRA and the DPA provide rules for when status as a spouse or as a domestic partner ends. When that happens, the former spouse or former domestic partner loses the right to share on an intestacy (but in some circumstances would still be entitled to claim under the revised Wills Variation Act, or, if there has been a triggering event, under Part 5 of the Family Relations Act).
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	112	The section lists those who must receive a notice of application for probate or administration: (iii) persons entitled to apply under the Wills Variation Act, (iv) a "common law spouse" and (v) a spouse who was separated from the deceased for more than a year.	Section 112(1)(a) is amended (a) by repealing subparagraphs (iii), (iv) and (v), (b) by adding "or" at the end of subparagraph (ii), and (c) by adding the following subparagraph: (iii) a spouse, former spouse or child, as defined under the Dependants Relief Act, who is entitled to apply under that Act with respect to the deceased's estate, and .	- the revised Wills Variation Act recognizes a broader category of persons who may qualify as a spouse than under the EAA, including a person who was in a marriage-like relationship with the deceased. "Former spouses" are also defined under that Act. Service is not required on persons who may be entitled to claim under a revised WVA on the basis of dependency who are not spouses or former spouses or children, since that would create practical difficulties in applying for probate or letters of administration.
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	121	A "widow or widower" is entitled to the deceased's last 3 months wages, debt free.	Section 121 is amended by striking out "widow or widower" and substituting "surviving spouse".	Category 11: Spouse definition: (d) widow/widower/widowed. Policy is to replace these terms with "surviving spouse" (so that the FSRA definitions will apply). - this entitlement would be available to a legally married spouse or a domestic partner (but see s. 124).
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	122	The last 3 months wages paid to a "widow or widower" are given special	Section 122 is amended by striking out "widow or widower" and substituting "surviving	Category 11: Spouse definition: (d) widow/widower/widowed. Policy

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
			treatment (they do not need to be included in the deceased' estate, whether he died testate or intestate).	spouse".	is to replace these terms with "surviving spouse" (so that extended definitions apply).
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	123	The "widow or widower" must swear an affidavit before the wages can be paid.	Section 123 is amended by striking out "widow or widower" wherever it appears and substituting in each instance "surviving spouse".	Category 11: Spouse definition: (d) widow/widower/widowed. Policy is to replace these terms with "surviving spouse".
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	124	A "common law spouse" is also entitled to a payment of wages under ss. 121-123, but priority is given to the "widow or widower".	Section 124 is repealed and the following section substituted: 124. (1) For the purposes of this part, "surviving spouse" has the same meaning as under the Family Status Recognition Act. (2) If the application is made by a surviving spouse who was not legally married to the deceased or not the domestic partner of the deceased, the affidavit required under s. 123 must state that the deceased was not survived by a legally married spouse or domestic partner within the meaning of section 1.	- the definition under the FSRA includes persons in marriage-like relationships. A person in a marriage-like relationship can apply for wages only if the deceased was not survived by a legally married spouse or domestic partner. Note the definition in s. 1. - the repeal of s. 76 is proposed.
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	125	The employer is not liable for good faith payments made to a "widow, widower or common law spouse".	Section 125 is amended by striking out "widow, widower or common law spouse" and substituting "surviving spouse".	Category 11: Spouse definition: (d) widow/widower/widowed. Policy is to replace these terms with "surviving spouse".
EVIDENCE ACT	RSBC 1996, c. 124	006	The husband or wife of a person charged with an offence is a competent witness.	Section 6 is amended by striking out "wife or husband" and substituting "spouse".	Category 11: Spouse definition: (c) husband/wife. Policy is to use "spouse" in preference to "husband" or "wife" (so that the FSRA definitions will apply). - the FSRA extends the meaning of spouse (although persons qualifying under the extended definition would be competent and compellable in any event).
EVIDENCE ACT	RSBC 1996, c. 124	007	7(1) The husband or wife of a civil litigant is a competent and compellable witness (subject to the Act: see s. 8)) 7(2) A husband or wife may testify about sexual relations with a spouse occurring before or after marriage.	Section 7 is amended (a) in subsection (1) by striking out "wives and husbands" and "wives or husbands" and substituting in each instance "spouses", and (b) in subsection (2) (i) by striking out "husband or wife" and substituting "spouse", (ii) by striking out "party to	Category 11: Spouse definition: (c) husband/wife. Policy is to use "spouse" in preference to "husband" and "wife" (so that the FSRA definitions will apply). (g) extended definition. Category 13: Marriage. Policy is to use the term "relationship" in place of

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
				the marriage" and substituting "spouse", and (iii) by striking out "during the marriage" and substituting "during the relationship".	"marriage".
EVIDENCE ACT	RSBC 1996, c. 124	008	A husband or wife is not compellable to disclose any communication made by the other spouse during the marriage.	Section 8 is repealed and the following section substituted: 8. A spouse is not compellable to disclose any communication made by the other spouse during the relationship.	Category 11: Spouse definition: (c) husband/wife. Policy is to use "spouse" in preference to "husband" and "wife" (so that the FSRA definitions will apply). (g) extended definition. Category 13: Marriage.
EVIDENCE ACT	RSBC 1996, c. 124	070	A judge may make a report about a cause of action involving a "family matter" (defined). The meaning of "spouse", "child" "parent" and "family" is determined by the statute governing the family matter, failing which the terms have their ordinary meanings.	Section 70 is amended by adding "or in the Family Status Recognition Act" after "and if a word is not defined in that Act".	- the FSRA definitions are to apply unless the Act specifically defines particular terms, or otherwise provides to the contrary.
FAMILY COMPENSATION ACT	RSBC 1996, c. 126	001	"Parent" includes a grandparent and a stepparent.	Section 1 is amended by repealing the definition of "parent" and substituting the following: "parent" includes (a) a grandparent, (b) a stepparent who contributed to the support of the deceased for not less than one year, and (c) a person who lived with the deceased and stood in place of parent to the deceased;.	Category 5: Relational claims. Category 9: Parents: (b) person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that relationship). - the Act currently recognizes grandparents and stepparents, but does not provide a remedy to a person who stood in place of a parent to a deceased. The Act acknowledges the relationship from the perspective of the child as claimant, presumably because the child in such a relationship is more likely to be dependent and to have suffered a pecuniary loss. In recent cases, however, substantial awards are being made to parents and there is no reason to suspect that a person who stands in place of a parent might not suffer similar pecuniary loss. It will still be necessary to

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
FAMILY COMPENSATION ACT	RSBC 1996, c. 126	001	"Stepparent" ("parent" includes a "stepparent") is defined in terms of living with a parent as a "husband" or "wife" for two years and contributing to the child's support for one year.	Section 1 is amended (a) by repealing the definition of "stepparent", (b) renumbering section 1 as subsection (1), and (c) adding the following subsection: (2) For the purpose of paragraph (b) of the definition of "parent" in subsection (1), a person is the stepparent of a child if the person and a parent of the child (a) are or were married, (b) are or were domestic partners, or (b) lived together in a marriage-like relationship for a period of at least 2 years and, for the purposes of this Act, the marriage-like relationship may be between persons of the same sex. Section 1 is amended by repealing the definition of "child" and substituting the following: "child" includes (a) a child of the deceased who was not yet born on the death of the deceased, but subsequently born alive, (b) a person living with the deceased at the time of death to whom the deceased stood in place of a parent, and (c) a person whose stepparent was the deceased;	establish pecuniary loss. Category 11: Spouse definition: (c) husband/wife. Subsection (2) is based on a similar provision in the FRA.
FAMILY COMPENSATION ACT	RSBC 1996, c. 126	001	"Child" includes a person to whom the deceased was a stepparent and to whom the deceased stood "in the role of" a parent.	Section 1 is amended by repealing the definition of "child" and substituting the following: "child" includes (a) a child of the deceased who was not yet born on the death of the deceased, but subsequently born alive, (b) a person living with the deceased at the time of death to whom the deceased stood in place of a parent, and (c) a person whose stepparent was the deceased;	
FAMILY COMPENSATION ACT	RSBC 1996, c. 126	001	A "spouse" includes an opposite sex relationship subsisting for at least two years ending no earlier than one year before the death of the deceased.	Section 1 is amended (a) by adding the following: "former spouse" means a former spouse under the Family Status Recognition Act;, and (b) by repealing the definition of "spouse" and substituting the following: "spouse" means a person who (a) is married to another person, (b) is a domestic partner of another person, or (c) is living with another person, who may be of the same or opposite sex, in a marriage-like relationship which has continued for at least 2 years, but does not include a former spouse;.	Category 11: Spouse definition: (e) end of status. Defining the term "former spouse" triggers the FSRA rules for when spousal status is lost. A former spouse, however, might still qualify as a "dependant". (g) extended definition. (h) duration of relationship test required. A definition within the Act is necessary since the FSRA does not require a duration of relationship test for people in a marriage-like relationship. - see the FSRA rules that apply if more than one person claims status as a spouse. A person's liability under the FCA is limited by the amount

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
FAMILY COMPENSATION ACT	RSBC 1996, c. 126	001	[No current definition of "dependant"]	Section 1 is amended by adding the following: "dependant" means a person who was dependent upon the deceased for financial support pursuant to an agreement, court order or otherwise or a spouse, former spouse or child entitled to claim support under provincial or federal legislation;.	the deceased could apply (and was applying) for the support of listed family members. Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living with a person as family. - however, since the basis of the remedy under the FCA is recovery of pecuniary loss, it is appropriate to describe claimants as "dependants" rather than in terms of non-relatives living with the deceased. Moreover, persons not living with the deceased may have been dependent and should be entitled to a remedy. Expanding the range of claimants should not mean significantly expanding the liability of wrongdoers, since the claims are limited by the pecuniary loss arising from the deceased's death and, therefore, limited by the resources that would conceivably have been available to the deceased and made available to claimants. - the definition of "spouse" does not include a "former spouse" (as defined under the FSRA). Spousal status is lost by, among other causes, a one year period of separation. In that event, a former spouse would only qualify, if at all, as a dependant. The definition is drafted to encompass, e.g., a former spouse who is entitled to support by agreement or court order.
FAMILY COMPENSATION ACT	RSBC 1996, c. 126	003	The action must be brought for the benefit of the "spouse, parent or child" of the person whose death has been caused.	Section 3 is amended by striking out "or child" and substituting ", child or dependant".	Category 5: Relational claims. - the class of claimants is expanded.
FAMILY MAINTENANCE ENFORCEMENT ACT	RSBC 1996, c. 127	001	"Spouse" is defined to include opposite sex and same sex relationships without any duration of	The definition of "spouse" in section 1 is amended (a) by striking out "individual" and substituting "person",	Category 11: Spouse definition: (a) describing marriage as being between persons of the same sex.

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
			cohabitation required. The definition uses the term "individual" and provides that marriage can be between persons of the same gender.	(b) by adding ", the domestic partner of" after "married to", (c) by striking out "marriage or", and (d) by striking out "gender" and substituting "sex".	Policy is not to describe marriage as being between persons of the same sex. (b) use of "gender" or "sex". Policy is to use "sex" in preference to "gender". (i) inclusion of Domestic Partner. Policy is to equate the rights and obligations of domestic partners with those of legally married spouses. - technically "person" can include a corporation, but not in the context of this section, since a corporation can't be married, nor could it live in a "marriage-like relationship". There is, consequently, no possibility of ambiguity by using "person" instead of "individual". (If, however, a decision is made to retain "individual" it should be used consistently throughout the statutes).
FAMILY MAINTENANCE ENFORCEMENT ACT	RSBC 1997, c. 127	014.1	A corporation in which the debtor is the sole shareholder is jointly and severally liable with the debtor. A court may order that a "family corporation" be jointly and severally liable with the debtor. "Family corporation" is described in terms of shares held by "immediate family members" who are defined as the debtors "spouse, former spouse, child, sibling, step-sibling, half-sibling or parent of the debtor. "Parent" has the same definition as under the FRA.	Section 14.2(1) is amended (a) by adding the following: "household member" means a person who lives with a debtor as a member of the debtor's family;; and (b) in the definition of "immediate family" by adding ", household member" after "half-sibling".	Category 4: Conflicts of interest/Arms' length transactions: B.C. statutes adopt various rules for determining which classes of family relationships raise questions about conflict of interest or whether parties are dealing at arms-length. These statutes have been reviewed to ensure that they recognize extended family relationships within the identified classes. It would be desirable to address standardizing the rules relating to conflicts of interest and (arms' length transactions), but that is outside the scope of this initiative. Category 9: Parents: (b) person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that relationship). In this case, however, the legislation incorporates the

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
FAMILY RELATIONS ACT	RSBC 1996, c. 128	001	Definition of "parent" includes stepparent who contributes to the support of the child for one year and the application is brought within one year from the date support was last paid. A stepparent is a person who is or was married to the child's parent, or a person living in a marriage-like relationship with the child's parent for 2 years.	Section 1(2) is amended (a) in paragraph (a) by striking out "or", (b) in paragraph (b) by striking out "gender" and substituting "sex", (c) by renumbering paragraph (b) as "(c)", and (d) by adding after paragraph (a) the following paragraph: (b) are or were domestic partners, or .	FRA definition of parent by reference, which already gives "parent" an extended meaning, to include the spouse of a parent. Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. Category 11: Spouse definition: (b) use of "gender" or "sex". Policy is to use "sex" in preference to gender. (g) extended definition. (i) inclusion of domestic partner. Policy is to equate the rights and obligations of domestic partners with those of married spouses. Category 9: Parents: (b) Persons who stand in place of a parent. The FRA adopts an extended definition of "parent", which includes a stepparent, but does not include a person who stands in place of a parent. Policy is to recognize that family status. Reason policy not applied: the FRA deals with a variety of issues that arise when a relationship ends with respect to the obligations between a parent and a child. With respect to support, the conclusion is that a person who stands in place of a parent who does not satisfy the definition of stepparent should not be responsible for support. In all other circumstances, the legislation is sufficiently inclusive, since access, custody and guardianship are not restricted to persons who are parents. Category 11: Spouse definition: (e) end of status. (g) extended definition. (h) duration of relationship test required. Policy is to require a
FAMILY RELATIONS ACT	SBC 1997, c. 20	001	Definition of spouse, recognizes opposite sex and same sex relationships for all purposes other than property division.	Section 1 is amended (a) by adding the following: "domestic partner" means a party to a registered or unregistered domestic partner declaration made under the Domestic Partner Act;;	

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
				<p>(b) by adding the following: "former domestic partner" means a former domestic partner under the Domestic Partner Act;; and (c) by repealing the definition of "spouse" in subsection (1) and substituting the following: "spouse" means a person who (a) is married to another person or is the domestic partner of another person, (b) except under Parts 5 and 6, lived with another person in a marriage-like relationship for a period of at least 2 years if the application under this Act is made within one year after they ceased to live together and, for the purposes of this Act, the marriage-like relationship may be between persons of the same sex, or (c) applies for an order under this Act within 2 years of the person becoming a former domestic partner or the making of an order (i) for dissolution of the person's marriage, (ii) for judicial separation, (iii) declaring the person's marriage to be null and void, or (iv) declaring that the parties have no reasonable prospect of reconciliation with each other; and (b) by adding the following subsection: (3) Notwithstanding a change of status, a person who was a spouse within the meaning of subsection (1) and obtained an order under this Act is considered to be a spouse for the purpose of enforcing or varying the order.</p>	<p>marriage-like relationship last for at least 2 years in certain circumstances. (i) inclusion of domestic partner. Policy is to equate the rights and obligations of domestic partners with those of married spouses. - a spouse who qualifies by reason of a marriage-like relationship will have all of the rights of a former spouse except with respect to property division. Rights in that case will be determined under (a new) Part 5.1 - the new subsection 1(3) replaces para. (d) of the former definition of "spouse". Addressing the issue separately restores some clarity to the definition and the point being addressed in the former para. (d). - under the Domestic Partner Act, an unregistered domestic partner declaration is effective between the parties, but not as against third parties. The FRA, however, is aimed at sorting out financial matters between spouses when their relationship ends. As such, the Act recognizes persons who are parties to an unregistered domestic partner declaration as having the status of domestic partners.</p>
FAMILY RELATIONS ACT	RSBC 1996, c. 128	056	When a listed event occurs signifying the end of a relationship, each spouse is entitled to a half interest in family assets as a tenant in common.	<p>Section 56 is amended (a) in the marginal note, by adding "or domestic partnership" after "marriage", (b) by adding the following subsection: (1.1) With respect to spouses who are domestic partners, each spouse is entitled to an interest in each family asset on the earliest of the following to occur with respect to the</p>	Category 7: Property Rights.

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
FAMILY RELATIONS ACT	RSBC 1996, c. 128	057	A court may make a declaratory judgment that spouses have no prospect of reconciliation.	<p>domestic partnership</p> <p>(a) the spouses make a separation agreement,</p> <p>(b) a declaratory judgment is made under section 57, or</p> <p>(c) the Director of Vital Statistics notes on the register maintained in accordance with the Domestic Partner Act and the Vital Statistics Act the termination of the domestic partnership.,</p> <p>(c) in subsection (3)(b) by adding ", domestic partner agreement" after "marriage agreement", and</p> <p>(d) in subsection (4) by adding "and to a domestic partnership formed after the Domestic Partner Act comes into force".</p>	<p>Category 11: Spouse definition: (i) inclusion of domestic partners. The amendment will allow the court to make a similar declaration that domestic partners have no reasonable prospect of reconciliation, triggering rights in family assets under Part 5. See the amendment in s. 1 to the definition of "spouse" and to s. 56.</p>
FAMILY RELATIONS ACT	RSBC 1996, c. 128	058	Rules for determining what property qualifies as a family asset.	<p>Section 58(4) is repealed and the following subsection is substituted:</p> <p>(4) The definition of family asset applies to</p> <p>(a) property acquired before or after March 31, 1979,</p> <p>(b) marriages entered into before or after March 31, 1979, and</p> <p>(c) domestic partnerships entered into after the Domestic Partner Act comes into force.</p>	
FAMILY RELATIONS ACT	RSBC 1996, c. 128	061	Defines marriage agreements for the purpose of Part 5, which are agreements relating to property made before or early in a relationship or after it ends.	<p>The following section is added:</p> <p>61.1 (1) This section defines domestic partner agreement for the purposes of this Part and this definition applies to domestic partnerships entered into, to domestic partner agreements made and to property of a spouse acquired before or after this section comes into</p>	<p>Category 7: Property Rights.</p> <p>- as a drafting matter, definitions for the purposes of the Part should probably be located at the beginning of the Part. However, this section is a companion to s. 61, and therefore has been number s. 61.1.</p> <p>- it is important to</p>

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
				<p>force.</p> <p>(2) A domestic partner agreement is an agreement entered into by two people before or during their domestic partnership to take effect on the date of they make a domestic partner declaration or on the execution of the agreement, whichever is later, for</p> <p>(a) management of family assets or other property during the domestic partnership, or</p> <p>(b) ownership in, or division of, family assets or other property during the domestic partnership, or on the parties becoming former domestic partners.</p> <p>(3) A domestic partner agreement may form part of, or be separate from, a domestic partner declaration.</p> <p>(4) A domestic partner agreement, or an amendment or rescission of a domestic partner agreement, must be in writing, signed by both spouses, and witnessed by one or more other persons.</p> <p>(5) Except as provided in this Part, if a domestic partner agreement is made in compliance with subsection (4), the terms described by subsection (2) (a) and (b) are binding between the spouses whether or not there is valuable consideration for the domestic partner agreement.</p> <p>(5) A provision of a domestic partner agreement that is void or voidable is severable from the other provisions of the domestic partner agreement.</p> <p>(6) If a domestic partner agreement provides that specific gifts made to one or both spouses are not disposable without the consent of the donor, the donor is deemed to be a party to the domestic partner agreement for the purpose of enforcement or amendment of the provision.</p> <p>(7) For the purposes of this Part, a reference to "marriage agreement", other than in s. 61, includes a domestic partner</p>	<p>distinguish between a domestic partner agreement, which addresses management and ownership of property, and a domestic partner declaration under the Domestic Partner Act, which confers on the parties to the declaration status like that of married spouses.</p> <p>- s. 61.1(1) refers to the possibility of a domestic partnership declaration being made before s. 61.1 comes into force. The proposal is that the DPA and this section will come into force at the same time, but that might not occur. Similarly, a domestic partner agreement might be made in anticipation of the legislation coming into force.</p>

Table I: Sections to be amended

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Effect of Section</i>	<i>Proposed Change</i>	<i>Notes</i>
FAMILY RELATIONS ACT	RSBC 1996, c. 128	065	A court can reapportion entitlement to family property (as determined by a marriage agreement or the default rules under Part 5) having regard to listed factors.	agreement. Section 65 is amended (a) in subsection (1)(a), by adding "or domestic partnership" after "marriage", and (b) in subsection (3) by adding "or formation of the domestic partnership" after "marriage".	
FAMILY RELATIONS ACT	RSBC 1996, c. 128	068	The terms of agreements that do not qualify as marriage agreements may be reviewed by a court.	Section 68(2) is amended (a) by adding ", or the spouses becoming former domestic partners" after "void", and (b) by striking out "marriage" and substituting "relationship".	
FAMILY RELATIONS ACT	RSBC 1996, c. 128	069.1	[New]	The Family Relations Act is amended by adding the following Part: Part 5.1 Property Rights of Spouses in Marriage-like Relationships Definitions 69.1 (1) For the purposes of this part, "family asset" means an asset that would qualify as a family asset under Part 5 had the spouses been married. Entitlement to family assets on the termination of a relationship 69.2 (1) Each spouse is entitled to claim an interest in accordance with this Part in each family asset when (a) a separation agreement, or (b) a declaratory judgment under section 69.3, respecting their relationship is first made. (2) Whether an interest should be granted under subsection (1), and the extent of the interest, is to be determined by the court having regard to the factors set out in section 69.4. (3) Where the spouses' relationship has continued for at least 10 years, it is presumed that each spouse is entitled to an undivided half interest in the family assets as a tenant in common as if the spouses were married, subject to the principles for reapportioning entitlement under Parts 5 and 6. (4) The presumption under	Category 7: Property Rights. A distinction is made with respect to property rights arising on the end of a relationship depending on whether the relationship is (a) one of marriage or domestic partnership, or (b) marriage-like. In the first case, rights are determined by the principle of voluntariness. It is assumed each spouse confers on the other property rights, and these are determined under Part 5. In the second case, rights are determined by the principle of protecting the vulnerable. It is assumed that each spouse does not confer property rights on the other, but the court has a discretion to apportion property at the end of a relationship, to avoid unfairness, by reference to listed factors.

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
				<p>subsection (3) does not restrict a court's jurisdiction to determine that a spouse is entitled to an equal share of property, or a share that is greater than or less than equal, in a relationship lasting for a period that is less than 10 years or 10 years or more.</p> <p>(5) If the court finds that a spouse is entitled to an interest in the pension of the other spouse, Part 6 applies to the division of the pension on the same basis as if the spouses were married or domestic partners.</p> <p>(6) An interest under subsection (1) is subject to</p> <p>(a) an order under this Part of Part 6, or</p> <p>(b) a separation agreement or an agreement under section 120.1.</p> <p>(7) In applying Part 5 or 6 for the purpose of this section, a reference to "marriage" in Part 5 or 6 must be deemed to be a reference to a marriage-like relationship between the spouses who are not married to each other, including spouses of the same sex.</p> <p>Declaratory judgment</p> <p>69.3 On application by 2 spouses or by one of the spouses, the Supreme Court may make a declaratory judgment that the spouses have no reasonable prospect of reconciliation with each other.</p> <p>Determining a spouse's interest</p> <p>69.4 (1) A court may apportion entitlement to family assets between the spouses if it is fair to do so having regard to</p> <p>(a) the duration of the relationship,</p> <p>(b) the extent to which the spouse claiming an interest made direct or indirect contributions which</p> <p>(i) benefited the other,</p> <p>(ii) relieved the other of expenses,</p> <p>(iii) allowed the other to save money, or</p> <p>(iv) allowed the other to acquire, preserve or maintain</p>	

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
				<p>property, (c) the extent to which the spouse claiming an interest suffered economic prejudice by reason of the relationship, including by giving priority to homemaking and childrearing responsibilities, with the express or implied consent of the other spouse, (d) whether the spouse owning property made an express or implied promise to share property, or there was conduct from which such an intention could be inferred and upon which it was reasonable for the non-owning spouse to rely, (e) the extent to which the spouse claiming an interest benefited by reason of the relationship or from direct or indirect contributions made by the other spouse, (f) rights or claims the spouse who owns the property may have in or to the property of the other spouse claiming an interest, (g) debts and other liabilities incurred by a spouse for the benefit in whole or in part of the other spouse, or the mutual benefit of both spouses, and (h) any other circumstances relating to the acquisition, preservation, maintenance, improvement or use of property or the capacity or liability of the spouses. (2) For greater certainty, direct or indirect contributions by a spouse under subsection (1) that entitle the spouse to an interest in property need not be causally linked to the acquisition, preservation, maintenance or improvement of the property that is reapportioned between the spouses. (3) For the purposes of subsection (1), an indirect contribution includes savings through effective management of household or child rearing responsibilities by the spouse who holds no interest in the property.</p>	

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
				(4) The court may also apportion family assets between the spouses if to not do so would be unfair because the spouses tended to conduct their economic affairs as a single economic unit, each contributing to the best of their ability to their mutual welfare. 69.5 In proceedings under this Part, the Supreme Court may determine any matter respecting the ownership, right of possession or division of property under this Part, including the vesting of property, and has the jurisdiction to make any order that it could in proceedings between married spouses and domestic partners under Part 5. Application of this Part 69.6 (1) If there is a conflict between this Part and the Partition of Property Act this Part prevails. (2) The rights under this Part are in addition to and not in substitution for rights under equity or any other law.	
FAMILY RELATIONS ACT	RSBC 1996, c. 128	071		Section 71(3) is amended by striking out "marriage" and substituting "relationship".	
FAMILY RELATIONS ACT	SBC 1997, c. 20	075.1		Section 75.1(1) is amended by striking out "marriage breakdown" and substituting "the end of their relationship".	
FAMILY RELATIONS ACT	RSBC 1996, c. 128	078		Section 78 is amended by adding the following subsection: 78 (4) Notwithstanding subsection (1), if a member dies before the limited member receives a share of the pension under section 74, (a) the share received by the limited member from the plan must be the greater of (i) the proportionate share of the preretirement survivor benefit payable under the plan, and (ii) the commuted value of the proportionate share of the pension determined the day before the member died.	- sorting out priorities and rights where a pension is divided and a member dies before the spouse receives a share. Problems in this respect arise frequently, particularly where more than one former spouse is entitled to a share of a pension or there is a competition with a current spouse.

Table I: Sections to be amended

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Effect of Section</i>	<i>Proposed Change</i>	<i>Notes</i>
FAMILY RELATIONS ACT	RSBC 1996, c. 128	082		Section 82(1)(a) is amended by striking out "marriage breakdown" and substituting "the breakdown of the relationship".	
FAMILY RELATIONS ACT	RSBC 1996, c. 128	086		Section 86(a) is amended by adding "or other relationship" after "marriage".	
FAMILY RELATIONS ACT	RSBC 1996, c. 128	095		Section 95(1) is amended (a) in paragraph (b) (i) by adding "or the domestic partner of" after "married to" and by striking out "marriage", and substituting "relationship", (ii) by striking out "or" at the end of subparagraph (i), (iii) by adding "or" after the end of subparagraph (ii), and (iv) by adding the following subparagraph: (iii) by the spouses becoming former domestic partners if that occurs within 300 days before the birth of the child; and (b) in paragraph (c) by adding "or becomes the domestic partner of" after "marries".	
FAMILY RELATIONS ACT	RSBC 1996, c. 128	120.1	Spouses who are not married may agree that Parts 5 and 6 of the FRA (governing division of property and division of pensions) apply to their relationship.	Section 120.1 is amended (a) in subsection (1) (i) by adding ", including spouses of the same sex," after "each other", and (ii) by adding "unless the spouses otherwise expressly or impliedly provide," after "make an agreement", and (b) in subsection (2) by striking out the semi-colon after "marriage" and adding the following new line: "but does not include an agreement that expressly or impliedly waives the application of Part 5;". (b) in subsection (3) by adding ", including spouses of the same sex" after "other".	- the proposed amendments address two concerns about possible ambiguities in section 120.1. - the first is whether people in marriage-like relationships, including people of the same sex, may make such agreements. There is no policy reason for limiting the application of the section to opposite sex relationships. - the second interpretation issue concerns parties who make an agreement with the intention that Parts 5 and 6 not apply to it. On one reading of section 120.1, that would be sufficient then to have it governed by Parts 5 and 6. As a result, many lawyers are advising clients against making cohabitation agreements. Policy must be that parties can voluntarily have Parts 5 and 6 apply. But they may also choose not to have those Parts of the FRA

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
FINANCIAL INSTITUTIONS ACT	RSBC 1996, c. 141	001	The definition of "spouse" includes opposite sex relationships that persist for more than two years.	Section 1 is amended by repealing the definition of "spouse".	govern their relationship. Category 4: Conflicts of interest/Arms' length transactions: B.C. statutes adopt various rules for determining which classes of family relationships raise questions about conflict of interest or whether parties are dealing at arms' length. These statutes have been reviewed to ensure that they recognize extended family relationships within the identified classes. It would be desirable to address standardizing the rules relating to conflicts of interest and (arms' length transactions), but that is outside the scope of this initiative. Category 11: Spouse definition: (g) extended definition. The deletion allows the meaning of spouse throughout the statute to be extended by the Family Status Recognition Act. Policy is not to require a duration of relationship test for establishing a spousal relationship in these cases.
FINANCIAL INSTITUTIONS ACT	RSBC 1996, c. 141	001	Directors of financial institutions can delegate committees to perform various of their functions, but such committees must have some members who are "unaffiliated directors". The definition of "unaffiliated director" is based on principles of conflict of interest, and excludes various related business people, their spouses and relatives who live with them.	Section 1(1) is amended in the definition of "unaffiliated director" by repealing paragraph (f) and substituting the following paragraph: (f) a person who lives with an individual described in paragraph (a) or (b) as a member of the individual's family, or	Category 4: Conflicts of interest/Arms' length transactions: B.C. statutes adopt various rules for determining which classes of family relationships raise questions about conflict of interest or whether parties are dealing at arms' length. These statutes have been reviewed to ensure that they recognize extended family relationships within the identified classes. It would be desirable to address standardizing the rules relating to conflicts of interest and (arms' length transactions), but that is outside the scope of this initiative. Category 11: Spouse definition: (g) extended

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
FINANCIAL INSTITUTIONS ACT	RSBC 1996, c. 141	001	"Child" includes the child of the person's spouse.	Section 1 is amended by repealing the definition of "child".	definition: The FSRA gives "spouse" an extended definition. The FSRA rules for determining when the relationship ends (after one year separation, or the making of a separation agreement or court order) are also satisfactory for conflict of interest purposes. Policy is not to require a duration of relationship test to establish a spousal relationship in legislation dealing with conflicts of interest or arms' length transactions.
FINANCIAL INSTITUTIONS ACT	RSBC 1996, c. 141	048	For the purposes of setting out rules relating to the ownership of trust and insurance companies, "connected party" (based on conflict of interest principles and similar to "unaffiliated director") is defined. With respect to family relationships, it includes relatives by blood or marriage of the person, or of the spouse of the person, who have the same home as the person.	Subsection 48(1) is amended by repealing paragraph (f) and substituting (f) a second person who lives with the first person as a member of the first person's family.	Category 14: Household members: Policy is to recognize the family status of people (including non-relatives) living together as family. The identity of interest that may exist with a relative living with a person is just as likely to arise with a non-relative living with a person as family. - the term "child" is not used in the statute, other than this definition. Category 4: Conflicts of interest/Arms' length transactions: B.C. statutes adopt various rules for determining which classes of family relationships raise questions about conflict of interest or whether parties are dealing at arms' length. These statutes have been reviewed to ensure that they recognize extended family relationships within the identified classes. It would be desirable to address standardizing the rules relating to conflicts of interest and (arms' length transactions), but that is outside the scope of this initiative. Category 11: Spouse definition: (g) extended definition: The FSRA gives "spouse" an extended definition. The FSRA rules for determining when the

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
FINANCIAL INSTITUTIONS ACT	RSBC 1996, c. 141	144	The Act restricts financial transactions between an institution and a "related party". The definition of "related party" (based on conflict of interest principles and similar to "unaffiliated director" and "connected party",) includes the spouse of a related party, relatives of a related party, and relatives of a spouse of a related party who lives with the related party.	Section 144(1) is amended by repealing paragraph (m) and substituting the following paragraph: (m) is a person who lives with an individual who is a related party under paragraph (a), (b), (c), (d) or (o) as a member of the individual's family,.	relationship ends (after one year separation, or the making of a separation agreement or court order) are also satisfactory for conflict of interest purposes. Policy is not to require a duration of relationship test in legislation dealing with conflicts of interest or arms' length transactions. Category 142: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. The identity of interest that may exist with a relative living with a person is just as likely to arise with a non-relative living with a person as family. Category 4: Conflicts of interest/Arms' length transactions:. B.C. statutes adopt various rules for determining which classes of family relationships raise questions about conflict of interest or whether parties are dealing at arms' length. These statutes have been reviewed to ensure that they recognize extended family relationships within the identified classes. It would be desirable to address standardizing the rules relating to conflicts of interest and (arms' length transactions), but that is outside the scope of this initiative. Category 11: Spouse definition: (g) extended definition: The FSRA gives "spouse" an extended definition. The FSRA rules for determining when the relationship ends (after one year separation, or the making of a separation agreement or court order) are also satisfactory for conflict of interest purposes. Policy is not to require a duration of

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
FINANCIAL INSTITUTIONS ACT	RSBC 1996, c. 141	151	A related party with an interest in a transaction with a financial institution must disclose the nature of the interest to the financial institution, but where the person qualifies as a related party by reason of a family connection with a related party (the "second individual") it is the second individual who has the obligation to disclose. Under this formulation, however, the spouse of the second individual still has the primary obligation to disclose.	Section 151 is amended by repealing subsection (2) and substituting the following subsection: (2) Despite subsection (1), if an individual (the "first individual") is directly or indirectly interested in a transaction described in subsection (1) and lives with an individual (the "second individual") who is a related party under section 144(1) (a), (b), (c), (d), (e) or (o) as a member of the second individual's family (a) subsection (1) does not apply to the first individual, and (b) the second individual must disclose in writing to the directors of the financial institution the nature and extent of the first individual's interest in the transaction to the best of the second individual's knowledge.	relationship test in legislation dealing with conflicts of interest or arms' length transactions. Category 142: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. The identity of interest that may exist with a relative living with a person is just as likely to arise with a non-relative living with a person as family. - the amendment is made necessary by the revision to s. 144 (note, however, that paragraph (e) is not included in the current s. 144(1)(m), although it is included in the current 155(2)(b)).
FOREST ACT	RSBC 1996, c. 157	053	The definition of "spouse" includes opposite sex relationships after two years cohabitation.	Section 53 is amended by repealing the definition of "spouse".	Category 11: (g) extended definition. The deletion will allow the FSRA definition to control the meaning of spouse. Category 8: Succession rights. - the term is used here in connection with succession. This Act does not provide for the transfer to a spouse, etc. on the death of someone who holds entitlements under the Act. It provides that if

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT	RSBC 1996, c. 165	033	A public body must disclose information..."(q) so that the next of kin or a friend of an injured, ill or deceased individual may be contacted,..."	Paragraph 33(q) is amended by adding ", a member of the family" after "next of kin".	<p>someone receives those benefits and is in one of the listed relationships, there will be no reduction in entitlement. Consequently, the general definition in the FSRA is suitable. The current definition requires a current relationship, but parallel policy would suggest that a one year separation rule be adopted, which is the case under the FSRA.</p> <p>Category 12: Generic use of "family" and equivalent terms: (c) next of kin. The FSRA defines "next of kin" to mean the person entitled to succeed on an intestacy. There may be reasons for seeking the identity of that person. However, the term seems more likely intended to denote close family. It is unnecessary, however, to limit the application of the section to "family", when the section also recognizes there may be a need to contact a person's "friend". The FSRA defines "family" as including a person's spouse, and people (including non-relatives) living together as family.</p>
HEALTH ACT	RSBC 1996, c. 179	080	A householder (defined as the person who is for the time being, as between the actual occupants, the occupant in charge of any premises, whether as owner, tenant, agent or otherwise) must advise authorities if a member of "the family or household" (both undefined) has a contagious or infectious disease.	Section 80 is amended by repealing subsection (1) and substituting the following subsection (1) A householder who knows or suspects, or has reason to know or suspect, that any person living in the household has a contagious or infectious disease, must, within 24 hours of the time the disease is known or suspected to exist, give notice of it to the medical health officer of the municipality or health district in which the householder resides.	- the section has been revised by deleting the reference to family. As currently drafted, it is not clear who family is, and whether the householder's obligation extends to notifying the proper authorities if any relation, wherever they reside, has a contagious or infectious disease. The revised subsection confines the obligation to persons living in the household, which is sufficiently comprehensive. The nature of the obligation does not really depend upon the nature of the family relationship.

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
HEALTH CARE (CONSENT) AND CARE FACILITY (ADMISSIONS) ACT	RS 1996 (Supp) , c. 181	001	The definition of "spouse" includes same sex spouses, but also provides that marriage can be between persons of the same sex, and provides that status ends when living separate and apart within the meaning of the Divorce Act.	Section 1 is amended (a) in the definition of "spouse" (i) in paragraph (a) by adding a comma after "person" and by striking out "and is not living separate and apart, within the meaning of the Divorce Act (Canada), from the other person, or", (ii) in paragraph (b) by striking out "marriage or", (iii) by renumbering paragraph (b) as "(c)" and adding the following paragraph after paragraph (a): (b) is the domestic partner of another person, or, and (b) by renumbering section 1 as subsection "(1)" and adding the following subsection: (2) For the purposes of the definition of "spouse" in subsection (1) persons are not spouses if they are separated at the relevant time and one or both of them has the intention that the relationship not continue.	Category 11: Spouse definition: (a) describing marriage as being between persons of the same sex. Policy is not to describe marriage as being between persons of the same sex. (f) living separate and apart. While policy is to refer to the FSRA rules or restate them, in this case a special rule applies and spousal status is lost immediately on separation. This is best addressed in a separate subsection. (g) extended definition. Policy is to equate the rights and obligations of domestic partners with those of married spouses. - the legislation addresses who may make health medical decisions on behalf of a person who is incapable. For a spouse to have that power, the relationship should be subsisting, so an exception is made to the general rule that a spousal relationship does not end until the parties have lived separate and apart for a period of one year.
HEALTH CARE (CONSENT) AND CARE FACILITY (ADMISSIONS) ACT	RS 1996 (Supp) , c. 181	016	A hierarchy is established for selecting temporary substitute decision makers: spouse, adult child, parent, sibling, and anyone else related by birth or adoption. If no one qualifies, or there is a dispute, the temporary substitute decision maker may be authorized by the Public Trustee.	Section 16 is amended by renumbering paragraph (e) as "(f)", and adding the following paragraph: (e) a person who lives with the adult as a member of the adult's family;.	Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family.
HEALTH CARE (CONSENT) AND CARE FACILITY (ADMISSIONS) ACT	RS 1996 (Supp) , c. 181	021	Persons entitled to request that an adult who rejects a care proposal be assessed include the adult's spouse or a relative listed in s. 22(2).	Section 21(2) is amended by repealing paragraph (c) and substituting the following paragraph: (c) a person referred to in s. 22(2)(b) to (f);.	Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. - the persons listed are not sufficiently inclusive because there is no reference to "friend" (as in other sections). The problem of

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
HEALTH CARE (CONSENT) AND CARE FACILITY (ADMISSIONS) ACT	RS 1996 (Supp), c. 181	022	If the adult who rejects the proposal is incapable, and there is no substitute decision maker, a hierarchy is established of those who may accept on behalf of the adult: the adult's spouse, adult child, parent, sibling, or anyone else related by birth or adoption. A person authorized to accept must consult with the adult's spouse, relatives and friends.	Section 22 is amended (a) by renumbering paragraph (e) as "(f)", and (b) by adding after paragraph (d) the following paragraph: (e) a person who lives with the adult as a member of the adult's family;.	including non-relatives treated as family members can be addressed, however, by an amendment to s. 22(2). The change from "relative" to "person" is necessary because s. 22(2) will be revised to include a class of "non-relatives". Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family.
HEALTH PROFESSIONS ACT	RSBC 1996, c. 183	043	Shareholders of a health related professional corporation may include a member's spouse (including opposite sex relationships after two year's cohabitation), children (within the meaning of the FRA), and relatives who live with the registrant.	Section 43 is amended by repealing paragraph (d) and substituting the following (d) all non-voting shares of the corporation are legally and beneficially owned by persons who are (i) registrants of the college, (ii) the spouse of a shareholding registrant of the college, (iii) a child of a shareholding registrant of the college, (iv) a person who resides with a shareholding registrant as a member of the family;.	Category 3: Professional corporation. Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. Category 11: Spouse definition: (g) extended definition. The FSRA extends the meaning of "spouse" (with no requirement for a duration of relationship test). - the words "who are the children, as defined in the Family Relations Act" have not been carried forward. The FRA has several (inconsistent) definitions of child, depending upon the Part that applies (e.g., for most of the Act, a child means a minor. In one Part, however, it means an adult child).
HIGHWAY (INDUSTRIAL) ACT	RSBC 1996, c. 189	024	The Act regulates the use and maintenance of industrial roads (roads that are not public highways). While a company	Section 24 is amended (a) in subsection (2) by striking out "or the wife or husband, parent or child, executor or administrator, heir or personal	Category 5: Relational claims. Claims a person may have by reason of the death of a family member. Policy is to incorporate by reference the

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
			responsible for an industrial road is liable to a person (and those claiming through the person) for injury caused by the company's negligent or intentional wrongful act, the Act provides that there is no right of compensation for losses caused by the condition of the road or work on it. Those claiming through an injured person are described as the person's "heir, personal representative, wife, husband, parent, or child" (in subsection (3) -- the person's "executor or administrator" are added to this formula in subsection (2)).	representative, of a person," and substituting "the person's executor or administrator, or anyone on whose behalf a claim under the Family Compensation Act could be brought by reason of the death of the person," and (b) in subsection (3) by striking out "or the person's heir, personal representative, wife, husband, parent or child" and substituting "the person's executor or administrator, or anyone on whose behalf a claim under the Family Compensation Act could be brought by reason of the death of the person using the road".	class of claimants entitled to make a claim under the Family Compensation Act.
HOME CONVERSION AND LEASEHOLD LOAN ACT	RSBC 1996, c. 192	001	Definition of "dependant" means a person who is, under the regulations, dependent on another. Definition of "eligible reference" is a dwelling unit for a person and the person's "dependants".	Section 1 is amended (a) by adding the following: "former spouse" means a former spouse under the Family Status Recognition Act;; and (b) by adding the following: "spouse" means a person who (a) is married to another person, (b) is a domestic partner of another person, or (c) is living with another person, who may be of the same or opposite sex, in a marriage-like relationship which has continued for at least 2 years but does not include a former spouse;.	Category 12: Generic use of "family" and equivalent terms: (b) "dependant". Policy is not to substitute other terms for "dependant" when it is used only in a general sense to describe family relationships (or is used as a general term which is more precisely defined in regulations). - "spouse" is used in s. 6(4). Category 11: Spouse definition: (e) end of status. (g) extended definition. (h) duration of relationship test required. Policy is to require a marriage-like relationship last for at least 2 years in certain circumstances, including qualifying for government grants and entitlements.
HOME OWNER GRANT ACT	RSBC 1996, c. 194	001	The definition of "spouse" includes opposite sex relationships with a 2 year cohabitation test. Spousal status ends when the parties separate and either the parties make a	Section 1 is amended (a) by adding the following: "former spouse" means a former spouse under the Family Status Recognition Act;; and (b) by repealing the definition of "spouse" and substituting the	Category 11: Spouse definition. (e) end of status. The FSRA rules will apply. (g) extended definition. (h) duration of relationship test required. Policy is to require the

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
			separation agreement, or the court makes an order, recognizing the separation.	following: "spouse" means a person who (a) is married to another person, (b) is a domestic partner of another person, (c) is living with another person, who may be of the same or opposite sex, in a marriage-like relationship which has continued for at least 2 years, but does not include a former spouse;.	relationship last for at least 2 years in certain circumstances, including qualifying for special tax status.
HOMESTEAD ACT	RSBC 1996, c. 197	007	An owner of a homestead who "is married" cannot "during coverture" dispose of or encumber the land without the spouse's consent.	Section 7 is amended by repealing subsection (2) and substituting the following subsection: (2) Despite subsection (1), if the owner of a homestead has a spouse, the owner must not abandon, alienate, mortgage, part with, limit or encumber the homestead, except with the consent of the spouse, if the spouse is a resident of British Columbia.	
HOSPITAL (AUXILIARY) ACT	RSBC 1996, c. 201	005	The property of a patient of an auxiliary hospital who does not qualify under the Hospital Insurance Act may be sold to pay for expenses, but there is an exemption if a "spouse", "surviving spouse" or a "near relative" (all undefined) will suffer hardship.	Subsection 5(4) is amended by striking out "neither the spouse or surviving spouse or any near relative of the patient will" and substituting "the spouse, surviving spouse, any near relative of the patient or any person who lived with the patient as a member of the patient's family will not".	Category 11: Spouse definition: (g) extended definition. The meaning of spouse would be extended by the Family Status Recognition Act (which does not require a duration of relationship test). Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family.
HOSPITAL ACT	RSBC 1996, c. 200	005	Definitions of "hospital" and "private hospital" require more than two patients who are not family members ("spouse, parent, or child").	The definition of "private hospital" or "hospital" in section 5 is amended by adding "or other person living with the owner or operator as a member of the family of the owner or operator" after "owner or operator".	Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family.
HOSPITAL ACT	RSBC 1996, c. 200	018	Hospital must record a patient's next of kin (not defined, but used to mean closest relative, apparently determined by reference to the Coroner's Act list).	Section 18 is amended by striking out "patient's next of kin" and substituting "a close member of the patient's family".	Category 12: Generic use of "family" and equivalent terms: (c) next of kin: policy is to reserve next of kin for its technical meaning. The FSRA defines "next of kin" as meaning the person who would

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
HUMAN TISSUE GIFT ACT	RSBC 1996, c. 211	005	Lists those who may consent on behalf of a deceased, or a person unable to consent whose death is imminent, in priority--"if none" or not "readily available" then it is the next person on the list--(spouse, adult child, parent, adult sibling, "any other of the person's next of kin who has attained the age of majority", a person lawfully in charge of the body other than a hospital administrator).	Section 5 is amended (a) by adding after paragraph (d) the following paragraph: (e) if none, or if none is readily available, someone who has attained the age of majority and who lives with the person as a member of the person's family,, and (b) by renumbering the following paragraphs.	<p>succeed to another's property on an intestacy under the Estate Administration Act. "Family," "close family," "relative" or "near relative" are terms that may be substituted for "next of kin" when it is used to mean close family.</p> <p>- this section is not really aimed at requiring the hospital to record the person who will succeed to a patient's estate on an intestacy, but to list close family members. Because of that, a change is necessary. The FSRA defines "family" as including a person's spouse and people (including non-relatives) living together as family.</p> <p>- "close member of the patient's family" is not defined. This is consistent with current practice in the statutes, where equivalent formulations (such as near relative") are often undefined.</p> <p>Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. If priority among family relationships must be established, policy is to accord household members priority after the person's siblings.</p> <p>Category 9: Parents: (b) person who stands in place of a parent. Policy is to include as a parent a person who lives with a person and stands in place of a parent to that person (unless sound reasons can be identified for not including that relationship). However, that relationship would already be included by recognizing household members.</p> <p>Category 12: Generic use of "family" and equivalent terms:</p>

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
HUMAN TISSUE GIFT ACT	SBC 1998, c. 37	015	Regulation making power.	Section 15 is amended (a) in subsection (1)(a) by adding "or other persons" after patients, and (b) in subsection 1(b) by adding "or other persons" after "relatives".	(c) next of kin: policy is to reserve next of kin for its technical meaning (which is its intended meaning in this context). Category 12: Generic use of "family" and equivalent terms: (d) relative. Category 14: Household members. Policy is to recognize the status of people (including non-relatives) living together as family. See the amendment proposed to s. 5. Notice may be required to be given in some cases to people who are not relatives. Category 11: Spouse definition: (g) extended definition. The FSRA defines "relative" as including a person's spouse and provides an extended definition of spouse (with no requirement for a duration of relationship test).
INCOME TAX ACT	RSBC 1996, c. 215	017	A two year tax holiday is available for companies carrying on new business, subject to listed exceptions (one of which is if the business was a proprietorship, partnership or joint venture purchased from a "related person" as defined under s. 251 of the federal ITA).	Section 17 is amended by adding the following subsections: (4.1) For the purposes of s. 17(4)(iii), related persons under the federal Act include persons who would qualify as related persons under that section under a test by which persons are considered to be connected by marriage if one is, within the meaning of the Family Status Recognition Act, the spouse of the other or the spouse of a person who is connected by blood relationship to the other.	Category 4: Conflicts of interest/Arms' length transactions. This is the definition of "related persons" (basically the same as under the Bankruptcy and Insolvency Act). (2) For the purposes of this Act, persons are related to each other and are "related persons" if they are (a) individuals connected by blood relationship, marriage or adoption; (b) a corporation and (i) a person who controls the corporation, if it is controlled by one person, (ii) a person who is a member of a related group that controls the corporation, or (iii) any person connected in the manner set out in paragraph (a) to a person described in subparagraph (i) or (ii); or [listed business relationships]... Category 11: Spouse definition: (g) extended

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
INFANTS ACT	RSBC 1996, c. 223	029	An infant who is to marry can, with the approval of the court, make a settlement of property.	Subsection 29(1) is amended by striking out "on, or in contemplation of, his or her marriage,".	definition. The amendment means that persons related by spousal relationships other than marriage are included as "related persons". - there may be situations (including those that arise when an infant forms an extended spousal relationship) other than those arising on marriage where an infant may wish to make a settlement of property. The safeguard is the requirement for court approval. There is no need to confine the section to marriage settlements.
INFANTS ACT	RSBC 1996, c. 223	031	The court's approval to a settlement under s. 29 may be sought by petition in a summary way.	Subsection 31(1) is amended by striking out "marriage".	- amendment consequential on the revision to s. 29.
INSURANCE ACT	RSBC 1996, c. 226	000	Describes accident benefits that are payable to a person's "spouse" (sometimes referred to as a "surviving spouse") (undefined), a "dependent child" (defined), "dependent parents" (undefined) and "dependent relatives" (undefined).	The Schedule is amended (a) In Part II - Total Disability, by striking out paragraph (1) and substituting the following paragraph: (1) a spouse residing in the same dwelling premises as the other spouse and not otherwise engaged in occupation or employment for wages or profit, if injured, is deemed disabled only if completely incapacitated and unable to perform any household duties, and while so incapacitated must receive \$50 per week for not more than 26 weeks,, (b) in subparagraph 1(b)(i) of Special Provisions, Definitions, and Exclusions of Section B, striking out "husband and wife" and substituting "spouses", and (c) in paragraph 1(d) by adding "or dependent household member" after "dependent relative".	Category 11: Spouse definition: (c) husband/wife. Policy is to use "spouse" in preference to "husband" or "wife" (so that the FSRA definitions will apply). (g) extended definition. The meaning of spouse is extended by the FSRA. Category 14: Household member. Policy is to recognize the family status of people (including non-relatives) living together as family. See the definition of "household member" added to s. 1 of this Act.
INSURANCE ACT	RSBC 1996, c. 226	001	[no current definition]	Section 1 is amended by adding the following: "household member" means a person who lives with a second person as a member of the second person's family;.	Category 14: Household member. Policy is to recognize the family status of people (including non-relatives) living together as family.

Table I: Sections to be amended

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Effect of Section</i>	<i>Proposed Change</i>	<i>Notes</i>
INSURANCE ACT	RSBC 1996, c. 226	029	Definition of "family insurance" for life insurance purposes, includes persons related to the insured by blood, marriage or adoption. Definition of "group life insured" means a person whose life is insured under the group insurance, but not someone whose life is insured under the contract as related to or dependent on the person.	The definition of "family insurance" in section 29 is amended (a) by striking out "or" after "blood" and adding a comma, (b) by adding ", formation of a spousal relationship" after "marriage", and (c) by adding "or who live with the insured as members of the insured's family" after adoption.	- insurance legislation is relatively uniform across Canada. The goal of uniformity suggests that changes consistent with those made elsewhere in the statutes be recommended to the Superintendent of Insurance, to be considered by Canadian regulators (with, perhaps, a target of implementing the changes within 1 year in any event). Category 13: Marriage. Policy is to give equal recognition to spousal relationships arising from marriage and in other ways. See the note to s. 1 of the Community Care Facility Act. Category 12: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family.
INSURANCE ACT	RSBC 1996, c. 226	037	A person has an "insurable interest" in a child or grandchild, spouse (undefined), employee, a person upon whom the person is dependent for support or education and a person in whom the person has a pecuniary interest.	Section 37 is amended by (a) by changing the period at the end of paragraph (e) to a semi-colon, and (b) by adding after paragraph (e) the following paragraph: (f) a second person who resides with the first person as a member of the family.	Category 11: Spouse definition: (g) extended definition. The meaning of spouse would be extended by the Family Status Recognition Act. Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) who live together as family.
INSURANCE ACT	RSBC 1996, c. 226	054	Creditors cannot attach a life insurance contract or proceeds if the beneficiary is a listed family member: spouse, child, grandchild or parent of the insured.	Section 54(2) is amended by striking out "or parent" and substituting ", parent or other member of the family" after "grandchild".	Category 14: Household member. Policy is to recognize the family status of people (including non-relatives) who live together as family.
INSURANCE ACT	RSBC 1996, c. 226	081	Definition of "family insurance" for accident and sickness insurance purposes, includes persons related to the insured by blood, marriage or adoption. Definition of "group life insured" for accident and sickness insurance means a person whose life is	The definition of "family insurance" in section 81 is amended (a) by adding ", formation of a spousal relationship" after "marriage", and (b) by adding "or who live with the insured as members of the insured's family" after adoption.	Category 13: Marriage. Policy is to give equal recognition to spousal relationships arising from marriage and in other ways. Category 12: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family.

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
			insured under the group insurance, but not someone whose life is insured under the contract as related to or dependent on the person.		
INSURANCE ACT	RSBC 1996, c. 226	094	A person has an "insurable interest" in a child or grandchild, spouse, (undefined) employee, a person upon whom the person is dependent for support or education and a person in whom the person has a pecuniary interest.	Section 94 is amended (a) by changing the period at the end of paragraph (e) to a semicolon, and (b) by adding after paragraph (e) the following paragraph: (f) any person who resides with the person as a member of the family.	Category 11: Spouse definition: (g) extended definition. Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family.
INSURANCE ACT	RSBC 1996, c. 226	107	Creditors cannot attach an accident or sickness insurance contract or proceeds to the extent that they relate to accidental death benefits if the beneficiary is a listed family member: spouse, child, grandchild or parent of the insured.	Section 107(2) is amended by striking out "or parent" and substituting ", parent or other member of the family" after "grandchild".	Category 14: Household member. Policy is to recognize the family status of people (including non-relatives) who live together as family.
INSURANCE ACT	RSBC 1996, c. 226	113	An insurer may make a payment of less than \$2,000 to someone other than the beneficiary (a) to a relative connected by blood or marriage to the person insured, or (b) on equitable grounds, to a person incurring particular expenses (medical, support, burial) on behalf of the person insured.	Section 113 is amended (a) in paragraph (a) by adding "or formation of a spousal relationship" after "marriage", (b) by renumber paragraph (b) as "(c)", and (c) by adding the following paragraph after paragraph (a): (b) a person living with the insured or the group person insured as a member of the family, and.	Category 13: Marriage. Policy is to give equal recognition to spousal relationships arising from marriage and in other ways. Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. Paragraph (b), however, does not restrict who might be considered to be "equitably entitled". Category 11: Spouse definition: (g) extended definition. The FSRA defines "relative" as including a person's spouse and provides an extended definition of spouse (with no requirement for a duration of relationship test).
INSURANCE ACT	RSBC 1996, c. 226	146	An insurer has no liability resulting from bodily injury or death to an insured's spouse or children (but subs. (2) provides that the exclusion	Subparagraph 146(1)(b)(i) is amended by striking out "daughter, son, wife or husband" and substituting "spouse or child".	Category 11: Spouse definition: (c) husband/wife. Policy is to use "spouse" in preference to "husband" or "wife" (so that the FSRA definitions will apply).

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Statute	Cite	Section	Effect of Section	Proposed Change	Notes
			does not apply after Apr. 16, 1985).		
INSURANCE ACT	RSBC 1996, c. 226	147	An insurer's exclusion from liability resulting from bodily injury or death to an insured's spouse or children no longer applies after Apr. 16, 1985 (although it still applies to an insured's employees).	Section 147 is amended by striking out "daughter, son, husband or wife" and substituting "spouse or child".	Category 11: Spouse definition: (c) husband/wife. Policy is to use "spouse" in preference to "husband" or "wife" (so that the FSRA definitions will apply).
INSURANCE ACT	RSBC 1996, c. 226	167	The limits of uninsured motorist coverage are described for persons suffering bodily injury or death, and for the insured, the insured's spouse and any "dependent relative" living with the insured who suffers bodily injury or death from the use of an automobile.	Section 167(1)(d) is amended by adding "or dependent household member" after "dependent relative".	Category 11: Spouse definition: (g) extended definition. The meaning of spouse would be extended by the Family Status Recognition Act. Category 14: Household member. Policy is to recognize the family status of people (including non-relatives) living together as family. See the definition of "household member" added to s. 1 of this Act.
INSURANCE ACT	RSBC 1996, c. 226	168	The limits of coverage for reasonable medical expense are described for persons suffering bodily injury or death, and for the insured, the insured's spouse and any "dependent relative" living with the insured who suffers bodily injury or death from the use of an automobile.	Section 168(1)(b) is amended by adding "or dependent household member" after "dependent relative".	Category 11: Spouse definition: (g) extended definition. The meaning of spouse would be extended by the Family Status Recognition Act. Category 14: Household member. Policy is to recognize the family status of people (including non-relatives) living together as family. See the definition of "household member" added to s. 1 of this Act.
INSURANCE ACT	RSBC 1996, c. 226	169	The limits of coverage for accident insurance benefits are described for persons suffering bodily injury or death, and for the insured, the insured's spouse and any "dependent relative" living with the insured who suffers bodily injury or death from the use of an automobile.	Section 169(1)(b) is amended by adding "or dependent household member" after "dependent relative".	Category 11: Spouse definition: (g) extended definition. The meaning of spouse would be extended by the Family Status Recognition Act. Category 14: Household member. Policy is to recognize the family status of people (including non-relatives) living together as family. See the definition of "household member" added to s. 1 of this Act.
INTERNATIONAL	RSBC	001	Rules for determining	Subparagraph 1(3)(a)(iii) is	Category 4: Conflicts of

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
FINANCIAL BUSINESS (TAX REFUND) ACT	1996, c. 235		whether there is an identity of interest between corporations (when corporations are "affiliated") that incorporate the "related persons" rules from s. 252(2) to (6) of the ITA (which, with respect to people, provide that "related persons" are "individuals connected by blood relationships, marriage or adoption."	amended by adding "or by persons who would qualify as related persons under those sections under a test by which persons are considered to be connected by marriage if one is, within the meaning of the Family Status Recognition Act, the spouse of the other or the spouse of a person who is connected by blood relationship to the other," after "(Canada),".	interest/Arms' length transactions. This is the definition of "related persons" referred to: (2) For the purposes of this Act, persons are related to each other and are "related persons" if they are (a) individuals connected by blood relationship, marriage or adoption; (b) a corporation and (i) a person who controls the corporation, if it is controlled by one person, (ii) a person who is a member of a related group that controls the corporation, or (iii) any person connected in the manner set out in paragraph (a) to a person described in subparagraph (i) or (ii); of [listed business relationships]... Category 11: Spouse definition: (g) extended definition. The amendment means that persons related by spousal relationships other than marriage are included as "related persons." - the section is not amended to include non-relatives who live together as family. Policy is to accept the categories of relationships currently adopted in each statute and ensure that within them, extended relationships are recognized.
INTERNATIONAL FINANCIAL BUSINESS ACT	RSBC 1996, c. 234	001	Rules for determining whether there is an identity of interest between corporations (when corporations are "affiliated") that incorporate the "related persons" rules from s. 252(2) to (6) of the ITA (which, with respect to people, provide that "related persons" are "individuals connected by blood relationships, marriage or adoption."	Subparagraph 1(2)(a)(iii) is amended by adding "or by persons who would qualify as related persons under those sections under a test by which persons are considered to be connected by marriage if one is, within the meaning of the Family Status Recognition Act, the spouse of the other or the spouse of a person who is connected by blood relationship to the other," after "(Canada),".	Category 4: Conflicts of interest/Arms' length transactions. This is the definition of "related persons" referred to: (2) For the purposes of this Act, persons are related to each other and are "related persons" if they are (a) individuals connected by blood relationship, marriage or adoption; (b) a corporation and (i) a person who controls the corporation, if it is controlled by one person,

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
					(ii) a person who is a member of a related group that controls the corporation, or (iii) any person connected in the manner set out in paragraph (a) to a person described in subparagraph (i) or (ii); or [listed business relationships]... Category 11: Spouse definition: (g) extended definition. The amendment means that persons related by spousal relationships other than marriage are included. - the section is not amended to include non-relatives who live together as family. Policy is to accept the categories of relationships currently adopted in each statute and ensure that within them, extended relationships are recognized.
LAND (SPOUSE PROTECTION) ACT	RSBC 1996, c. 246	001	A "homestead" is land owned by a spouse ("husband or wife") upon which the spouses reside.	Section 1 is amended (a) by adding the following: "former spouse" means a former spouse under the Family Status Recognition Act; (b) in the definition of "homestead" by striking out "the husband or wife" and substituting "a spouse" and by striking out "the husband and wife" and substituting "the spouses", and (c) by adding the following: "spouse" means a person who (a) is married to another person, (b) is a domestic partner of another person, or (c) is living with another person, who may be of the same or opposite sex, in a marriage-like relationship which has continued for at least 2 years, but does not include a former spouse;.	Category 11: Spouse definition: (c) husband/wife. Policy is to use "spouse" in preference to "husband" and "wife" (so that the FSRA definitions will apply). (e) end of status. (g) extended definition. - Loss of spousal status is determined by the FSRA rules relating to when a spouse becomes a "former spouse". See s. 6 of this Act.
LAND (SPOUSE PROTECTION) ACT	RSBC 1996, c. 246	003	After an entry has been made, any disposition by the owner of property without the written consent of the spouse is void.	Subsection 3(1) is amended by striking out "husband or wife of that spouse" and substituting "other spouse".	Category 11: Spouse definition: (c) husband/wife. Policy is to use "spouse" in preference to "husband" and "wife". The drafting of this section (and perhaps throughout the Act) would be improved by referring to the

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
LAND (SPOUSE PROTECTION) ACT	RSBC 1996, c. 246	005	The life estate does not arise if the surviving spouse was separated from the deceased owner in circumstances disentitling the spouse to alimony.	Section 5 is repealed.	"owner" of the property and the owner's "spouse". Category 11: Spouse definition: (e) end of status. This section reflects obsolete principles relating to entitlement to support. S. 6 is revised to apply the FSRA rules concerning end of spousal status.
LAND (SPOUSE PROTECTION) ACT	RSBC 1996, c. 246	006	An entry is no longer valid after divorce or a decree of nullity.	Section 6 is repealed and the following substituted: 6. This Act ceases to apply with respect to an entry made on behalf of a spouse against a homestead registered in the name of the other spouse when the spouses become former spouses.	Category 11: Spouse definition: (e) end of status. "Former spouse" is a defined term (see s. 1). Using it triggers the application of the FSRA rules as to when a relationship ends.
LAND (SPOUSE PROTECTION) ACT	RSBC 1996, c. 246	008	The court may dispense with a spouse's consent in listed circumstances. The section uses the phrase "has not since the marriage lived in B.C."	Section 8 is amended (a) in subsection by striking out "has not, since the marriage, lived" and substituting "no longer resides...", and (b) in subsection (3) by striking out "has not, since the marriage, lived" and substituting "no longer resides...".	
LAND (SPOUSE PROTECTION) ACT	RSBC 1996, c. 246	011	An entry will be cancelled when the spouse dies, or after dissolving or annulling the marriage.	Section 11 is amended by striking out "that a decree has been pronounced dissolving or annulling the marriage of the spouse on whose behalf an entry was made to the spouse in whose name the homestead is registered" and substituting "that the spouses have become former spouses".	- see also s. 6.
LAND SURVEYORS ACT	RSBC 1996, c. 248	051	Sets out the requirements to establish a professional land surveying corporation, particularly which shareholders are considered to be family members: "spouse" (including opposite sex relationships of 2 year duration), "child" and "relatives" living with a member.	Section 51(1) is amended by repealing paragraph (c) and substituting the following paragraph: (c) all of the non-voting shares are legally and beneficially owned by (i) members, (ii) the spouse of a member who is a shareholder, (iii) a child of a member who is a shareholder, or (iv) any person who lives with a member who is a shareholder as a	Category 3: Professional corporation. Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. Category 11: Spouse definition: (g) extended definition. The FSRA extends the meaning of "spouse" (with no requirement for a duration of relationship test).

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Statute	Cite	Section	Effect of Section	Proposed Change	Notes
				member of the family,.	- the words "a child, as defined in the Family Relations Act" have not been carried forward. The FRA has several (inconsistent) definitions of child, depending upon the Part that applies (e.g., for most of the Act, a child means a minor. In one Part, however, it means an adult child).
LAND TAX DEFERMENT ACT	RSBC 1996, c. 249	005	5(1) The deferral is only available to a person over 60, a "widow" or "widower" or a disabled person as defined under the GAIN Act. 5(6) If property is co-owned, and the application is made under the general provision (subs. 5(1)), the "principal supporter of the family" must qualify.	Section 5 is amended (a) in subsection (1) by repealing subparagraph (d)(ii) and substituting the following subparagraph: (ii) a person whose spouse has died who has not formed a new spousal relationship, or, and (b) by repealing subsection (6) and substituting the following subsection: (6) If eligible property is held in joint tenancy or tenancy in common, (a) in respect of an application under subsection (3), all owners must qualify under that subsection, and (b) in respect of an application under subsection (1), (i) if all of the co-owners are spouses, only one of them needs to qualify, (ii) if there is a principal supporter of the family, the principal supporter must qualify, and (iii) in all other cases, all owners must qualify under that subsection.	Category 11: Spouse definition: (d) widow/widower/widowed. Policy is to replace these terms with "surviving spouse" (so that the FSRA definitions will apply). - "Surviving spouse", however, does not work in s. 5(1). Someone will always be a surviving spouse, even after remarriage. A person is only a "widow" or "widower" until they remarry. The suggested revision, consequently, must stipulate that the surviving spouse has not remarried. The effect of subsequent remarriage is addressed in s. 8(4). - the amendment to s. 5(6) reflects the fact that in many spousal relationships there will not be a principal supporter.
LAND TAX DEFERMENT ACT	RSBC 1996, c. 249	008	Terminating a deferral agreement makes all taxes payable. Remarriage by a "widow" or "widower", however, does not by itself terminate an agreement. If a widow remarries, taxes will not be payable until the agreement terminates for another reason.	Section 8(4) is amended (a) by striking out "widow or widower" and substituting "surviving spouse", (b) by striking out "remarries" and substituting "forms a new spousal relationship", and (c) by striking out "remarriage" and substituting "the new spousal relationship".	Category 11: Spouse definition: (d) widow/widower/widowed. Policy is to replace these terms with "surviving spouse" (so that the FSRA definitions will apply). - the use of surviving spouse does not raise problems in this context. Basically: a widow or widower can apply for tax deferral until they remarry. If they remarry

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
					without having made an application, they can only do so if they qualify on another ground. If they remarry after having made an application, the remarriage does not affect the tax deferral. Category 13: Marriage. Policy is to give equal recognition to spousal relationships arising from marriage and in other ways.
LAND TITLE ACT	RSBC 1996, c. 250	215	Permits registration of a certificate of pending litigation for various matrimonial proceedings between "spouses" (undefined), including proceedings under the Wills Variation Act.	Section 215 is amended (a) in subsection (6) by adding "or Part 5.1". after "Part 5", and (b) in subsection (7) by striking out "Wills Variation Act" and substituting "Dependants Relief Act".	Category 11: Spouse definition: (g) extended definition. The meaning of surviving spouse is extended by the Family Status Recognition Act. But who will actually qualify as a spouse will depend upon the ability to bring the action and, therefore, will be determined under other legislation. An amendment to the FRA is proposed which would allow the court to make a declaratory judgment that persons in extended spousal relationships have no reasonable prospect of reconciliation, which would allow a certificate of pending litigation to be filed under this section. - the Wills Variation Act will be renamed the "Dependants Relief Act".
LEGISLATIVE ASSEMBLY ALLOWANCES AND PENSION ACT	RSBC 1996, c. 257	001	An extended definition of spouse of a member for the purposes of determining pension entitlement.	Section 1 is amended (a) by adding the following: "former spouse" means a former spouse under the Family Status Recognition Act;; and (b) by repealing the definition of "spouse" and substituting the following: "spouse" means a person who (a) is married to another person, (b) is a domestic partner of another person, or (c) is living with another person, who may be of the same or opposite sex, in a marriage-like relationship which has continued for at least 2 years but does not include a former spouse;.	- the Pension Statutes Amendment Act, (No. 2), 1998, amended the definitions to include an extended definition of spouse, but one that is inconsistent with the Institute's proposals concerning the inclusion of domestic partners and when spousal status is lost (it assumes that spousal status is lost immediately on a new spousal relationship being formed, or immediately on the separation of spouses who qualify by reason of a marriage-like relationship). Category 11: Spouse definition: (b) use of

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Statute	Cite	Section	Effect of Section	Proposed Change	Notes
LEGISLATIVE ASSEMBLY ALLOWANCES AND PENSION ACT	RSBC 1996, c. 257	022	If the member dies before retirement: (1) the death benefit is a refund of contributions to the surviving spouse (if none, to the personal representative); (2) if death is after a defined qualifying period, the surviving spouse may elect instead to receive an annuity instead (the calculation of which is defined); (3) a death benefit may be payable after the death of the surviving spouse (if payments to the surviving spouse were less than the amount credited to the member); and (4) the option of an annuity is not available if the member nominated someone else to	Section 22 is amended by adding the following subsections: (5) Subject to subsection (6), if as a result of a written agreement or court order made under Part 5, 5.1 or 6 of the Family Relations Act a former spouse is entitled to receive a share of benefits paid on the death of the member, whether or not a nomination has been made, the benefit specified in this section, or so much of it as required under the written agreement or court order, must be paid to the former spouse as if the former spouse were the surviving spouse. (6) An agreement or order under Part 5, 5.1 or 6 of the Family Relations Act is effective (a) to change a form of plan elected by a contributor receiving a pension or	"gender" and "sex". Policy is to use "sex" in preference to "gender". (e) end of status. Adding a definition of "former spouse" attracts the FSRA rules concerning when spousal status is lost. (g) extended definition. (h) duration of relationship test required. Policy is to require the relationship last for at least 2 years in certain circumstances including qualifying for pension rights. (i) inclusion of domestic partner. Policy is to equate the rights and obligations of domestic partners with those of married spouses. If more than one person claims spousal status, the FSRA sets out rules for determining priorities and rights among the claimants (if there is, e.g., an overlap between relationships). It also limits the exposure of a third party (such as a plan) who cannot be liable for more than if only one person qualifies as a member's spouse (see s. 4). - a former spouse who is entitled to receive a share of the pension under a separation agreement or a court order is entitled to a share of benefits paid on the death of a member. The benefits are to be determined as if the former spouse was the member's surviving spouse. There is no need for the former spouse to have been nominated beneficiary of the benefits under the plan. The administrator, however, is not prejudiced by any acts or payments that take place before the administrator becomes aware of the agreement or order.

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Statute	Cite	Section	Effect of Section	Proposed Change	Notes
			receive the death benefit refund.	supplemental benefits allowance or both if the contributor began receiving the pension or supplemental benefits allowance less than 6 months before, or (b) to require payment under a pension or supplemental benefits allowance of any benefit or part of a benefit payable after, the agreement or order was deposited with the commissioner, but otherwise such an agreement or court order is ineffective to change a form of plan or require the commissioner to repay benefits already paid under the pension or supplemental benefits allowance.	
MARRIAGE ACT	RSBC 1996, c. 282	028	Marriage by a minor ("not being a widower or widow"), requires the consent of (in priority) the minor's parent(s), guardian or, if none, the Public Trustee or Court.	Section 28 is amended in subsection (1) by striking out "not being a widower or widow" and substituting "not having previously been married".	Category 9: Parents: Person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that relationship). Reason policy not applied: (a) problems of proving relationship. (e) consent. Consent to a minor's marriage is required because of the seriousness of the commitment that represents. Recognizing that a person who stands in place of a parent may consent would raise problems, for example, where the views of the minor's natural parents are opposed. Category 11: Spouse definition: (d) widow/widower/widowed. The normal substitution ("surviving spouse") would include other spousal relationships ended by death. The exception, however, should not be extended. The revision confines it to marriages ended by the death of a spouse.
MEDICARE PROTECTION ACT	RSBC 1996, c. 286	001	Beneficiary" of the medical services plan includes the "spouse" or "child" of a B.C. resident who are residents and enrolled	Section 1 is amended in the definition of "spouse" (a) by striking out "marriage or", (b) by striking out "gender" and	Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) who live

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
			<p>under the plan (both terms are defined). The definition of "spouse" includes same sex relationships and provides that marriage may be between persons of the same gender (no cohabitation test). The definition of "child" includes a person to whom a beneficiary of the plan stands in place of a parent (and excludes a child who has a "spouse").</p>	<p>substituting "sex", and (c) by adding ", the domestic partner of" after "married to".</p>	<p>together as family. Reason for not applying policy: the structure of MSP would be substantially altered by changing the basis of the family unit, with substantial cost consequences. Requiring family members more distant than spouse and child to have separate coverage is not discriminatory.</p> <p>Category 11: Spouse definition: (b) use of "gender" or "sex". Policy is to use "sex" in preference to "gender". (i) inclusion of domestic partner. Policy is to equate the rights and obligations of domestic partners with those of married spouses.</p> <p>Category 9: Parent: (b) Person who stands in place of a parent. Policy is to recognize the family status of persons where one stands in place of a parent to the other.</p>
MEMBERS' CONFLICT OF INTEREST ACT	RSBC 1996, c. 287	001	<p>The definition of "child" includes a person to whom the member has demonstrated a settled intention to treat as a child of the member's family. The definition of "spouse" includes opposite sex relationships (no cohabitation period is required), but not persons who are separated and have a separation agreement or court order recognizing the separation.</p>	<p>Section 1 is amended by repealing the definition of "spouse".</p>	<p>Category 9: Parents: Person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that relationship). The drafting departs from the standard adopted in other statutes, but achieves the policy in substance.</p> <p>Category 11: Spouse definition: (g) extended definition. Deleting the definition of "spouse" means that the extended definition will apply under the Family Status Recognition Act. The FSRA rules for determining when the relationship ends (after one year separation, or the making of a separation agreement or court order) are also satisfactory for conflict of interest purposes.</p> <p>Category 4: Conflicts of interest/Arms' length</p>

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
					<p>transactions. B.C. statutes adopt various rules for determining which classes of family relationships raise questions about conflict of interest or whether parties are dealing at arms' length. These statutes have been reviewed to ensure that they recognize extended family relationships within the identified classes. It would be desirable to address standardizing the rules relating to conflicts of interest and arms' length transactions, but that is outside the scope of this initiative.</p> <p>Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. Reason for not applying policy: it would create a very onerous burden on a member required to disclose the financial interests of all persons. The Act could be revised to not require disclosure of the interest of household members, but characterize the interest as one that gives rise to a conflict. If a separate project on conflict of interest/arms' length transaction rules is carried out, this issue should be examined.</p>
MENTAL HEALTH ACT	RSBC 1996, c. 288	001	Defines "father" and "mother" as including the spouse ("husband" or "wife") of a parent of a mentally disordered person.	Section 1 is amended (a) by repealing the definitions of "father" and "mother", and (b) by adding the following: "parent" includes the spouse of a parent of a mentally disordered person, and a person a mentally disordered person lives with who stands in place of a parent to the mentally disordered person;.	<p>Category 11: Definition of spouse: (c) husband/wife. Policy is to use "spouse" in preference to "husband" or "wife" (so that the FSRA definitions will apply). - the Act was revised in 1998 session, but not these definitions.</p> <p>Category 9: Parents: (b) person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons</p>

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
MENTAL HEALTH ACT	RSBC 1996, c. 288	001	Defines "near relative" by listing blood relationships and includes "wife" or husband". (Changes in the 1996 Supp. are to be made when the Adult Guardianship Legislation and Representation Agreement Act are brought into force). (Amended in 1998 to include a persons's friend, caregiver, or companion designated by the person).	Section 1 is amended by repealing the definition of "near relative" and substituting the following: "near relative" means a grandparent, parent, child, spouse, sibling, half sibling, friend, caregiver or companion designated by patient and includes the legal guardian of a minor and a committee having custody of the person of a patient under the Patients Property Act;	can be identified for not including that relationship). Category 14: Household members: Policy is to recognize the family status of people (including non-relatives) living together as family. With the 1998 amendments, however, the definition is sufficiently inclusive. Category 11: Spouse definition: (c) husband/wife: policy is to use "spouse" in preference to "husband" and "wife" so that the FSRA definitions will apply. (g) extended definition. Category 9: Parents: (a) use of mother/father. Policy is to use "parent" in preference to "mother" or "father" unless the reference can be to only one sex. The amendments do not affect the substance of the definition as amended in 1998.
MENTAL HEALTH ACT	RSBC 1996, c. 288	034	The director must notify a patient's next of kin that the patient has been admitted. If not known, the notification can be sent to the Public Trustee.	Section 34 is amended (a) in subsection (1) by striking out "a patient's next of kin" and substituting adding "a near relative of the patient", and (b) in subsection (2) by striking out "the patient's next of kin" and substituting "any of the near relatives of the patient".	Category 12: Generic use of "family" and equivalent terms: (d) next of kin. Policy is to reserve "next of kin" to be used in its technical meaning. - "near relative" is defined. See s. 1.
MINERAL TAX ACT	defini tions	001	Sets out rules for determining whether there is an identity of interest between persons by incorporating the "related persons" rules from s. 252(2) to (6) of the ITA (which, with respect to people, provide that "related persons" are "individuals connected by blood relationships, marriage or adoption."	Section 1 is amended by adding the following subsection: (7) For the purposes of the definition of "related persons" in subsection (1), related persons under the federal Act include persons who would qualify as related persons under that section under a test by which persons are considered to be connected by marriage if one is, within the meaning of the Family Status Recognition Act, the spouse of the other or the spouse of a person who is connected by blood relationship to the other.	Category 4: Conflicts of interest/Arms' length transactions: B.C. statutes adopt various rules for determining which classes of family relationships raise questions about conflict of interest or whether parties are dealing at arms' length. These statutes have been reviewed to ensure that they recognize extended family relationships within the identified classes. It would be desirable to consider standardizing the rules relating to conflicts of interest and (arms' length transactions), but that is

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
					<p>outside the scope of this initiative.</p> <p>- the amendment means that persons related by spousal relationships other than marriage are included. Policy is not to require a duration of relationship test to qualify as a spouse for legislation dealing with conflicts of interest or arms' length transactions.</p> <p>- the section is not amended to include non-relatives who live together as family. Policy is to accept the categories of relationships currently adopted in each statute and ensure that within them, extended relationships are recognized.</p> <p>Category 11: Spouse definition: (g) extended definition. The FSRA definition will apply.</p>
MORTGAGE BROKERS ACT	RSBC 1996, c. 313	011	While mortgage brokers must be registered under the Act, exceptions are listed, and include an "executor or trustee acting under the terms of a will or marriage settlement".	Section 11 is amended in paragraph (1)(e) by striking out "or marriage settlement" and substituting "settlement made by reason of marriage or the formation of a spousal relationship".	<p>Category 13: Marriage. Policy is to give equal recognition to spousal relationships arising from marriage and in other ways. Persons in extended spousal relationships should be able to make the equivalent of a marriage settlement.</p>
MUNICIPAL ACT	RSBC 1996, c. 323	946	Subdivisions not otherwise permitted may be available in special cases to establish a residence for an owners' "mother, father, mother-in-law, father-in-law, daughter, son, daughter-in-law, son-in-law or grandchild".	<p>Section 946(2) is amended by repealing paragraph (b) and substituting the following paragraph:</p> <p>(b) the application is made for the purpose of providing a separate residence for the owner or for the owner's parent, child or grandchild, or the parent, child or grandchild of the owner's spouse;.</p>	<p>Category 11: Spouse definition: (g) extended definition. The reference to "spouse" will be extended by the Family Status Recognition Act.</p> <p>Category 9: Parents: (a) mother/father. Policy is to use "parent" in preference to "mother" and "father".</p> <p>- the revision is necessary to ensure that relationships traceable through a spouse under the extended definition are included in the exception.</p> <p>Category 11: Spouse definition: (d) widow/widower/widowed. Policy is to replace these terms with "surviving spouse" (so that</p>
NAME ACT	RSBC 1996, c. 328	001	Definition of "surname" includes a "family" name and a patronymic. Definition of "widowed" includes "widows" and	Section 1 is amended by repealing the definition of "widowed".	

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
			"widowers".		the FSRA definitions will apply). The term "widowed" is not used in the Act in any event.
NAME ACT	RSBC 1996, c. 328	002	The s. lists a number of situations where names may be changed as exceptions to the usual requirements. One situation is where a child is adopted. Another is where a "spouse" (undefined) changes the surname to that of the other "spouse".	Section 2(2)(a) is amended by adding "under section 3(c)" after "the other spouse".	Category 11: Spouse definition: (g) extended definition. The reference to "spouse" will include extended relationships under the Family Status Recognition Act, but s. 3 only operates when the spouses marry. A spouse qualifying under the extended definition, however, should be entitled to change to the surname of the other spouse if desired (see the amendment to s. 4(7)).
NAME ACT	RSBC 1996, c. 328	004	Section 4 sets out the usual rules for change of name. It does not deal with special issues that arise with respect to spouses qualifying under the extended definition. 4(1) While the usual rule is that a name cannot be changed unless the person has reached the age of majority, there is an exception for a minor parent (undefined) who has custody of a child. 4(3) A parent may, with the consent of the other parent, change a minor child's surname. If the change is to the surname of the parent's new spouse, the consent of the new spouse is required.	Section 4 is amended by adding the following subsection: (7) Other than under section 3, if a person applies to change the person's surname to that of the person's spouse, the consent of the person's spouse is required.	s. 4(1) and (3) are unchanged. Category 9: Parents: (b) person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that relationship). Reason for not applying policy: (e) consent. Extended relationships are not recognized in situations where the purpose of the section is to require parental consent for the protection of a minor. In this case, little would be gained in any event by recognizing the status of a minor who stands in place of a parent (because there will be few, if any, situations in which a minor who stands in place of a parent will have custody of a child and need to change a name). - s. 4(7) is added. The right of a spouse to change the name to the other spouse is only available on marriage. Marriage indicates the consent of the other spouse, something that cannot be implied from the formation of a marriage-like relationship. Making a domestic partner declaration may provide

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
NOTARIES ACT	RSBC 1996, c. 334	058	Sets out the requirements to establish a professional notary corporation, particularly which shareholders are considered to be family members: "spouse" (including opposite sex relationships of 2 year duration); "child" and "relatives" living with a member; etc.).	Section 58(1) is amended by repealing paragraph (c) and substituting the following paragraph: (c) all of the non-voting shares are legally and beneficially owned by (i) members, (ii) the spouse of a member who is a shareholder, (iii) a child of a member who is a shareholder, or (iv) any person who lives with a member who is a shareholder as a member of the family,.	grounds for presuming consent, but the ability to unilaterally change names would not be acceptable within the range of all relationships that may be embraced under a domestic partner declaration. Consequently, in these cases, the express consent of the other spouse is required. Category 3: Professional corporation. Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. Category 11: Spouse definition: (g) extended definition. The FSRA extends the meaning of "spouse" (with no requirement for a duration of relationship test). - the words "a child, as defined in the Family Relations Act" have not been carried forward. The FRA has several (inconsistent) definitions of child, depending upon the Part that applies (e.g., for most of the Act, a child means a minor. In one Part, however, it means an adult child).
NURSES (REGISTERED) ACT	RSBC 1996, c. 335	040	Competence proceedings may be delayed if a doctor certifies that they may worsen the nurse's mental condition, and notice of the decision to delay must be given to the nurse's committee (if there is one) or to the nurse's "nearest known relative" (undefined).	Section 40(2) is amended by striking out "nearest known relative" and substituting "closest known member of the family".	Category 12: Generic use of "family" and equivalent terms: (d) relative. "Relative" excludes family relationships that consist of non-relatives. Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) who live together as family. The FSRA defines "family" as including those relationships. Category 11: Spouse definition: (g) extended definition. The FSRA defines "family" as including a person's spouse and provides an extended definition of

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
					spouse (with no requirement for a duration of relationship test). - "closest known member of the family" is not defined. This is consistent with current practice in the statutes, where equivalent formulations (such as near relative") are often undefined.
OMBUDSMAN ACT	RSBC 1996, c. 340	005	Provides when the Ombudsman's spouse is entitled to superannuation benefits on the death of the Ombudsman.	Section 5 is amended by adding the following subsection: (7) For the purposes of this section, "spouse" has the same meaning as under the Pension (Public Service) Act.	Category 2: Pension/Employment benefits. The s. incorporates the Pension (Public Service) Act provisions by reference. The amendment is to ensure congruence with the Pension (Public Service) Act definition of spouse.
OPTOMETRISTS ACT	RSBC 1996, c. 342	013	Sets out the requirements to establish a professional optometric corporation, particularly which shareholders are considered to be family members: "spouse" (including opposite sex relationships of 2 year duration); "child" and "relatives" living with a member; etc.)	Section 13(1) is amended by repealing paragraph (c) and substituting (c) all of the non-voting shares are legally and beneficially owned by (i) optometrists, (ii) the spouse of an optometrist who is a shareholder, (iii) a child of an optometrist who is a shareholder, or (iv) any person who lives with an optometrist who is a shareholder as a member of the family;.	Category 3: Professional corporation. Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. Category 11: Spouse definition: (g) extended definition. The FSRA extends the meaning of "spouse" (with no requirement for a duration of relationship test). - the words "a child, as defined in the Family Relations Act" have not been carried forward. The FRA has several (inconsistent) definitions of child, depending upon the Part that applies (e.g., for most of the Act, a child means a minor. In one Part, however, it means an adult child).
PARTNERSHIP ACT	RSBC 1996, c. 348	004	A spouse or child (both undefined) of a deceased partner who receives by way of annuity a portion of profits made in the business is not for that reason a partner.	Section 4(c)(iii) is amended by adding "including a child to whom the deceased partner stood in place of a parent" after "of a deceased partner".	Category 11: Spouse definition: (g) extended definition. The reference to "spouse" will be extended by the Family Status Recognition Act. Category 9: Parents: Person who stands in place of a parent. Policy is to recognize the family status of

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
PENSION (COLLEGE) ACT	RSBC 1996, c. 353	001	Definition of spouse means a married spouse, unless the member is separated from the married spouse and has an opposite sex or same sex relationship that lasts for two years (amended by Bill 38)	Section 1 is amended (a) by adding the following: "former spouse" means a former spouse under the Family Status Recognition Act;; (b) by repealing the definition of "spouse" and substituting the following: "spouse" means a person who (a) is married to another person, (b) is a domestic partner of another person, or (c) is living with another person, who may be of the same or opposite sex, in a marriage-like relationship which has continued for at least 2 years but does not include a former spouse;; and (c) by adding the following: "surviving spouse" means a person who was the spouse of a contributor immediately before the contributor's death;.	persons where one of them stands in place of a parent to the other (unless there is a good reason not to extend the meaning of parent). - the Pension Statutes Amendment Act (No. 2), 1998, amended the definitions to include an extended definition of spouse, but one that is inconsistent with the Institute's proposals concerning the inclusion of domestic partners and when spousal status is lost (the current definition assumes that spousal status is lost immediately on a new spousal relationship being formed, or immediately on the separation of spouses who qualify by reason of a marriage-like relationship). Category 11: Spouse definition: (b) use of "gender" and "sex". Policy is to use "sex" in preference to "gender". (e) end of status. Adding a definition of "former spouse" attracts the FSRA rules concerning when spousal status is lost. (g) extended definition. (h) duration of relationship test required. Policy is to require the relationship last for at least 2 years in certain circumstances including qualifying for pension rights. (i) inclusion of domestic partner. Policy is to equate the rights and obligations of domestic partners with those of married spouses. If more than one person claims spousal status, the FSRA sets out rules for determining priorities and rights among the claimants (if there is, e.g., an overlap between relationships). It also limits the exposure of a third party (such as a plan) who cannot be liable for more than if only one person qualifies as a member's spouse (see s.

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
PENSION (COLLEGE) ACT	RSBC 1996, c. 353	015		Section 15(2) is amended by adding ", Part 5.1" after "Part 5".	4).
PENSION (COLLEGE) ACT	RSBC 1996, c. 353	018	A court order or agreement dividing a pension must be deposited with the commissioner before the member retires, or death benefits are paid.	Section 18 is repealed and the following is substituted: 18 An agreement or order under Part 5, 5.1 or 6 of the Family Relations Act is effective (a) to change a form of plan elected by a contributor receiving a pension or supplemental benefits allowance or both if the contributor began receiving the pension or supplemental benefits less than 6 months before, or (b) to require payment under a pension or supplemental benefits allowance of any benefit or part of a benefit payable after, the agreement or order was deposited with the commissioner, but otherwise such an agreement or court order is ineffective to change a form of plan or require the commissioner to repay benefits already paid under the pension or supplemental benefits allowance.	- s. 18 currently restricts the applications of court orders or agreements received after a member retires or dies. The policy upon which the section is based, however, is to ensure that the plan does not have to pay any benefit twice, nor have to, after a member retires, change the form of pension that was elected. The revised s. 18 achieves those objectives, without nullifying the effects of court orders or agreements for payments made after the date the order or agreement is received.
PENSION (COLLEGE) ACT	RSBC 1996, c. 353	020	Sets out rules for the payment of death benefits when a member has a surviving spouse or a former spouse or both.	Section 20 is amended (a) in subsection (1) by adding "surviving" after "The pension payable to the", (b) in subsection (2) by adding "surviving" after "at the option of the", (c) in subsection (3) by adding "surviving" after "subsection (1), the", (d) by repealing subsection (5), (e) by adding the following subsection: (5) Subject to s. 18, if as a result of a written agreement or court order made under Part 5, 5.1 or 6 of the Family Relations Act, a former spouse is entitled to receive a share of benefits paid on the death of the member, whether or not a nomination has been made, the benefit specified in subsection (1), or so much of it as required under the written	- the amendments provide that a former spouse is entitled to share in a preretirement benefit paid under the pension if there is a separation agreement or court order (whether or not the member makes a beneficiary nomination) providing that the former spouse is entitled to a share. In that case, to the extent of the former spouse's share, the former spouse is to be treated as the member's surviving spouse. - if there are priority issues, they are resolvable under s. 4 of the FSRA.

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
				<p>agreement or court order, must be paid to the former spouse as if the former spouse were the surviving spouse.,</p> <p>(f) in subsection (7) by adding "or of an agreement or court order made under Part 5, 5.1 or 6 of the Family Relations Act," after "nomination made under this section,"</p> <p>(g) by repealing subsection (9), and</p> <p>(h) by repealing subsection (10).</p>	
PENSION (MUNICIPAL) ACT	RSBC 1996, c. 355	001	<p>Definition of spouse means a married spouse, unless the member is separated from the married spouse and has an opposite sex or same sex relationship that lasts for two years (amended by Bill 38).</p>	<p>Section 1 is amended</p> <p>(a) by adding the following: "former spouse" means a former spouse under the Family Status Recognition Act; ,</p> <p>(b) by repealing the definition of "spouse" and substituting the following:</p> <p>"spouse" means a person who</p> <p>(a) is married to another person,</p> <p>(b) is a domestic partner of another person, or</p> <p>(c) is living with another person, who may be of the same or opposite sex, in a marriage-like relationship which has continued for at least 2 years but does not include a former spouse; , and</p> <p>(c) by adding the following: "surviving spouse" means a person who was the spouse of a contributor immediately before the contributor's death; .</p>	<p>- the Pension Statutes Amendment Act (No. 2), 1998 amended the definitions to include an extended definition of spouse, but one that is inconsistent with the Institute's proposals concerning the inclusion of domestic partners and when spousal status is lost (it assumes that spousal status is lost immediately on a new spousal relationship being formed, or immediately on the separation of spouses who qualify by reason of a marriage-like relationship). Category 11: Spouse definition: (b) use of "gender" and "sex". Policy is to use "sex" in preference to "gender". (e) end of status. Adding a definition of "former spouse" attracts the FSRA rules concerning when spousal status is lost. (g) extended definition. (h) duration of relationship test required. Policy is to require the relationship last for at least 2 years in certain circumstances including qualifying for pension rights. (i) inclusion of domestic partner. Policy is to equate the rights and obligations of domestic partners with those of married spouses. If more than one person claims spousal status, the FSRA sets out rules for determining priorities and rights among the claimants (if there is,</p>

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
					e.g., an overlap between relationships). It also limits the exposure of a third party (such as a plan) who cannot be liable for more than if only one person qualifies as a member's spouse (see s. 4).
PENSION (MUNICIPAL) ACT	RSBC 1996, c. 355	017(2)		Section 17(2) is amended by adding ", Part 5.1" after "Part 5".	
PENSION (MUNICIPAL) ACT	RSBC 1996, c. 355	020	A court order or agreement dividing a pension must be deposited with the commissioner before the member retires, or death benefits are paid.	Section 20 is repealed and the following substituted: 20 An agreement or order under Part 5, 5.1 or 6 of the Family Relations Act, is effective (a) to change a form of plan elected by a contributor receiving a pension or supplemental benefits allowance or both if the contributor began receiving the pension or supplemental benefits less than 6 months before, or (b) to require payment under a pension or supplemental benefits allowance of any benefit or part of a benefit payable after, the agreement or order was deposited with the commissioner, but otherwise such an agreement or court order is ineffective to change a form of plan or require the commissioner to repay benefits already paid under the pension or supplemental benefits allowance.	- s. 20 currently restricts the applications of court orders or agreements received after a member retires or dies. The policy upon which the section is based, however, is to ensure that the plan does not have to pay any benefit twice, nor have to, after a member retires, change the form of pension that was elected. The revised s. 20 achieves those objectives, without nullifying the effects of court orders or agreements for payments made after the date the order or agreement is received.
PENSION (MUNICIPAL) ACT	RSBC 1996, c. 355	022	Sets out rules for the payment of death benefits when a member has a surviving spouse or a former spouse or both.	Section 22 is amended: (a) in subsection (1) by adding "surviving" after "The pension payable to the", (b) in subsection (2)(a) by adding "surviving" after "(a) to the", (c) in subsection (2)(a)(i) by adding ", domestic partnership" after "last marriage", (d) in subsection (3) by adding "surviving" after "subsection (1), the", (e) in subsection (5.1), by striking out "With respect to a marriage-like relationship," and by adding "domestic partnership	- the amendments provide that a former spouse is entitled to share in a preretirement benefit paid under the pension if there is a separation agreement or court order (whether or not the member makes a beneficiary nomination) providing that the former spouse is entitled to a share. In that case, to the extent of the former spouse's share, the former spouse is to be treated as the member's surviving spouse.

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
PENSION (PUBLIC SERVICE) ACT	RSBC 1996, c. 356	001	Definition of spouse means a married spouse, unless the member is separated from the married spouse and has an opposite sex or same sex relationship that lasts for two years (amended by Bill 38)	<p>or" after "nomination was made or a", (f) by repealing subsection (7) and substituting the following subsection: (7) Subject to s. 20, if as a result of a written agreement or court order made under Part 5, 5.1 or 6 of the Family Relations Act, a former spouse is entitled to receive a share of benefits paid on the death of the member, whether or not a nomination has been made, the benefit specified in subsection (1), or so much of it as required under the written agreement or court order, must be paid to the former spouse as if the former spouse were the surviving spouse., (g) subsection (8) is amended by adding "or of an agreement or court order made under Part 5, 5.1 or 6 of the Family Relations Act," after "subsection (5)", (h) by repealing subsection (9), (i) by repealing subsection (10), and (j) by repealing subsection (11).</p> <p>Section 1 is amended (a) by adding the following: "former spouse" means a former spouse under the Family Status Recognition Act;; (b) by repealing the definition of "spouse" and substituting the following: "spouse" means a person who (a) is married to another person, (b) is a domestic partner of another person, or (c) is living with another person, who may be of the same or opposite sex, in a marriage-like relationship which has continued for at least 2 years but does not include a former spouse;; and (c) by adding the following: "surviving spouse" means a person who was the spouse of a contributor immediately before the contributor's death;.</p>	- the Pension Statutes Amendment Act (No. 2), 1998 amended the definitions to include an extended definition of spouse, but one that is inconsistent with the Institute's proposals concerning the inclusion of domestic partners and when spousal status is lost (it assumes that spousal status is lost immediately on a new spousal relationship being formed, or immediately on the separation of spouses who qualify by reason of a marriage-like relationship). Category 11: Spouse definition: (b) use of "gender" and "sex". Policy is to use "sex" in preference to "gender". (e) end of status. Adding a definition of "former spouse" attracts the FSRA rules concerning when spousal status is lost. (g) extended definition. (h) duration of

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
					relationship test required. Policy is to require the relationship last for at least 2 years in certain circumstances including qualifying for pension rights. (i) inclusion of domestic partner. Policy is to equate the rights and obligations of domestic partners with those of married spouses. If more than one person claims spousal status, the FSRA sets out rules for determining priorities and rights among the claimants (if there is, e.g., an overlap between relationships). It also limits the exposure of a third party (such as a plan) who cannot be liable for more than if only one person qualifies as a member's spouse (see s. 4).
PENSION (PUBLIC SERVICE) ACT	RSBC 1996, c. 356	018		Section 18(4) is amended by adding "Part 5.1" after "Part 5".	
PENSION (PUBLIC SERVICE) ACT	RSBC 1996, c. 356	025	A court order or agreement dividing a pension must be deposited with the commissioner before the member retires, or death benefits are paid.	Section 25 is repealed and the following substituted: 25 An agreement or order under Part 5, 5.1 or 6 of the Family Relations Act, is effective (a) to change a form of plan elected by a contributor receiving a pension or supplemental benefits allowance or both if the contributor began receiving the pension or supplemental benefits less than 6 months before, or (b) to require payment under a pension or supplemental benefits allowance of any benefit or part of a benefit payable after, the agreement or order was deposited with the commissioner, but otherwise such an agreement or court order is ineffective to change a form of plan or require the commissioner to repay benefits already paid under the pension or supplemental benefits allowance.	- s. 25 currently restricts the application of court orders or agreements received after a member retires or dies. The policy upon which the section is based, however, is to ensure that the plan does not have to pay any benefit twice, nor have to, after a member retires, change the form of pension that was elected. The revised s. 25 achieves those objectives, without nullifying the effects of court orders or agreements for payments made after the date the order or agreement is received.
PENSION (PUBLIC SERVICE) ACT	RSBC	026	Sets out rules for the	Section 26 is amended	- the amendments provide that

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
SERVICE) ACT	1996, c. 356		payment of death benefits when a member has a surviving spouse or a former spouse or both.	(a) in subsection (1) by adding "surviving" after "The pension payable to the", (b) in subsection (2) by adding "surviving" after "subsection (1), the", and (c) by repealing subsection (4) and substituting the following subsection: (4) Subject to s. 25, if as a result of a written agreement or court order made under Part 5, 5.1 or 6 of the Family Relations Act, a former spouse is entitled to receive a share of benefits paid on the death of the member, whether or not a nomination has been made, the benefit specified in subsection (1), or so much of it as required under the written agreement or court order, must be paid to the former spouse as if the former spouse were the surviving spouse.	a former spouse is entitled to share in a preretirement benefit paid under the pension if there is a separation agreement or court order (whether or not the member makes a beneficiary nomination). To determine the former spouse's share, the former spouse is to be treated as the member's surviving spouse. - s. 29(4) as currently drafted, is difficult to interpret. It provides that a former spouse's entitlement is based on the benefit that would be payable under subsection (1) (which determines the benefit payable if there is a surviving spouse) as if the contributor "died in service with no surviving spouse". Similar sections in other legislation dealing with public pension plans point instead to the equivalent of subsection (3), the section that defines the benefit payable if a contributor dies in service "and there is no surviving spouse".
PENSION (PUBLIC SERVICE) ACT	RSBC 1996, c. 356	029	Rules for determining a payment on the death of a contributor.	Section 29 is amended (a) in subsection (3) by adding ", domestic partnership" after "marriage", (b) by repealing subsection (4), (c) in subsection (5.1), by striking out "With respect to a marriage-like relationship", and by adding "domestic partnership or" after "nomination was made or a", (d) by repealing subsection (7), and (e) by repealing subsection (8).	- policy is to treat a former spouse, for the purposes of pension division, the same as a surviving spouse, to the extent that the former spouse is entitled to a share of benefits paid after a contributor's death. S. 26 is revised to provide for a share of death benefits to a former spouse on the same basis as a surviving spouse. - s. 29 currently provides that a former spouse is entitled to a refund of contributions rather than a share of the benefits that would normally be paid to a surviving spouse. Those parts of s. 29 have been repealed. Subsection (8), which protects the commissioner who has paid a refund before receiving

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
PENSION (PUBLIC SERVICE) ACT	RSBC 1996, c. 356	040		Subsection 40(3) is amended (a) by adding "surviving" after "the participant, or to the", and (b) by adding "or by reason of an agreement or court order made under Part 5, 5.1 or 6 of the Family Relations Act," after "spouse of the participant,".	notice of a former spouse's entitlement is unnecessary, since the revised s. 25 provides the same protection.
PENSION (TEACHERS) ACT	RSBC 1996, c. 357	001	Definition of spouse means a married spouse, unless the member is separated from the married spouse and has an opposite sex or same sex relationship that lasts for two years (amended by Bill 38).	Section 1 is amended (a) by adding the following: "former spouse" means a former spouse under the Family Status Recognition Act;; (b) by repealing the definition of "spouse" and substituting the following: "spouse" means a person who (a) is married to another person, (b) is a domestic partner of another person, or (c) is living with another person, who may be of the same or opposite sex, in a marriage-like relationship which has continued for at least 2 years but does not include a former spouse;; and (c) by adding the following: "surviving spouse" means a person who was the spouse of a contributor immediately before the contributor's death;.	- the Pension Statutes Amendment Act, (No. 2), 1998 amended the definitions to include an extended definition of spouse, but one that is inconsistent with the Institute's proposals concerning the inclusion of domestic partners and when spousal status is lost (it assumes that spousal status is lost immediately on a new spousal relationship being formed, or immediately on the separation of spouses who qualify by reason of a marriage-like relationship). Category 11: Spouse definition: (b) use of "gender" and "sex". Policy is to use "sex" in preference to "gender". (e) end of status. Adding a definition of "former spouse" attracts the FSRA rules concerning when spousal status is lost. (g) extended definition. (h) duration of relationship test required. Policy is to require the relationship last for at least 2 years in certain circumstances including qualifying for pension rights. (i) inclusion of domestic partner. Policy is to equate the rights and obligations of domestic partners with those of married spouses. If more than one person claims spousal status, the FSRA sets out rules for determining priorities and rights among the claimants (if there is, e.g., an overlap between

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
PENSION (TEACHERS) ACT	RSBC 1996, c. 357	016		Section 16(3) is amended by adding ", Part 5.1" after "Part 5".	relationships). It also limits the exposure of a third party (such as a plan) who cannot be liable for more than if only one person qualifies as a member's spouse (see s. 4).
PENSION (TEACHERS) ACT	RSBC 1996, c. 357	019	A court order or agreement dividing a pension must be deposited with the commissioner before the member retires, or death benefits are paid.	Section 19 is repealed and the following substituted: 19 An agreement or order under Part 5, 5.1 or 6 of the Family Relations Act, is effective (a) to change a form of plan elected by a contributor receiving a pension or supplemental benefits allowance or both if the contributor began receiving the pension or supplemental benefits less than 6 months before, or (b) to require payment under a pension or supplemental benefits allowance of any benefit or part of a benefit payable after, the agreement or order was deposited with the commissioner, but otherwise such an agreement or court order is ineffective to change a form of plan or require the commissioner to repay benefits already paid under the pension or supplemental benefits allowance.	- s. 19 currently restricts the applications of court orders or agreements received after a member retires or dies. The policy upon which the section is based, however, is to ensure that the plan does not have to pay any benefit twice, nor have to, after a member retires, change the form of pension that was elected. The revised s. 19 achieves those objectives, without nullifying the effects of court orders or agreements for payments made after the date the order or agreement is received.
PENSION (TEACHERS) ACT	RSBC 1996, c. 357	021	Sets out rules for the payment of death benefits when a member has a surviving spouse or a former spouse or both.	Section 21 is amended: (a) in subsection (1) by adding "surviving" after "The pension payable to the", (b) in subsection (2) by adding "surviving" after "subsection (1), the", (c) in subsection (3.1), by striking out "With respect to a marriage-like relationship," and by adding "domestic partnership or" after "nomination was made or a". (c) in subsection (5)(a) by adding ", domestic partnership" after "last marriage", (d) in subsection (6) by adding "surviving" after "payable to	

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
				<p>the" and by adding "or of an agreement or court order made under Part 5, 5.1 or 5 of the Family Relations Act," after "nomination made under this section",</p> <p>(e) by repealing subsection (7) and substituting the following subsection:</p> <p>(8) Subject to s. 20 (1), if as a result of a written agreement or court order made under Part 5, 5.1 or 6 of the Family Relations Act, R.S.B.C. 1995, c. 128, a former spouse is entitled to receive a share of benefits paid on the death of the member, whether or not a nomination has been made, the benefit specified in subsection (1), or so much of it as required under the written agreement or court order, must be paid to the former spouse as if the former spouse were the surviving spouse.,</p> <p>(f) by repealing subsection (8), and</p> <p>(g) by repealing subsection (9).</p>	
PENSION BENEFITS STANDARDS ACT	RSBC 1996, c. 352	001	Living separate and apart requires the intention of one or both spouses to live apart (and rules are set out for situations in which a spouse becomes incapable of having or forming the requisite intention).	Section 1 is amended by repealing subsection 1(2).	Category 11: Spouse definition: (e) end of status; (f) living separate and apart. - defining when a spouse becomes a former spouse is addressed under the proposed Family Status Recognition Act.
PENSION BENEFITS STANDARDS ACT	RSBC 1996, c. 352	001	The definition of "spouse" provides that the status is lost immediately on separation. The definition includes opposite sex relationships after 2 years cohabitation.	Section 1 is amended (a) by adding the following: "former spouse" means a former spouse under the Family Status Recognition Act;; (b) by repealing the definition of "spouse" and substituting the following: "spouse" means a person who (a) is married to another person, (b) is a domestic partner of another person, or (c) is living with another person, who may be of the same or opposite sex, in a marriage-like relationship which has continued for at least 2 years but does not include a former spouse;; and	Category 11: Spouse definition: (b) use of "gender" and "sex". Policy is to use "sex" in preference to "gender". (e) end of status. Adding a definition of "former spouse" attracts the FSRA rules concerning when spousal status is lost. (g) extended definition. (h) duration of relationship test required. Policy is to require the relationship last for at least 2 years in certain circumstances including qualifying for pension rights. (i) inclusion of domestic partner. Policy is to equate the rights and obligations of

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
				(c) by adding the following: "surviving spouse" means a person who was the spouse of a member of former member immediately before the death of the member or former member;.	domestic partners with those of married spouses. If more than one person claims spousal status, the FSRA sets out rules for determining priorities and rights among the claimants (if there is, e.g., an overlap between relationships). It also limits the exposure of a third party (such as a plan) who cannot be liable for more than if only one person qualifies as a member's spouse (see s. 4). - while the Income Tax Act (Canada) does not expressly recognize same sex relationships for the purposes of providing a joint annuity (or death benefits in the form of an annuity), this policy appears to have been adopted by Revenue Canada in the aftermath of the Rosenberg case (Ont. C.A.). This issue was originally going to be addressed with respect to public plans by providing for payment from an off-side account (see Bill 38, 1998, First Reading). However, with Revenue Canada's revised policy, that provision is no longer necessary. - Note: the term spouse is used in the Regulations. Forms in the regulations must be reviewed and revised by the responsible Ministry.
PENSION BENEFITS STANDARDS ACT	RSBC 1996, c. 352	034	Defines minimum amounts for a preretirement survivor benefit, how it must be paid and other rights with respect to it, which must be paid to the surviving spouse unless the spouse waives that right.	Section 34 is amended by adding the following subsection: (12) For the purposes of this section, to the extent that a former spouse is entitled to a share of a member of former member's pension under an agreement or order referred to in section 64, the former spouse is a surviving spouse.	- currently, spousal status is lost immediately on separation. When a member dies before retiring, a death benefit is payable. If the member is survived by a spouse, the death benefit must be at least 60 per cent of the value of the pension that would have been paid to the member (subject to the transition rules respecting when the PBSA came into force). If the member is not survived by a spouse, then it is payable as a lump sum

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
PENSION BENEFITS STANDARDS ACT	RSBC 1996, c. 352	064	Pension entitlement is subject to the terms of separation agreements or court orders made under the FRA.	Section 64 is amended by adding "or Part 5.1" after "Part 5".	rather than an annuity. The amendment clarifies that a former spouse's rights to share in a preretirement benefit continue and specify the nature of the benefit. - the FRA will be revised by adding a new Part 5.1 which will allow a person who qualifies as a spouse by reason of a marriage-like relationship to apply for a share of family assets, including a share of the other spouse's pension.
PENSION FUND SOCIETIES ACT	RSBC 1996, c. 354	008	Any B.C. corporation can establish a pension fund society, which may provide pensions to the officers and employees of the corporation and, on their death, pay benefits to a spouse, minor child or "other surviving relative" as provided in the society's by-laws (none of the terms are defined).	Section 8(3)(b) is amended by striking out "relatives" and substituting "members of their families".	Category 12: Generic use of "family" and equivalent terms: (d) relative. "Relative" excludes family relationships that consist of non-relatives. Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. The FSRA defines family as including those relationships that are recognized are determined by by-law, but the authorizing legislation should not adopt a restrictive definition of family. Category 11: Spouse definition: (g) extended definition.
PENSION FUND SOCIETIES ACT	RSBC 1996, c. 354	009	Among other things, a society has power to make by-laws respecting rights of and duties to the spouse, minor child or other surviving relative of employees and directors.	Section 9(1)(d) is amended by striking out "relatives" and substituting "members of the families".	
PENSION FUND SOCIETIES ACT	RSBC 1996, c. 354	010	The by-laws control the rights of an employee or director's spouse, minor child or other surviving relative.	Section 10 is amended by striking out "relatives" and substituting "members of the family".	
PENSION FUND SOCIETIES ACT	RSBC 1996, c. 354	015	The society may also provide pensions for the directors and employees of	Section 15(1)(b) is amended by striking out "relatives" and substituting "members of the	

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
			a subsidiary corporation, and benefits for those persons spouses, minor children and other surviving relatives.	family".	
PODIATRISTS ACT	RSBC 1996, c. 366	013	Sets out the requirements to establish a professional podiatric corporation, particularly which shareholders are considered to be family members: "spouse" (including opposite sex relationships of 2 year duration); "child" and "relatives" living with a member; etc.)	Section 13(1) is amended by repealing paragraph (c) and substituting (c) all of the non-voting shares are legally and beneficially owned by (i) podiatrists, (ii) the spouse of a podiatrist who is a shareholder, (iii) a child of a podiatrist who is a shareholder, or (iv) any person who lives with a podiatrist who is a shareholder as a member of the family,.	Category 3: Professional corporation. Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. Category 11: Spouse definition: (g) extended definition. The FSRA extends the meaning of "spouse" (with no requirement for a duration of relationship test). - the words "defined in the Family Relations Act" have not been carried forward. The FRA has several (inconsistent) definitions of child, depending upon the Part that applies (e.g., for most of the Act, a child means a minor. In one Part, however, it means an adult child).
POLICE ACT	RSBC 1996, c. 367	013	The A.G. can grant pecuniary aid to "spouses or children" (undefined) of auxiliary constables killed or injured on duty.	Section 1 is amended by adding the following: "child" includes a person who lived with a second person and to whom the second person stood in place of a parent.	- "spouse" will have the extended definition under the Family Status Recognition Act. Category 9: Parents: (b) person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that relationship). As a usual rule, policy is not to recognize the relationship where there are financial consequences, because of possible difficulties of proving the relationship, but in this instance the ability to provide relief is discretionary, and could be based on an inquiry as to whether such a relationship existed in fact.
POLICE ACT	SBC 1997,	019	19(1) A municipal council or board of a regional	Section 19 is amended by adding the following subsection:	Category 9: Parents: (b) person who stands in place of

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
	c. 37		district can grant pecuniary aid to "spouses or children" (undefined) of constables (listed) or enforcement officers (listed) killed or injured on duty. 19(2) A government corporation or prescribed entity can grant pecuniary aid to "spouses or children" (undefined) of constables (listed) or enforcement officers (listed) killed or injured on duty.	(3) For the purposes of this section, "children" includes a person to whom a second person stands in place of a parent.	a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that relationship).
PROPERTY LAW ACT	RSBC 1996, c. 377	012	A husband and wife must be treated as two persons when acquiring land.	Section 12 is amended by striking out "A husband and wife" and substituting "Spouses".	Category 11: Spouse definition: (c) husband/wife. Policy is to use "spouse" in preference to "husband" and "wife" (so that the FSRA definitions will apply). This is largely of historical importance. The issue does not arise for persons qualifying under an extended relationship so that, strictly speaking, the change need not be made except to promote consistent usage of terms in the statutes.
PROPERTY TRANSFER TAX ACT	RSBC 1996, c. 378	001	The definition of "child" includes a "stepchild". The definition of parent includes a "stepparent" if the relationship is established by marriage or cohabiting "as husband and wife" for 2 years.	Section (1) is amended by repealing the definition of "child" and the definition of "parent".	- both terms are defined for use in the definition of "related individual" and are no longer necessary with the proposed amendment to that term. Category 9: Parents: (b) person who stands in place of a parent. Reason for not including person who stands in place of a parent: (a) problems of proving relationship. (c) concerns about unjustified claims.
PROPERTY TRANSFER TAX ACT	RSBC 1996, c. 378	001	The definition of "related individual" means a spouse, or the owner or spouse's child, grandchild, great grandchild, parent, grandparent or greatgrandparent.	Section 1(1) is amended (a) by repealing the definition of "related individual" and substituting the following: "related individual" means (a) a person's spouse, or (b) a child, grandchild, greatgrandchild, parent, grandparent, or greatgrandparent of a person or of the person's	Category 11: Spouse definition: (g) extended definition. The revisions to the definition of related individual are to ensure that relationships traced through a person's spouse (under the extended definition) are also included. Category 14: Household

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
				spouse;	members. Policy is to recognize the family status of people (including non-relatives) living together as family. Reason policy not applied: (a) problems of proving the relationship. (c) concerns over unjustified claims.
PROPERTY TRANSFER TAX ACT	RSBC 1996, c. 378	001	The definition of "spouse" includes opposite sex relationships that satisfy a 2 year cohabitation test.	Section 1(1) is amended (a) by adding the following: "former spouse" means a former spouse under the Family Status Recognition Act;; and (b) by repealing the definition of "spouse" and substituting the following: "spouse" means a person who (a) is married to another person, (b) is a domestic partner of another person, or (c) is living with another person, who may be of the same of opposite sex, in a marriage-like relationship which has continued for at least 2 years but does not include a former spouse;.	Category 11: Spouse definition: (e) end of status. (g) extended definition. (h) duration of relationship test required. Policy is to require the relationship last for at least 2 years in certain circumstances, including qualifying for special tax status.
PROPERTY TRANSFER TAX ACT	RSBC 1996, c. 378	014	An exemption from tax is available for certain transfers involving spouses, "related individuals", family farms, recreational residences, principal residences, joint tenancies, trusts, property settlements under the FRA, etc.	Section 14(3)(r) is amended by striking out "widow or widower" and substituting "or surviving spouse".	Category 11: Spouse definition: (d) widow/widower/widowed. Policy is to replace these terms with "surviving spouse".
PROVINCIAL COURT ACT	RSBC 1996, c. 379	020	Pension for a "surviving spouse" of a provincial court judge.	Section 20 is amended by adding the following subsection: (5) For the purposes of this section, "spouse" has the same meaning as under the Pension (Public Service) Act.	Category 2: Pension/Employment benefits. The s. incorporates the Pension (Public Service) Act provisions by reference. The amendment is to ensure congruence with the Pension (Public Service) Act definition of spouse.
RAILWAY ACT	RSBC 1996, c. 395	253	Inspections under the Act, and compliance with the Act, does not relieve a company from liability in tort to the government or to a person, or that person's spouse, parent,	Section 253(3) is amended by striking out "or the spouse, parent, child, executor or administrator, heir or personal representative, of any person" and substituting "the person's executor or administrator, or	Category 5: Relational claims. Claims a person may have by reason of the death of a family member. Policy is to incorporate by reference the class of claimants entitled to make a claim under the Family

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
			child, or personal representative (all terms undefined).	anyone on whose behalf a claim could be brought under the Family Compensation Act by reason of the death of the person".	Compensation Act.
REAL ESTATE ACT	RSBC 1996, c. 397	002	While real estate agents must be registered under the Act, exceptions are listed, and include an "executor or trustee selling under the terms of a will, marriage settlement, or deed of trust,"	Section 2(1)(a) is amended by striking out "marriage settlement" and substituting "settlement made by reason of marriage or the formation of a spousal relationship".	Category 13: Marriage. Persons in extended spousal relationships should be able to make the equivalent of a marriage settlement.
RENT DISTRESS ACT	RSBC 1996, c. 403	003	A landlord may only levy distress upon the tenant's property. An extended definition of what that encompasses is provided which includes property owned by the tenant's "wife, husband, daughter, son, daughter in law, son in law, or by any other relative of the tenant, if the other relative lives on the premises as a member of the tenant's family." It also includes property received by a third party from a relative.	Section 3(3) is amended by repealing paragraph (d) and substituting the following paragraph: (d) if the property is claimed by the tenant's spouse, the tenant's child or child's spouse or the tenant's relative, or by a person living with the tenant as a member of the family, or by a person whose title is derived by purchase, gift, transfer or assignment from a relative to whom the restriction does not apply.	Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. Category 11: Spouse definition: (c) husband/wife. Policy is to use "spouse" in preference to "husband" and "wife" (to allow the FSRA definitions to operate). (g) extended definition.
REPRESENTATION AGREEMENT ACT	RS 1996 (Supp), c. 405	001	The definition of "spouse" includes married spouses who are not living separate and apart and opposite sex and same sex relationships (no duration of relationship test).	Section 1 is amended (a) in the definition of "spouse", (i) in paragraph (a) by adding a comma after "person" and by striking out "and is not living separate and apart, within the meaning of the Divorce Act (Canada), from the other person, or" (ii) in paragraph (b) by striking out "marriage or", (b) by renumbering paragraph (b) as "(c)" and adding the following paragraph after paragraph (a): (b) is a domestic partner of another person, or, (c) by renumbering the existing section 1 as subsection "(1)" and adding the following subsection: (2) For the purposes of the definition of "spouse" in subsection (1) persons are not spouses if they are separated at	Category 11: Spouse definition: (a) describing marriage as being between persons of the same sex. Policy is not to describe marriage as being between people of the same sex. (f) living separate and apart. While policy is to refer to the FSRA rules, or restate them, in this case a special rule applies and spousal status is lost immediately on separation. This is best addressed in a separate subsection. (g) extended definition. (i) inclusion of domestic partner. - because of the acrimony that often surrounds separation, a separated spouse should not be a person's representative (that is, in fact, the policy adopted under

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
REPRESENTATION AGREEMENT ACT	RS 1996 (Supp), c. 405	001	The definition of "near relative" provides a list of close relations.	the relevant time and one or both of them has the intention that the relationship not continue. Section 1 is amended (a) in the definition of "near relative" by adding "adult household member" after "sister," and (b) by adding the following: "household member" means a person who lives with an adult as a member of the adult's family;.	the current Act and is restated to apply to all spousal relationships). Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. Where priority among family members must be assigned, policy is to assign household members priority after the person's siblings. Category 4: Conflicts of interest/Arms' length transactions: B.C. statutes adopt various rules for determining which classes of family relationships raise questions about conflict of interest or whether parties are dealing at arms' length. These statutes have been reviewed to ensure that they recognize extended family relationships within the identified classes. It would be desirable to address standardizing the rules relating to conflicts of interest and (arms' length transactions), but that is outside the scope of this initiative.
REPRESENTATION AGREEMENT ACT	RS 1996 (Supp), c. 405	013	The s. lists persons who may not witness a person's signature on a representation agreement, including minors, the representative and the representative's spouse, child, parent or employee or agent.	Section 13(5) is amended by repealing paragraph (b) and substituting the following paragraph: (b) a near relative of anyone named in the agreement as a representative or alternate representative;.	Category 4: Conflicts of interest/Arms' length transactions: B.C. statutes adopt various rules for determining which classes of family relationships raise questions about conflict of interest or whether parties are dealing at arms' length. These statutes have been reviewed to ensure that they recognize extended family relationships within the identified classes. It would be desirable to address standardizing the rules relating to conflicts of interest and (arms' length transactions), but that is outside the scope of this initiative.
REPRESENTATION AGREEMENT ACT	RS 1996 (Supp), c. 405	029	A representation agreement ends in a number of situations, including, where the representative is the adult's spouse, their divorce or the termination of their "marriage-like relationship."	Section 29(1) is amended by repealing paragraph (d) and substituting the following paragraph (d) if the adult and the adult's representative are spouses, the date they become former spouses within the meaning of the Family Status Recognition Act;.	Category 11: Spouse definition: (e) end of status. The FSRA defines when a spousal relationships ends.
SCHOOL ACT	RSBC 1996, c. 412	055	For the purposes of the conflict of interest provisions in the Act, "child" includes a person a trustee has demonstrated a settled intention to treat as a member of the family. "Spouse" includes opposite sex relationships after 2 years cohabitation, but not someone separated from the trustee under a separation	Section 55 is amended (a) by repealing the definition of "spouse", and (b) by adding the following: "household member" means a person living with a trustee as a member of the trustee's family,"	Category 4: Conflicts of interest/Arms' length transactions. - s. 57 restates when a pecuniary interest of a family member will be considered to be the interest of the trustee. Category 11: Spouse definition: (g) extended definition. Deleting the definition of spouse allows

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
			agreement or court order.		the FSRA definition to operate. Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family members.
SCHOOL ACT	RSBC 1996, c. 412	057	A trustee must disclose a pecuniary interest in school board matters and not take part in those decisions. The pecuniary interest of a trustee's spouse, child or parent is, if known to the trustee, deemed to be the trustee's pecuniary interest.	Section 57 is repealed and the following section substituted: 57. For the purposes of this Part, the pecuniary interest of the trustee's spouse, parent or child, or of a household member is, if known to the trustee, deemed to be also the pecuniary interest of the trustee.	Category 11: Spouse definition: (g) extended definition. Repealing the definition of "spouse" allows the FSRA definition to operate. The FSRA rules for determining when the relationship ends (after one year separation, or the making of a separation agreement or court order) are also satisfactory for conflict of interest purposes. Category 14: Household members. Policy is to recognize the family status of persons (including non-relatives) who live together as family. Category 4: Conflicts of interest/Arms' length transactions: B.C. statutes adopt various rules for determining which classes of family relationships raise questions about conflict of interest or whether parties are dealing at arms' length. These statutes have been reviewed to ensure that they recognize extended family relationships within the identified classes. It would be desirable to address standardizing the rules relating to conflicts of interest and (arms' length transactions), but that is outside the scope of this initiative. - the definition of "controlling interest" in s. 55 incorporates by reference s. 5(1) of the Financial Disclosure Act.
SECURITIES ACT	RSBC 1996,	001	"Spouse" is defined to include opposite sex and	Section 1 is amended (a) by adding the following:	Category 4: Conflicts of interest/Arms' length

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
		c. 418	same sex relationships (with no cohabitation test) and married spouses who are not separated within the meaning of the Divorce Act.	"former spouse" means a former spouse under the Family Status Recognition Act;; and (b) in the definition of "spouse" (i) in paragraph (a), by adding a comma after "person" and by striking out "and is not living separate and apart, within the meaning of the Divorce Act (Canada), from the other person, or", (ii) in paragraph (b) by striking out "marriage or", (iii) by renumbering paragraph (b) as "(c)" and adding the following paragraph after paragraph (a): (b) is the domestic partner of another person, or, and (iv) by adding the following new line: but does not include a former spouse;	transactions. Category 11: Spouse definition: (g) extended definition. (e) loss of status. The FSRA rules for determining when the relationship ends are satisfactory for conflict of interest purposes.
SECURITIES ACT	RSBC 1996, c. 418	001	The conflict of interest, insider trading and self-dealing provisions of the Act refer to a relationship in which there is an identity of interest between a person and the person's "associate", which includes a person's spouse or other relative, or a relative of the spouse, who lives with the person.	Section 1(1) is amended, in the definition of definition of "associate", (a) by striking out "or" at the end of paragraph (c), (b) by repealing paragraph (d) and substituting the following paragraphs: (d) the person's spouse, or (e) a second person who lives with the person as a member of the person's family;.	Category 4: Conflicts of interest/Arms' length transactions: B.C. statutes adopt various rules for determining which classes of family relationships raise questions about conflict of interest or whether parties are dealing at arms' length. These statutes have been reviewed to ensure that they recognize extended family relationships within the identified classes. It would be desirable to address standardizing the rules relating to conflicts of interest and (arms' length transactions), but that is outside the scope of this initiative. Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) who live together as family members. The revised paragraph (d) would also include a person's spouse and relatives, if they are living with the person. - it would be natural to include a person's parents and children, but the current Act

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
SMALL BUSINESS VENTURE CAPITAL ACT	RSBC 1996, c. 429	001	"Spouse" is defined to include opposite sex relationships after 6 months cohabitation.	Section 1(1) is amended by repealing the definition of "spouse".	does not do that. Policy is to ensure that, within the classes identified in a particular statute, extended definitions are recognized. Category 11: Spouse definition: (g) extended definition. The deletion allows "spouse" to be defined by the Family Status Recognition Act (which does not require a 2 year duration of relationship test for marriage-like relationships).
SMALL BUSINESS VENTURE CAPITAL ACT	RSBC 1996, c. 429	001	"Associate" is used to refer to relationships in which there is an identity of interest or persons are not dealing at arms' length, and includes a person's "spouse, parent, grandparent, child, grandchild, brother or sister" and a spouse's "parent, grandparent, child, grandchild, brother or sister...residing in the same residence."	Section 1(1) is amended, in the definition of "associate" by repealing paragraph (f) and substituting the following paragraph (f) a second person living with the first person as a member of the first person's family;.	Category 4: Conflicts of interest/Arms' length transactions: B.C. statutes adopt various rules for determining which classes of family relationships raise questions about conflict of interest or whether parties are dealing at arms' length. These statutes have been reviewed to ensure that they recognize extended family relationships within the identified classes. It would be desirable to address standardizing the rules relating to conflicts of interest and (arms' length transactions), but that is outside the scope of this initiative. Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family.
SOCIETY ACT	RSBC 1996, c. 433	043	43(2) An auditor of a society must be independent of it, and is not considered to be independent if the auditor has listed commercial ties, or is a member of the immediate family (defined) of (a) a society director or officer (but not of an employee), (b) a person who is a direct or indirect creditor	Section 43(3) is amended by repealing paragraph (a) and substituting the following paragraph: (a) the immediate family of the person referred to means the spouse, parent, or child of the person or a second person who lives with the first person as a member of the family,.	Category 4: Conflicts of interest/Arms' length transactions: B.C. statutes adopt various rules for determining which classes of family relationships raise questions about conflict of interest or whether parties are dealing at arms' length. These statutes have been reviewed to ensure that they recognize extended family relationships within the identified classes. It would

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
			of the society, or (c) a trustee of the estate of the society under bankruptcy legislation. 43(3) "Immediate family" means a person's spouse, parent, child or other relative, or a relative of the spouse, who lives in the same home.		be desirable to address standardizing the rules relating to conflicts of interest and (arms' length transactions), but that is outside the scope of this initiative. Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family.
SUPREME COURT ACT	RSBC 1996, c. 443	012	Pension for surviving spouse of master.	Section 12 is amended by adding the following subsection: (6) For the purposes of this section, "spouse" has the same meaning as under the Pension (Public Service) Act.	Category 2: Pension/Employment benefits. The s. incorporates the Pension (Public Service) Act provisions by reference. The amendment is to ensure congruence with the Pension (Public Service) Act definition of spouse.
TOBACCO DAMAGES RECOVERY ACT	SBC 1997, c. 41	001	Defines "beneficiary" as a spouse, parent or child, as defined under the FCA, of a deceased insured person. The Act allows the government to recover health care costs incurred for a person who died from a tobacco related illnesses.	Section 1 is amended by repealing the definition of "beneficiary" and substituting the following: "beneficiary" means a person on whose behalf a claim under the Family Compensation Act could be brought by reason of the death of an insured person;".	Category 5: Relational claims. See the Family Compensation Act.
TOBACCO DAMAGES RECOVERY ACT	SBC 1997, c. 41	015	The limitation period for damage actions for tobacco related illnesses--including an action brought by a personal representative on behalf of a spouse, parent or child as defined under the FCA--is extended to two years after the legislation comes into force.	Section 15(1)(c) is amended by striking out "spouse, parent or child, as defined in the Family Compensation Act, of the deceased person" and substituting "beneficiaries".	Category 5: Relational claims. - "beneficiaries" is a defined term. It currently means "the spouse, parent or child, as defined in the Family Compensation Act, of the deceased person" and as such should have been used in s. 15 originally. The definition of "beneficiary" will be changed: see s. 1.
UTILITIES COMMISSION ACT	RSBC 1996, c. 473	054	"Child" includes a person to whom a spouse of a parent stands in the place of a parent. "Spouse" includes opposite sex relationships after 2 years cohabitation. Persons are associates for conflict of interest	Section 54 is amended (a) in subsection (1) by repealing the definition of "spouse", and (b) in subsection (2) by repealing paragraph (g) and substituting the following paragraph: (g) they live together as family.	Category 4: Conflicts of interest/Arms' length transactions: B.C. statutes adopt various rules for determining which classes of family relationships raise questions about conflict of interest or whether parties are dealing at arms' length.

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
			purposes if a defined business tie exists, or if the person is the spouse or child of the other, or a relative or a relative of a spouse who lives with the person.		These statutes have been reviewed to ensure that they recognize extended family relationships within the identified classes. It would be desirable to address standardizing the rules relating to conflicts of interest and (arms' length transactions), but that is outside the scope of this initiative. Category 11: Spouse definition: (g) extended definition. Repealing the definition allows the FSRA extended definition to apply. The FSRA rules for determining when the relationship ends (after one year separation, or the making of a separation agreement or court order) are also satisfactory for conflict of interest purposes. Policy is not to require a duration of relationship test to qualify as a spouse for legislation dealing with conflicts of interest or arms' length transactions. Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family.
VICTIMS OF CRIME ACT	RSBC 1996, c. 478	001	The definition of "child" includes a child born posthumously, stepchild, and a child treated "like a child to the victim".	Section 1 is amended, in the definition of "child", by repealing paragraph (c) and substituting the following paragraph: (c) a person who lives with the victim and to whom the victim stands in place of a parent;.	Category 9: Parents: (b) Persons who stand in place of a parent. The amendment is to make the drafting of the section consistent with other statutes.
VICTIMS OF CRIME ACT	RSBC 1996, c. 478	001	The definition of "victim" includes the victim's "spouse, sibling, child or parent" who suffers "significant emotional trauma" because of the victim's injuries.	Section 1 is amended by adding "or a person who lives with the individual as a member of the individual's family," after "parent of the individual,".	Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family members.
VICTIMS OF CRIME ACT	RSBC 1996, c. 478	001	The definition of "spouse" includes opposite sex and same sex relationships (with no cohabitation test).	Section 1 is amended by repealing the definition of "spouse".	Category 11: Spouse definition: (g) extended definition. Striking the definition allows the FSRA definition to apply.

Table I: Sections to be amended

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Effect of Section</i>	<i>Proposed Change</i>	<i>Notes</i>
VICTIMS OF CRIME ACT	RSBC 1996, c. 478	001	The definition of "parent" includes a stepparent, a person with custody of the victim or responsible for care and financial support, or who is "like a parent to the victim".	Section 1, in the definition of "parent" is amended by repealing paragraph (c) and substituting the following paragraph: (c) a person who lives with the victim and stands in place of a parent to the victim;.	Category 9: Parents: (b) person who stands in place of a parent. The amendment is made for the purpose of standardization.
VITAL STATISTICS ACT	RSBC 1996, c. 479	003	States the obligation to report the birth by the parents, one parent, or a person standing in place of a parent, using references to "mother" and "father" that are based on gender differences.	Section 3(1)(a) is repealed and the following paragraph is substituted: (a) the parents of the child,.	- see the note to s. 1.
VITAL STATISTICS ACT	RSBC 1996, c. 479	015	Provides for the registration of a marriage.	The following section is added: Registration of Domestic Partner Declaration 16.1 (1) A domestic partner declaration under the Family Status Recognition Act may be registered as provided under the Family Status Recognition Act and this Act. (2) Either party to the domestic partner declaration may deliver it to the district registrar of the registration district in which the domestic partner declaration was signed.	- to be effective against third parties, a domestic partner declaration must be registered. See the Domestic Partner Act.
VITAL STATISTICS ACT	RSBC 1996, c. 479	016	Provides for late registration of a marriage.	[This is enacted as part of s. 16.1] 16.1 (3) If a domestic partner declaration is not registered within one year from the day it is signed, and application for registration of it is made by a party to the declaration to the director by affidavit accompanied by (a) a statement in the form required by the director respecting the domestic partnership, and (b) other evidence as may be prescribed, the director must, subject to subsection (4), register the domestic partner declaration if satisfied (c) as to the truth and sufficiency of the matters stated in the application, and (d) that the application is made	

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
				in good faith. (4) Despite subsection (3), a valid domestic partner declaration may not be accepted for registration if, after the declaration was made but before it was delivered for registration, a party to it became married or became a party to another registered domestic partner declaration.	
VITAL STATISTICS ACT	RSBC 1996, c. 479	025	Church records of baptisms, marriages or burials placed on file with the consent of the director become part of the director's records.	Section 25 is amended (a) by renumbering section 25 as section "25(1)" and adding the following subsection: (2) For the purposes of section 25(1), "marriage" includes the formation of a spousal relationship.	- some churches bless unions of, e.g., same sex spouses, so it is conceivable that a church would have records of spousal relationships in addition to those formed by marriage.
VITAL STATISTICS ACT	RSBC 1996, c. 479	026	Change of name must be recorded on births or marriages recorded in the registry.	Section 26 is amended (a) in subsection (1)(a) by adding ", domestic partner declaration" after "birth", (b) in subsection (1)(b) by adding ", formed a domestic partnership" after "born" and by adding ", domestic partner declarations" after "births", (c) in subsection (2) by adding ", domestic partner declaration" after "birth", (d) by adding the following subsection: (3) Subsection (1)(b) applies, with necessary changes, if the person formed a relationship equivalent to a domestic partnership in Canada but outside British Columbia.	Category 13: Marriage. Policy is to give equal recognition to domestic partnership and marriage.
VITAL STATISTICS ACT	RSBC 1996, c. 479	035	Searches of the registry are in the director's discretion. The director must report on searches that are permitted.	Section 35 is amended (a) is subsection (1)(a) by adding "domestic partner declaration," after "marriage,", and (b) in subsection (2) by adding "domestic partner declaration," after "marriage,".	- the same rules protecting the privacy of registered personal information will apply to domestic partner declarations.
VITAL STATISTICS ACT	RSBC 1996, c. 479	037	The list of persons who may apply for a marriage certificate includes: the person named; a parent whose name appears on the registration; a spouse of a person whose name appears	The following section is added: Domestic Partner Certificates 37.1 (1) A certificate of a registered domestic partner declaration may be issued by the director, on application in the form required by the director and	- the rules that apply to the issuance of a marriage certificate will apply to the issuance of a domestic partner declaration certificate.

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
			on the registration; an agent, or a person with written authorization, by the person named or that person's parents or spouse.	<p>on payment of the prescribed fee, only to the following persons:</p> <p>(a) a person named in the certificate;</p> <p>(b) a parent whose name appears on the registration from which the certificate is to be issued;</p> <p>(c) a spouse of a person whose name appears on the registration from which the certificate is to be issued;</p> <p>(d) a person on the authorization in writing of a person named in the certificate or of the parents or spouse of a person named in the certificate;</p> <p>(e) an agent of a person named in the certificate or of the parents or spouse of a person named in the certificate;</p> <p>(f) a person on the order of a court;</p> <p>(g) an officer of the government who requires it for use in the discharge of official duties;</p> <p>(h) any other person who satisfies the deputy minister concerning the good faith of the person's cause for requiring the certificate.</p> <p>(2) A certified copy, photostatic copy or photographic print of the registration of a domestic partner declaration may be issued by the director, on application in the form required by the director and on payment of the prescribed fee, only to the following persons:</p> <p>(a) a party to the domestic partner declaration;</p> <p>(b) a person on the authority in writing of a party to the domestic partner declaration;</p> <p>(c) a person on the authority in writing of the deputy minister;</p> <p>(d) a person on the order of a court.</p>	
VITAL STATISTICS ACT	RSBC 1996, c. 479	40		Section 40(1) is amended by adding "37.1," after "37,".	- rules that apply generally to certificates will also apply to certificates of a domestic partner declaration.
VITAL STATISTICS ACT	RSBC 1996, c. 479	41	Certificates registered by the director are admissible as evidence in court.	Section 41 is amended (a) in subsection (1) by adding after "37.1," after "37," and	

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
VITAL STATISTICS ACT	RSBC 1996, c. 479	43	The director may publish statistical information about registrations.	(b) In subsection (2) by adding after "37.1," after "37,". Section 43 is amended by adding "domestic partner declarations" after "changes of name" and by adding "terminations of domestic partner declarations" after "marriages,".	
VITAL STATISTICS ACT	RSBC 1996, c. 479	44	The director must make an annual report setting out the statistics relating to registrations.	Section 44 is amended by adding "domestic partner declarations" after "marriages" and by adding "terminations of domestic partner declarations" after "annulments of marriage".	
VITAL STATISTICS ACT	RSBC 1996, c. 479	47	Application of the Act.	Section 47 is amended (a) by renumbering section 47 as section 47(1), and (b) by adding the following subsection: (2) This Act applies in respect of a domestic partner declaration made after the passing of the Domestic Partner Act.	
VITAL STATISTICS ACT	RSBC 1996, c. 479	50	It is an offence to deface a public notice about births, stillbirths, marriages or deaths.	Section 50 is amended by adding ", domestic partner declarations" after "marriages".	
VITAL STATISTICS ACT	RSBC 1996, c. 479	52	Other registration systems for births, deaths or marriages are prohibited.	Section 52 is amended by adding ", domestic partner declarations" after "deaths".	
VITAL STATISTICS ACT	RSBC 1996, c. 479	54	Regulation making power.	Section 54 is amended (a) in paragraph (c) by adding "domestic partner declarations," after "marriages", and (b) in paragraph (g) by adding ", domestic partner declaration" after "marriage".	
WILLS ACT	RSBC 1996, c. 489	011	A gift in a will to a witness, or the spouse ("then wife or husband") of a witness, and of any person claiming under them is void, although the witness is competent to prove the will.	Section 11(1) is amended by striking out "wife or husband" and "wife or the husband" and substitute in each instance "spouse".	Category 11: Spouse definition: (c) husband/wife. Policy is to use "spouse" in preference to "husband" or "wife" (so that the FSRA definitions will apply). (g) extended definition. The deletion allows the FSRA definitions to apply. Category 8: Succession rights. - the same policies that dictate this position for

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
WILLS ACT	RSBC 1996, c. 489	012	A creditor or the creditor's "wife or husband" are competent witnesses, even if the will charges property to secure the debt (an arrangement that is specifically not voided under s. 11).	Section 12 is amended by striking out "wife or husband" and substituting "spouse".	<p>married spouses apply equally to persons qualifying under an extended definition. To the extent that there is a temporal issue ("then wife or husband"), it is not altered by substituting "spouse" ("then spouse"). The policy should be to exclude someone who would, under the definition, qualify as a spouse, not someone who qualifies at some time after the will is executed.</p> <p>Category 4: Conflicts of interest/Arms' length transactions: B.C. statutes adopt various rules for determining which classes of family relationships raise questions about conflict of interest or whether parties are dealing at arms' length. These statutes have been reviewed to ensure that they recognize extended family relationships within the identified classes. It would be desirable to address standardizing the rules relating to conflicts of interest and (arms' length transactions), but that is outside the scope of this initiative.</p> <p>Category 11: Spouse definition: (c) husband/wife. Policy is to use "spouse" in preference to "husband" and "wife" (so that the FSRA definitions will apply). (g) extended definition. The deletion will allow the general extended definition under the FSRA to operate.</p> <p>Category 4: Conflicts of interest/Arms' length transactions: B.C. statutes adopt various rules for determining which classes of family relationships raise questions about conflict of interest or whether parties are dealing at arms' length. These statutes have been reviewed to ensure that they</p>

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
					recognize extended family relationships within the identified classes. It would be desirable to address standardizing the rules relating to conflicts of interest and (arms' length transactions), but that is outside the scope of this initiative.
WILLS ACT	RSBC 1996, c. 489	016	16(1) For the purposes of s. 16(2), "spouse" includes someone the testator considers to be the testator's spouse. 16(2) Unless there is a contrary intention in the will, a gift, appointment or power to a spouse is revoked and the will takes effect as if the spouse predeceased the testator if there has been a divorce, a declaration of nullity or a judicial separation.	Section 16 is repealed and the following substituted: "16. If in a will a testator (a) gives an interest in property to a spouse, (b) appoints a spouse executor or trustee, or (c) confers a general or special power of appointment on a spouse, and after the making of the will and before the testator's death (d) the testator and the spouse lived separate and apart for more than a year with one or both parties having the intention that the relationship not continue or otherwise became former spouses within the meaning of the Family Status Recognition Act, then, unless a contrary intention appears in the will, the gift, appointment or power is revoked and the will takes effect as if the spouse had predeceased the testator, without prejudice to any rights the spouse may have under the Dependants Relief Act, or the Family Relations Act.	Category 11: Spouse definition: (g) extended definition. The amendments will allow the general extended definition under the FSRA to operate. - a gift, etc., in a will made after the parties become "former spouses" would not be revoked under s. 16. - the Dependants Relief Act is the revised Wills Variation Act.
WILLS ACT	RSBC 1996, c. 489	025	Unless there is a contrary intention in the will, a testamentary gift to a person's "heir or next of kin" is determined by the intestate succession rules.	Section 25 is amended by striking out "if the testator had died intestate" and substituting "if the testator or other person had died intestate".	Category 12: Generic use of "family" and equivalent terms: (c) next of kin: policy is to reserve next of kin for its technical meaning. The FSRA defines "next of kin" as meaning the person who would succeed to another's property on an intestacy under the Estate Administration Act. - a problem was created in the section by the RSBC 1996 revision to remove gender specific references, overlooking that the section may apply to heirs and next of kin of someone other than the

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
WILLS VARIATION ACT	RSBC 1996, c. 490	001		Section 1 is amended by adding the following: "dependant" means a person who was dependent upon the deceased for support pursuant to an agreement, court order or otherwise or a child, spouse or former spouse entitled to claim support under provincial or federal legislation; Section 1 is amended (a) by adding the following: "former spouse" means a former spouse under the Family Status Recognition Act;, and (b) by adding the following: "spouse" means a person who (a) is married to another person, (b) is a domestic partner of another person, or (c) is living with another person, who may be of the same or opposite sex, in a marriage-like relationship which has continued for at least 2 years but does not include a former spouse;.	testator. The proposed amendment cures that oversight.
WILLS VARIATION ACT	RSBC 1996, c. 490	001		The title of the Wills Variation Act is changed to the "Dependants Relief Act". Section 1 is amended by adding the following "child" includes (a) a child of the deceased who was not yet born on the death of the deceased, but subsequently born alive, and (b) a person living with the deceased at the time of death to whom the deceased stood in place of a parent;	Category 11: Spouse definition: (e) end of status. (g) extended definition. (h) duration of relationship test required. Category 8: Succession rights.
WILLS VARIATION ACT	RSBC 1996, c. 490	001	[No current definition]		Category 9: Parent: (b) person who stands in place of a parent. Policy is to recognize the family status of persons who live together and one of them stands in place of a parent to the other.
WILLS VARIATION ACT	RSBC 1996, c. 490	002	If a will does not make adequate provision for a testator's "wife, husband or children" an action may be brought by or on behalf of the "wife, husband or children" for a (larger) share of the estate.	Section 2 is amended by striking out "wife, husband or children" wherever they appear and substitute in each instance "spouse, children or dependants".	Category 11: Spouse definition: (c) husband/wife. Policy is to use "spouse" in preference to "husband" and "wife" (so that the FSRA definitions will apply). - dependants is defined.
WILLS VARIATION ACT	RSBC 1996,	003	The action must be brought within 6 months of the	Section 3(1) is amended by repealing paragraph (c) and	Category 11: Spouse definition: (c) husband/wife.

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
	c. 490		grant of probate, or resealing the will. The writ must be served on the public trustee if there are minor "children", or if the "wife, husband or a child" of the testator is mentally disabled.	substituting the following paragraph: (c) if there are minor children or minor dependants of the deceased, or if the spouse, child or dependant of the deceased is mentally disordered, a copy of the writ of summons has been served on the Public Trustee.	Policy is to use "spouse" in preference to "husband" and "wife".
WILLS VARIATION ACT	RSBC 1996, c. 490	005	The court may consider evidence of the testator's reasons for not making adequate provision for the "wife, husband or children".	Section 5(1)(b) is amended by striking out "wife, husband or children" and substituting "spouse, children or dependants".	Category 11: Spouse definition: (c) husband/wife.
WILLS VARIATION ACT	RSBC 1996, c. 490	007	An award to a "wife, husband or children" may consist of a lump sum or a periodic or other payment.	Section 7 is amended by striking out "wife, husband or children" and substituting "spouse, children or dependants".	Category 11: Spouse definition: (c) husband/wife.
WORKERS COMPENSATION ACT	RSBC 1996, c. 492	001	"Member of family" is defined to mean a person's wife, husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half brother and half sister and a person who stood in loco parentis to the worker, and to whom the worker stood in loco parentis.	Section 1 is amended: (a) by repealing the definition of "member of the family" and substituting the following: "member of the family" means a spouse, parent, grandparent, stepparent, child, grandchild, stepchild, sibling, half sibling and household member;; (b) by adding the following: "child" includes a person to whom the worker stood in place of a parent;; (c) by adding the following: "former spouse" means a former spouse under the Family Status Recognition Act;; (f) by adding the following: "household member" means a person who lived with the worker as a member of the worker's family;; (e) by adding the following: "parent" includes a person who stood in place of a parent to a worker;; (f) by adding the following: "spouse" means a person who is (a) married to another person, (b) the domestic partner of another person, or (c) is living with another person, who may be of the same or opposite sex, in a marriage-like relationship which has continued for at least 2 years	Category 11: Spouse definition: (c) husband/wife. Policy is to use "spouse" in preference to "husband" and "wife". (e) end of status. The FSRA rules will determine when a spouse loses that status. (g) extended definition. (i) inclusion of domestic partner. Policy is to equate the rights and obligations of domestic partners with those of married spouses. - the FSRA sets out rules that apply when more than one person claims to be a person's spouse. Category 9: Parents: (a) mother/father. (b) person who stands in place of a parent. Policy is to recognize the family status of persons where one of them stands in place of a parent to the other (unless there is a sound reason for not doing so). That is the current policy of the Act. Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. - the term "member of the family" is used in the

Table I: Sections to be amended

Statute	Cite	Section	Effect of Section	Proposed Change	Notes
WORKERS COMPENSATION ACT	RSBC 1996, c. 492	017	For the purposes of this section (determining compensation in fatal cases), "child" is defined to mean a child under 18, or who is an invalid, or who is under 21 and in school. Compensation for a fatal accident is determined by factors such as available federal benefits, whether there is a surviving spouse (described as a "widow or widower"), the age of the surviving spouse, whether the surviving spouse is an invalid, and the number of surviving children. In some cases, parents are entitled to compensation. A common law spouse is entitled to compensation after 3 years cohabitation where the worker contributed to the spouse's support (s. 17(11)) or after 1 year if they have children.	but does not include a former spouse;, and (g) by adding the following: "surviving spouse" means a person who was a spouse of a deceased person immediately before the deceased person's death; Section 17 is amended: (a) by striking out "widow or widower" in each instance and substituting "surviving spouse", (b) in subsection (3)(f) by striking out "or common law spouse", (c) in subsection (4) by striking out "spouse, widow, widower" and substituting "surviving spouse", (d) by repealing subsection (7) and substituting the following subsection: (7) Where 2 workers are spouses, and each contributes to the support of a common household, each is deemed to be a dependant of the other., (e) by repealing subsection (11), (f) by repealing subsection (12), and (g) in subsection (13), by striking out "widow or widower, common law wife or common law husband" and substituting "surviving spouse".	definition of "dependant" to determine compensation rights on the death of a worker. The Board has jurisdiction to determine whether a person is a "member of the family": see s. 96. Category 9: Parents: (b) person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, and as a child a person to whom another stood in the place of a parent, (unless sound reasons can be identified for not including that relationship). The definition of "dependant" includes that family relationship. - cases involving overlapping spousal rights, to the extent that they are not addressed in the WCA, will be determined by the FSRA rules (see s. 4).
WORKERS COMPENSATION ACT	RSBC 1996, c. 492	018	Adjustments to benefits taking into account CPP for dependents.	Section 18(1)(c) is amended by striking out "widow" wherever it appears and in each instance substituting "surviving spouse".	- subsection (1) deals with persons receiving benefits as of 1974 and the change will not affect them. Subsection (2) deals with adjustments for other persons, to ensure that subs.(2) persons receive the same benefits as subs.(1). Category 11: Spouse definition: (d) widow/widower/widowed. Policy is to replace these terms with "surviving spouse".
WORKERS COMPENSATION ACT	RSBC 1996, c. 492	019	The Act was changed in 1994 to provide that remarriage after April 17, 1985 does not disentitle a surviving spouse to benefits. It	Section 19 is amended (a) in the definition of "monthly payments", by striking out "widow, widower, former common law wife or former common law	Category 11: Spouse definition: (d) widow/widower/widowed. Policy is to replace these terms with "surviving spouse" (so that

Table I: Sections to be amended

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			does for surviving spouses--"widow or former common law spouse"--if they "remarried or formed a new common law relationship" before that date.	husband" and substituting "surviving spouse", and (b) in the definition of "person" (i) by striking out "widow or former common law wife" wherever they appear and substituting in each instance "surviving spouse", and (ii) by striking out "common law" after "new" and substituting "spousal".	the FSRA definitions will apply).
WORKERS COMPENSATION ACT	RSBC 1996, c. 492	035	35(3) The board has discretion to commute periodic payments, except in cases of death or permanent disability of more than 10 per cent earning capacity, in which case, it can only do so on the application of the worker (or dependant). 35(4) Compensation owed a worker in the last 3 months before death can be paid to the "widow, widower" or person looking after the funeral, free of the worker's debts.	Section 35(4) is amended by striking out "widow, widower" and substituting "surviving spouse".	Category 11: Spouse definition: (d) widow/widower/widowed. Policy is to replace these terms with "surviving spouse".
WORKERS COMPENSATION ACT	RSBC 1996, c. 492	059	A worker may request review of a medical decision by a medical panel, one of whom is selected by the worker, the other by the employer. If there is an identity of interest (e.g., because the worker is the child, parent, sibling, or "husband or wife" of the employer) between the worker and the employer, the Board will select the panel member on behalf of the member.	Section 59(2)(b) is amended by striking out "husband or wife" and substituting "spouse" and adding "or a person who lives with the employer as a member of the employer's family" after "employer".	Category 11: Spouse definition: (c) husband/wife. Policy is to use "spouse" in preference to "husband" and "wife" (so that the FSRA definitions will apply). Category 14: Household member. Category 4: Conflicts of interest/Arms' length transactions.
WORKERS COMPENSATION ACT	RSBC 1996, c. 492	098	98(3) If a worker is jailed, the board may pay benefits directly to the workers' "wife, husband or children" or to a trustee for their benefit. 98(4) If a worker is not supporting the worker's "wife or husband" or children, and there is a court order for support,	Section 98 is amended (a) in subsection (3) by striking out "wife, husband" wherever they appear and substituting in each instance "spouse", (b) in subsection (4) by striking out "wife, husband" wherever they appear and substituting in each instance "spouse", (c) in subsection (4) by striking out "wife or husband" and	Category 11: Spouse definition: (c) husband/wife. Policy is to use "spouse" in preference to "husband" and "wife". - using the extended definition of "spouse" removes the need for subs. (5).

Table I: Sections to be amended

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Effect of Section</i>	<i>Proposed Change</i>	<i>Notes</i>
			the Board may divert some or all of the compensation to the wife, husband or children. 98(5) For the purposes of subs. (3) and (4) references to "wife or husband" include common law relationships.	substituting "spouse", and (d) by repealing subsection (5).	
YOUNG OFFENDERS (BRITISH COLUMBIA) ACT	RSBC 1996, c. 494	001	The definition of "parent" includes a person who has a legal duty to support, maintain or care for the young person, and a person who has in fact or law, custody or control of the young person.	Section 1, in the definition of "parent" is amended (a) by adding "and" at the end of paragraph (b), and (b) by adding the following paragraph: (c) stands in place of a parent to the young person and with whom the young person lives;.	Category 9: Parents: (b) Person who stands in place of a parent.

Table I: Sections to be amended

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Effect of Section</i>	<i>Proposed Change</i>	<i>Notes</i>
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Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
ACCOUNTANTS (CERTIFIED GENERAL) ACT	RSBC 1996, c. 2	007	The Certified General Accountants Association may administer a benevolent fund for members and the families (undefined) of deceased members.	FSRA defines "family".	Category 1: Benevolent funds. Category 12: Generic use of "family" and equivalent terms. Policy is not to replace generic terms with more precise lists of family relationships (although the FSRA clarifies that "family" includes a person's spouse and people (including non-relatives) who live with the person as family.
ACCOUNTANTS (CHARTERED) ACT	RSBC 1996, c. 3	002(2)	The Institute of Chartered Accountants may administer a benevolent fund for members and the families (undefined) of deceased members.	FSRA defines "family".	Category 1: Benevolent funds. Category 12: Generic use of "family" and equivalent terms. Policy is not to replace generic terms with more precise lists of family relationships (although the FSRA clarifies that "family" includes a person's spouse and people (including non-relatives) who live with the person as family.
ADULT GUARDIANSHIP ACT	RS 1996 (Supp), c. 6	048	An agency investigating allegations of abuse or neglect may interview the adult's spouse, near relatives, friends, and anyone else who may assist.	Definition of "near relative" changed.	- the amendment to the definition of "near relative" will include non-relatives living with the adult as family members (although they would also be included as "friends").
ADULT GUARDIANSHIP ACT	RS 1996 (Supp), c. 6	004(05)	4(5) A person from a designated agency may allow a person's spouse, relatives or friends who accompany the person to help the person understand the request for review or reassessment.	Definition of "spouse" is changed.	- "friends" is sufficiently inclusive.
ADULT GUARDIANSHIP ACT	RS 1996 (Supp), c. 6	054	An application with respect to a support or assistance plan must be served on family members, listed in the following order: spouse, nearest relative living in Canada.	Definition of "near relative" changed.	
ADULT GUARDIANSHIP ACT	RS 1996 (Supp), c. 6	045	The Act provides for investigation in cases of abuse of an adult in any case (including abuse in a the home of a "relative") other than abuse in a correctional centre.	FSRA defines "relative".	The section is drafted inclusively. The use of "relative" does not limit its application.
ADULT GUARDIANSHIP ACT	RS 1996 (Supp), c. 6	004(10)	4(10) Permission for a review or assessment under s. 4 must be obtained from the court by the Public Trustee in	Definition of "near relative" changed.	- the amendment to the definition of "near relative" means that if the adult has no spouse, child, parent or sibling, then a

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
ADULT GUARDIANSHIP ACT	RS 1996 (Supp), c. 6	008	particular cases listed in s. 4(9), and notice of the application must be served on the adult, a person supporting or assisting the adult, the adult's spouse or nearest relative, and the adult's representative among others. An application for the appointment of a decision maker or guardian must be served on listed people. Family members are listed in the following order: spouse, nearest relative living in Canada, or U.S. state adjoining B.C., (if that is the applicant, then service is on the next nearest relative).	Definition of "near relative" changed.	non-relative living with the deceased must be served with notice of the application. - the amendment to the definition of "near relative" will include non-relatives living with the adult as family members.
ANATOMY ACT	RSBC 1996, c. 13	002	Where the coroner concludes there is no cause of an inquest, the Minister of Health has control of bodies not claimed by the deceased's relative, friend or person entitled to be the deceased's personal representative.	FSRA defines "relative".	Category 12: Generic use of "family" and equivalent terms: (d) relative. "Relative" excludes family relationships that consist of non-relatives but is acceptable where (as here) it is not used restrictively, since "friends" are also included. Category 11: Spouse definition: (g) extended definition. The FSRA defines "relative" as including a person's spouse and provides an extended definition of spouse (with no requirement for a duration of relationship test).
APPLIED SCIENCE TECHNOLOGISTS AND TECHNICIANS ACT	RSBC 1996, c. 15	004	The Applied Science Technologists and Technicians Association may operate a benevolent fund for its members and their families.	FSRA defines "family".	Category 1: Benevolent funds. Category 12: Generic use of "family" and equivalent terms. Policy is not to replace generic terms with more precise lists of family relationships (although the FSRA clarifies that "family" includes a person's spouse and people (including non-relatives) who live with the person as family.
ASSESSMENT ACT	RSBC 1996, c. 20	019	A residential property may be valued according to its current use, rather than its best use. There is a size restriction and the property must be used as a principal	FSRA defines "spouse".	Category 12: Generic use of "family" and equivalent terms: (a) family. Policy is not to replace generic terms with more precise lists of family relationships (although the FSRA

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
			residence for at least 10 years by no more than 3 "families". The owner must send the appropriate notice under s. 19(3). If the property is transferred to, or inherited by, a spouse of the owner/occupier, the spouse may also send in the notice, and prior use by the original owner may be taken into account.		clarifies that "family" includes a person's spouse and a second person (including a non-relative) living with a first person in a close relationship that is equivalent to a family relationship, to ensure that its general meaning includes extended family relationships. - the reference in s. 19 to "spouse" will be extended by the Family Status Recognition Act. There is no need for a duration of relationship test. The definition under the Family Status Recognition Act, however, will terminate spousal status after one year's separation. - because s. 19 refers to transfers during the owner's lifetime, and after the owner's death, using the term "surviving spouse" would complicate the drafting.
BC BENEFITS (CHILD CARE) ACT	RS 1996 (Supp), c. 26	002	The purpose of the Act is to implement a child care system..and provide financial help to "families" (undefined) with limited incomes	FSRA defines "family".	Category 12: Generic use of "family" and equivalent terms: (a) family: policy is not to replace generic terms with more precise lists of family relationships (although the FSRA clarifies that "family" includes a person's spouse and a second person (including a non-relative) living with a first person in a close relationship that is equivalent to a family relationship, to ensure that its general meaning includes extended family relationships).
BC BENEFITS (INCOME ASSISTANCE) ACT	RSBC 1996, c. 27	000	"Families" (undefined) share responsibility with communities, business, labour and government for economic security.	FSRA defines "family".	Category 12: Generic use of "family" and equivalent terms: (a) family: policy is not to replace generic terms with more precise lists of family relationships (although the FSRA clarifies that "family" includes a person's spouse and a second person (including a non-relative) living with a first person in a close relationship that is equivalent to a family relationship, to ensure that its general meaning includes extended family relationships). (b) dependant: policy is not to

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
BC BENEFITS (YOUTH WORKS) ACT	RS 1996 (Supp), c. 28	000	"Families" (undefined) share responsibility with communities, business, labour and government for economic security.	FSRA defines "family".	substitute other terms for "dependant" when it is used only in a general sense to describe family relationships (or is used as a general term which is more precisely defined in regulations). Category 12: Generic use of "family" and equivalent terms: (a) family. (b) dependant: policy is not to substitute other terms for "dependant" when it is used only in a general sense to describe family relationships (or is used as a general term which is more precisely defined in regulations).
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	016		FSRA defines "family".	
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RS 1996 (Supp), c. 46	002		FSRA defines "relative" and "family".	Category 12: Generic use of "family" and equivalent terms: (a) family. (d) relative. "Relative" excludes family relationships that consist of non-relatives but is acceptable where (as here) it is not used restrictively, but includes a "relative or other person".
CHILD, FAMILY AND COMMUNITY SERVICE ACT	[RS 1996 (Supp), c. 46]	009		FSRA defines "family".	
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	071	The director must give priority to placing a child with a relative (undefined), or in a situation where ties with relatives can be preserved.	FSRA defines "relative" and "family".	Category 12: Generic use of "family" and equivalent terms: (d) relative. "Relative" excludes family relationships that consist of non-relatives but is acceptable where (as here) it is not used restrictively (priority is given to placement with a relative, but the child may be placed elsewhere). - the FSRA defines "relative" but the change (the term includes a person's spouse) is not relevant in this context.
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	003		FSRA defines "family".	
CHILD, FAMILY AND COMMUNITY SERVICE ACT	[RS 1996 (Supp), c. 46]	008		FSRA defines "family".	
CHILD, FAMILY AND COMMUNITY SERVICE ACT	SBC 1997, c.	001		FSRA defines "family".	

Table II: Sections not amended, but affected by other changes

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Meaning of section</i>	<i>Change</i>	<i>Notes</i>
AMENDMENT ACT CHILD, FAMILY AND COMMUNITY SERVICE AMENDMENT ACT	SBC 1997, c. 46	003		FSRA defines "family".	
CHILD, YOUTH AND FAMILY ADVOCACY ACT	RSBC 1996, c. 47	002		FSRA defines "family".	Category 12: Generic use of "family" and equivalent terms: (a) family: policy is not to replace generic terms with more precise lists of family relationships (although the FSRA clarifies that "family" includes a person's spouse and a second person (including a non-relative) living with a first person in a close relationship that is equivalent to a family relationship, to ensure that its general meaning includes extended family relationships). (Although this definition has no significance in the context of this Act).
CHILD, YOUTH AND FAMILY ADVOCACY ACT	SBC 1997, c. 29	004.1		FSRA defines "family".	
CHILD, YOUTH AND FAMILY ADVOCACY ACT	RSBC 1996, c. 47	004		FSRA defines "family".	
CHILDREN'S COMMISSION ACT	SBC 1997, c. 11	003	Among the principles the Commission should take into account is the importance of treating children and families with respect, allowing them to participate in decisions that will affect them, allowing them to participate in defining, planning and evaluating services to children, the importance of kinship ties to children, the value to children and their families of a supportive community, and the responsibility government, families and communities share to protect children from abuse and neglect.	FSRA defines "family".	Category 12: Generic use of "family" and equivalent terms: (a) family: policy is not to replace generic terms with more precise lists of family relationships (although the FSRA clarifies that "family" includes a person's spouse and a second person (including a non-relative) living with a first person in a close relationship that is equivalent to a family relationship, to ensure that its general meaning includes extended family relationships).
COLUMBIA BASIN TRUST ACT	RSBC 1996, c. 53	016	"Child" includes an individual whom a director has demonstrated a settled intention to treat as a member of the director's family.	FSRA defines "family".	Category 9: Parents: (b) Persons who stand in place of a parent. Policy is to recognize the family status of persons, where one of them stands in place of a parent to the other.

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
CONDOMINIUM ACT	RSBC 1996, c. 64	115	The duties of a condominium owner include using common property in such a fashion as not to interfere unreasonably with the use of enjoyment of other owners, their families (undefined) and visitors.	FSRA defines "family".	Category 12: Generic use of "family" and equivalent terms: (a) family: policy is not to replace generic terms with more precise lists of family relationships (although the FSRA clarifies that "family" includes a person's spouse and a second person (including a non-relative) living with a first person in a close relationship that is equivalent to a family relationship, to ensure that its general meaning includes extended family relationships).
CREDIT REPORTING ACT	RSBC 1996, c. 81	001	The definition of "credit information" includes information about a person's spouse's name and age, and the number of dependants a person has.	FSRA defines "spouse".	Category 11: Spouse definition: (g) extended definition. The FSRA will extend the definition of spouse. Category 12: Generic use of "family" and equivalent terms: (b) dependant: policy is not to substitute other terms for "dependant" when it is used only in a general sense to describe family relationships.
CRIMINAL INJURY COMPENSATION ACT	RSBC 1996, c. 85	014		Definition of "immediate family" changed.	
CRIMINAL INJURY COMPENSATION ACT	RSBC 1996, c. 85	003		Definition of "immediate family" changed.	
CRIMINAL INJURY COMPENSATION ACT	RSBC 1996, c. 85	022		Definition of "immediate family" changed.	
CRIMINAL INJURY COMPENSATION ACT	RSBC 1996, c. 85	015	If a victim is confined to a correctional institute, the board may cancel, suspend or withhold compensation and may pay it to the victim's spouse or children.	Definition of "immediate family" and "spouse" changed.	Category 11: Spouse definition: (g) extended definition. The extended definition of "spouse" under the FSRA will apply (no duration of relationship test is required). Note: under the current Act, "spouse" is given an extended meaning for the purposes of defining who is a member of the victim's "immediate family" but not for other purposes. Consequently, strictly speaking, in the absence of the FSRA, this section referred to only a legally married spouse.
CRIMINAL INJURY COMPENSATION ACT	RSBC 1996, c. 85	005		Definition of "immediate family" changed.	
CRIMINAL INJURY COMPENSATION ACT	RSBC 1996, c.	023		Definition of "immediate family"	

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
CRIMINAL INJURY COMPENSATION ACT	85 RSBC 1996, c. 85	001	The board may recognize the claim of a person receiving support, or entitled to claim support, from the victim as the victim's spouse or child.	changed. Definition of "spouse" is changed.	
CRIMINAL INJURY COMPENSATION ACT	RSBC 1996, c. 85	002	Defines persons related to a victim who may be eligible to claim compensation under the Act, including, if the victim is deceased, the victim's "immediate family" (defined). Compensation is awarded to a "mother" maintaining a child born as the result of a scheduled offence.	Definition of "immediate family" changed.	Category 9: Parent: (a) mother/father. Reference can only be to the mother in the context of the section.
CRIMINAL INJURY COMPENSATION ACT	RSBC 1996, c. 85	010		Definition of "immediate family" changed.	
CRIMINAL INJURY COMPENSATION ACT	RSBC 1996, c. 85	018		Definition of "immediate family" changed.	
CRIMINAL RECORDS REVIEW ACT	RSBC 1996, c. 86	024	A child care provided must not permit any person over age 12, other than a parent of a child enrolled at the facility, to be ordinarily present on the premises unless a criminal record check is obtained and provided to the minister.		Category 9: Parents: Person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that relationship). Reason policy not applied: (a) problems of proving relationship. Moreover, the fact that a non-parent has that relationship with one child is not sufficient reason for an exemption under the Act.
DEBT COLLECTION ACT	RSBC 1996, c. 92	014	A debt collector must not exert unreasonable pressure on a debtor, or a member of the debtor's family or household.	FSRA defines "family".	Category 12: Generic use of "family" and equivalent terms: (a) family: policy is not to replace generic terms with more precise lists of family relationships (although the FSRA clarifies that "family" includes a person's spouse and a second person (including a non-relative) living with a first person in a close relationship that is equivalent to a family relationship, to ensure that its general meaning includes extended family relationships).
DEBT COLLECTION ACT	RSBC 1996, c. 92	015	A bailiff must not, without a court order, remove items from a debtor's home in absence of the debtor, the debtor's	FSRA defines "spouse".	Category 11: Spouse definition: (g) extended definition. The FSRA gives spouse an extended meaning.

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
DISABILITY BENEFITS PROGRAM ACT	RS 1996 (Supp), c. 97	000	spouse or agent, or an adult resident in the home or employed by the debtor.	FSRA defines "family".	Category 12: Generic use of "family" and equivalent terms. (a) family. (b) dependant. Policy is not to substitute other terms for words used in a general sense to describe family relationships.
ELECTION ACT	RSBC 1996, c. 106	109	A voting officer may permit an individual to help no more than one person needing assistance to vote (but an exception is made for a person helping the individual's "family").	FSRA defines "family".	Category 12: Generic use of "family" and equivalent terms: (a) family: policy is not to replace generic terms with more precise lists of family relationships (although the FSRA clarifies that "family" includes a person's spouse and a second person (including a non-relative) living with a first person in a close relationship that is equivalent to a family relationship, to ensure that its general meaning includes extended family relationships).
ELECTION ACT	RSBC 1996, c. 106	183	A candidate may deduct expenses for a child or other family member for whom the candidate is directly responsible.	FSRA defines "family".	Category 12: Generic use of "family" and equivalent terms: (a) family: policy is not to replace generic terms with more precise lists of family relationships (although the FSRA clarifies that "family" includes a person's spouse and a second person (including a non-relative) living with a first person in a close relationship that is equivalent to a family relationship, to ensure that its general meaning includes extended family relationships). - here the term is restricted by the requirement that the candidate be "normally directly responsible" for the payments.
ELECTION ACT	RSBC 1996, c. 106	184	A candidate in a leadership election may deduct expenses for a child or other family member for whom the candidate is directly responsible.	FSRA defines "family".	Category 12: Generic use of "family" and equivalent terms: (a) family: policy is not to replace generic terms with more precise lists of family relationships (although the FSRA clarifies that "family" includes a person's spouse and a second person (including a non-relative) living with a first person in a close relationship that is

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
EMPLOYMENT STANDARDS ACT	RSBC 1996, c. 113	001	Definition of "immediate family" means a spouse (undefined), child, parent, guardian, sibling, grandchild, or grandparent of an employee and includes "any person who lives with an employee as a member of the employee's family".	FSRA defines "spouse".	equivalent to a family relationship, to ensure that its general meaning includes extended family relationships). - here the term is restricted by the requirement that the candidate be "normally directly responsible" for the payments.
EMPLOYMENT STANDARDS ACT	RSBC 1996, c. 113	052	Entitlement to 5 days per year unpaid leave to look after (a) the care, health or education of a child, or (b) the health or care of "immediate family." (defined).	FSRA defines "spouse".	- "immediate family" includes a "spouse" which will have the extended definition under the FSRA and any person living with an employee as a member of the family and is, therefore, sufficiently inclusive.
ESCHEAT ACT	RSBC 1996, c. 120	009	The Attorney General may apply to court for an inquiry when administration is taken out for an intestacy, to determine whether the government is entitled to any portion because the deceased died without heirs or next of kin.	FSRA defines "next of kin".	Category 12: Generic use of "family" and equivalent terms: (c) next of kin: policy is to reserve next of kin for its technical meaning. The FSRA defines "next of kin" as meaning the person who would succeed to another's property on an intestacy under the Estate Administration Act. - in this case, however, next of kin is being used in its technical sense, (moreover, the section is not restrictive. The words "or otherwise" would include persons who are not next of kin who may be entitled to claim a share of the estate under the revised Wills Variation Act -- renamed the Dependants Relief Act).
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	011		FSRA defines "next of kin".	
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	089		Definition of "spouse" changed.	
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	086		Definition of "spouse" changed.	

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	083	An intestate's estate goes to the spouse if there is no issue.	Definition of "spouse" changed.	- under the extended definition added to the EAA, legally married spouses and domestic partners will receive the whole estate on an intestacy, unless the intestate is survived by children (or grandchildren, etc.).
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	096	Life estate in the matrimonial home.	Definition of "spouse" changed.	Category 11: Spouse definition: (i) inclusion of domestic partner. Married spouses and domestic partners will be entitled to a life estate in the matrimonial home.
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	087		Definition of "spouse" changed.	
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	085		Definition of "spouse" changed.	
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	013		FSRA defines "next of kin".	
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	039		FSRA defines "next of kin".	
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	040	An official administrator cannot apply to administer an estate unless there are no "relatives" (undefined) in B.C.	FSRA defines "relative". Definition of "spouse" changed.	Category 12: Generic use of "family" and equivalent terms: (d) relative. "Relative" excludes family relationships that consist of non-relatives but is acceptable in this context since non-relatives do not have a right to share on an intestacy under the Estate Administration Act. Category 11: Spouse definition: (g) extended definition. The FSRA defines "relative" as including a person's spouse. See the definition of "spouse" in s. 1 of the Estate Administration Act.
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	041		FSRA defines "next of kin".	
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	088		Definition of "spouse" changed.	
ESTATES OF MISSING PERSONS ACT	RSBC 1996, c. 123	001	A person is considered missing when "relatives" living with the person have not heard from the person for three months. Failing that the test is whether "associates" at the place the person last resided have heard from the person.	FSRA defines "relative".	Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. Category 12: Generic use of "family" and equivalent terms: (d) relative. The FSRA defines "relative" as including a

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
FAMILY MAINTENANCE ENFORCEMENT ACT	RSBC 1996, c. 127	009	The court can make orders allowing the director access to protected information, including communications referred to in s. 8(1)(a), except for communications between the debtor and a child.	Definition of "spouse" changed.	person's spouse (extended definition). - for uniformity, the section could be revised to state the test in terms of spouse, family and relatives, and use extended definitions. However, the reference to "associates" is sufficiently broad to bring in persons living with the missing person, as a spouse, as family, or otherwise.
FAMILY MAINTENANCE ENFORCEMENT ACT	RSBC 1996, c. 127	038	Despite the Evidence Act, a person is compellable to disclose a communication made to the person by the person's spouse.	Definition of "spouse" changed.	Category 11: Spouse definition: (g) extended definition. "Spouse" is defined and includes extended relationships (a duration of relationship test is not required).
FAMILY MAINTENANCE ENFORCEMENT ACT	RSBC 1996, c. 127	008	The director may request information that would otherwise be confidential, except for listed communications that include "(a) personal correspondence between the debtor and a parent, child, spouse, brother or sister of the debtor".	Definition of "spouse" changed.	Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. Reason policy not applied: purpose of the section is to allow information to be obtained to enforce a maintenance order, primarily to locate the debtor. S. 8(2) protects personal correspondence (although s. 9 allows access to it). In principle, correspondence with a household member would be protected. However, to establish that a person is a household member, the person must be living with the debtor. It is difficult to see, consequently, how the issue would ever arise.
FAMILY MAINTENANCE ENFORCEMENT ACT	RSBC 1996, c. 127	021	The resources of the debtor's spouse resources are to be taken into account when determining a debtor's ability to pay arrears.	Definition of "spouse" changed.	Category 11: Spouse definition: (g) extended definition. "Spouse" is defined and includes extended relationships with no duration of relationship test required.
FAMILY RELATIONS ACT	RSBC 1996, c. 128	070		Definition of "spouse" changed.	Category 11: Spouse definition (g) extended definition. Revenue Canada has not yet indicated whether it will accept persons in

Table II: Sections not amended, but affected by other changes

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Meaning of section</i>	<i>Change</i>	<i>Notes</i>
FAMILY RELATIONS ACT	RSBC 1996, c. 128	063		Definition of "spouse" changed.	a same sex relationship (or domestic partners who are not opposite sex partners having cohabited for more than two years) as being spouses for the purpose of pension division at the end of a relationship.
FAMILY RELATIONS ACT	RSBC 1996, c. 128	091		Definition of "spouse" changed.	
FAMILY RELATIONS ACT	RSBC 1996, c. 128	015		FSRA defines "family".	
FAMILY RELATIONS ACT	SBC 1997, c. 20	074		Definition of "spouse" changed.	
FAMILY RELATIONS ACT	RSBC 1996, c. 128	099		FSRA defines "family".	
FAMILY RELATIONS ACT	RSBC 1996, c. 128	017		Definition of "spouse" changed.	
FAMILY RELATIONS ACT	RSBC 1996, c. 128	064		Definition of "spouse" changed.	
FAMILY RELATIONS ACT	RSBC 1996, c. 128	084		Definition of "spouse" changed.	
FAMILY RELATIONS ACT	RSBC 1996, c. 128	072		Definition of "spouse" changed.	
FAMILY RELATIONS ACT	SBC 1997, c. 20	093		Definition of "spouse" changed.	
FAMILY RELATIONS ACT	RSBC 1996, c. 128	062		Definition of "spouse" changed.	
FAMILY RELATIONS ACT	RSBC 1996, c. 128	074		Definition of "spouse" changed.	
FAMILY RELATIONS ACT	RSBC 1996, c. 128	006		FSRA defines "family".	
FAMILY RELATIONS ACT	RSBC 1996, c. 128	073		Definition of "spouse" changed.	
FAMILY RELATIONS ACT	RSBC 1996, c. 128	126		Definition of "spouse" changed.	
FAMILY RELATIONS ACT	RSBC 1996, c. 128	023		FSRA defines "family".	
FAMILY RELATIONS ACT	RSBC 1996, c. 128	077		Definition of "spouse" changed.	

Table II: Sections not amended, but affected by other changes

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Meaning of section</i>	<i>Change</i>	<i>Notes</i>
FAMILY RELATIONS ACT	128 RSBC 1996, c.	081		Definition of "spouse" changed.	
FAMILY RELATIONS ACT	128 RSBC 1996, c.	124		FSRA defines "family".	
FAMILY RELATIONS ACT	128 SBC 1997, c.	076		Definition of "spouse" changed.	
FAMILY RELATIONS ACT	20 RSBC 1996, c.	059		FSRA defines "family".	
FAMILY RELATIONS ACT	128 SBC 1997, c.	080		Definition of "spouse" changed.	
FAMILY RELATIONS ACT	20 RSBC 1996, c.	083		Definition of "spouse" changed.	
FAMILY RELATIONS ACT	128 RSBC 1996, c.	066		Definition of "spouse" changed.	
FAMILY RELATIONS ACT	128 SBC 1997, c.	075		Definition of "spouse" changed.	
FAMILY RELATIONS ACT	20 RSBC 1996, c.	125		Definition of "spouse" changed.	
FAMILY RELATIONS ACT	128 RSBC 1996, c.	121		Definition of "spouse" changed.	
FAMILY RELATIONS ACT	128 RSBC 1996, c.	080		FSRA defines "family".	
FAMILY RELATIONS ACT	128 RSBC 1996, c.	093		Definition of "spouse" changed.	
FAMILY RELATIONS ACT	128 RSBC 1996, c.	019		Definition of "spouse" changed.	
FAMILY RELATIONS ACT	128 RSBC 1996, c.	060		FSRA defines "family".	
FAMILY RELATIONS ACT	128 RSBC 1996, c.	122		FSRA defines "family".	
FAMILY RELATIONS ACT	128 RSBC 1996, c.	096		Definition of "spouse" changed.	
FAMILY RELATIONS ACT	128 RSBC 1996, c.	089		FSRA defines "family".	Category 6: Support.
FAMILY RELATIONS ACT	128 RSBC 1996, c.	076		Definition of "spouse" changed.	
FAMILY RELATIONS ACT	128 RSBC 1996, c.	039		FSRA defines "family".	- see the note to the FMEA, s. 8(2).

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
FAMILY RELATIONS ACT	128 RSBC 1996, c.	092		Definition of "spouse" changed.	
FAMILY RELATIONS ACT	128 RSBC 1996, c.	121		FSRA defines "family".	
FAMILY RELATIONS ACT	128 RSBC 1996, c.	067		FSRA defines "family".	
FARM DISTRESS ASSISTANCE ACT	RSBC 1996, c. 129	001	Definition of "farmer" excludes any other member of the farmer's "family" (undefined) from making an application for relief.	FSRA defines "family".	Category 12: Generic use of "family" and equivalent terms: (a) family. Policy is not to replace generic terms with more precise lists of family relationships (although the FSRA clarifies that "family" includes a person's spouse and a second person (including a non-relative) living with a first person in a close relationship that is equivalent to a family relationship, to ensure that its general meaning includes extended family relationships).
FINANCIAL DISCLOSURE ACT	RSBC 1996, c. 139	005	Persons who (a) seek election to a provincial or municipal office, or (b) are provincial or municipal employees, must make financial disclosure ((i) when seeking election or when becoming employed, (ii) annually thereafter, and (iii) on leaving office or employment). The disclosure requirements extend to corporations in which the person (or a trustee for the person) owns shares (alone or with a listed family member) that carry more than 30 per cent of the votes for directors. The family members are the director's spouse, child, brother, sister, mother or father.	FSRA defines "spouse".	Category 4: Conflicts of interest/Arms' length transactions: B.C. statutes adopt various rules for determining which classes of family relationships raise questions about conflict of interest or whether parties are dealing at arms' length. These statutes have been reviewed to ensure that they recognize extended family relationships within the identified classes. It would be desirable to address standardizing the rules relating to conflicts of interest and (arms' length transactions), but that is outside the scope of this initiative. Category 11: Spouse definition: (g) extended definition. The FSRA will give "spouse" an extended definition. Policy is not to make a period of cohabitation a prerequisite to the establishment of a marriage-like relationship. Category 14: Household member. Policy is to recognize the family status of people (including

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
FOREST ACT	RSBC 1996, c. 157	056	Transfers of various entitlements under the Act are subject to reduction, but an exception is made for transfers after the holder's death to the holder's spouse, child, grandchild or parent, or a spouse of a child or grandchild.	Definition of "spouse" changed.	non-relatives) living together as family members. Reason policy not applied: the disclosure requirement could be very burdensome, and alternative methods of protecting against an identity of interest in these circumstances could be adopted and should be considered in a project reconsidering conflicts of interest/arms' length transaction policy. Category 8: Succession. Policy is not to recognize household members and the relationship between persons where one stands in place of a parent to the other for the purpose of determining rights that arise on the death of a person.
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT	RSBC 1996, c. 165	015	The head of a public body cannot refuse to disclose information (in connection with a decision not to prosecute) to, among others, a victim or "a relative or friend of a victim".	FSRA defines "relative".	Category 12: Generic use of "family" and equivalent terms: (d) relative. "Relative" excludes family relationships that consist of non-relatives but is acceptable where (as here) it is not used restrictively, since someone who is "a friend of the victim" is also included. Category 11: Spouse definition: (g) extended definition. The FSRA defines "relative" as including a person's spouse and provides an extended definition of spouse (with no requirement for a duration of relationship test).
GUIDE ANIMAL ACT	RSBC 1996, c. 177	004	A landlord may not discriminate against a person with a guide dog unless the advertisement indicates the accommodation is shared with someone from another "family" (undefined).	FSRA defines "family".	Category 12: Generic use of "family" and equivalent terms: (a) family: policy is not to replace generic terms with more precise lists of family relationships (although the FSRA clarifies that "family" includes a person's spouse and a second person (including a non-relative) living with a first person in a close relationship that is equivalent to a family relationship, to ensure that its general meaning includes extended family relationships).

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
HEALTH CARE (CONSENT) AND CARE FACILITY (ADMISSIONS) ACT	RS 1996 (Supp), c. 181	008	A health care provider may allow a person's spouse, relatives or friends who accompany the person to help the person understand information when determining capacity to consent to medical treatment.	Definition of "spouse" changed.	Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. (b) reference sufficiently inclusive (because "friends" are also included). Category 11: Spouse definition: (g) extended definition. See s. 1 of this Act.
HEALTH CARE (CONSENT) AND CARE FACILITY (ADMISSIONS) ACT	RS 1996 (Supp), c. 181	023	The operator of the facility is under a duty to advise the adult's spouse, relative or friend that the adult is admitted to a care facility (and to advise a prescribed advocacy organization if the adult objected, the adult's spouse, relatives or friends disputed the decision, or the admission was by the Public Trustee).	Definition of "spouse" changed.	Category 12: Generic use of "family" and equivalent terms: (d) relative. "Relative" excludes family relationships that consist of non-relatives but is acceptable where (as here) it is not used restrictively, since "friends" are also included. Category 11: Spouse definition: (g) extended definition.
HEALTH CARE (CONSENT) AND CARE FACILITY (ADMISSIONS) ACT	RS 1996 (Supp), c. 181	025	Consent on behalf of an adult to use of restraints may be granted only after consulting "to the greatest extent possible" with the adult's spouse, relative or friend who asks to assist.	Definition of "spouse" changed.	Category 12: Generic use of "family" and equivalent terms: (d) relative. "Relative" excludes family relationships that consist of non-relatives but is acceptable where (as here) it is not used restrictively, since "friends" are also included. Category 11: Spouse definition: (g) extended definition.
HEALTH CARE (CONSENT) AND CARE FACILITY (ADMISSIONS) ACT	RS 1996 (Supp), c. 181	020	A facility care operator may allow a person's spouse, relatives or friends who accompany the person to help the person understand the facility care proposal.	Definition of "spouse" changed.	Category 12: Generic use of "family" and equivalent terms: (d) relative. "Relative" excludes family relationships that consist of non-relatives but is acceptable where (as here) it is not used restrictively, since "friends" are also included. Category 11: Spouse definition: (g) extended definition.
HEALTH CARE (CONSENT) AND CARE FACILITY (ADMISSIONS) ACT	RS 1996 (Supp), c. 181	014	The rules for determining how to provide major treatment when an adult is incapable of making decisions, in the absence of a substitute decision maker, provide for consultation with the adult's spouse, relative or friend "or any other person who has relevant information". The rules provide how decisions can be made in particular circumstances.	Definition of "spouse" changed.	Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. (b) reference sufficiently inclusive. Category 11: Spouse definition: (g) extended definition.
HEALTH CARE (CONSENT) AND CARE FACILITY (ADMISSIONS) ACT	RS 1996 (Supp),	013	Preliminary health care may be provided if the adult requests	Definition of "spouse" changed.	Category 14: Household members. Policy is to recognize the family

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
FACILITY (ADMISSIONS) ACT	c. 181		it, or it is requested by the adult's spouse, relative or friend.		status of people (including non-relatives) living together as family. (b) reference sufficiently inclusive.
HEALTH CARE (CONSENT) AND CARE FACILITY (ADMISSIONS) ACT	RS 1996 (Supp), c. 181	028	Decisions made under the Act on behalf of an adult may be reviewed on the request of, among others, the adult's "spouse, relative or friend".	Definition of "spouse" changed.	Category 11: Spouse definition: (g) extended definition. Category 12: Generic use of "family" and equivalent terms: (d) relative. "Relative" excludes family relationships that consist of non-relatives but is acceptable where (as here) it is not used restrictively, since "friends" are also included. Category 11: Spouse definition: (g) extended definition.
HEALTH CARE (CONSENT) AND CARE FACILITY (ADMISSIONS) ACT	RS 1996 (Supp), c. 181	019	A temporary substitute decision maker must consult with the adult, but there is no obligation to consult with the adult's friends or relatives unless the selection had to be authorized by the Public Trustee.	FSRA defines "relative".	Category 12: Generic use of "family" and equivalent terms: (d) relative. "Relative" excludes family relationships that consist of non-relatives but is acceptable where (as here) it is not used restrictively, since "friends" are also included. Category 11: Spouse definition: (g) extended definition. The FSRA defines "relative" as including a person's spouse. See the definition of "spouse" in s. 1 of this Act.
HOME CONVERSION AND LEASEHOLD LOAN ACT	RSBC 1996, c. 192	006	To receive preferred interest rates, the borrower or the borrower's spouse must meet B.C. residency requirements.	Definition of "spouse" changed.	
HOME OWNER GRANT ACT	RS 1996 (Supp), c. 194	001		Definition of "spouse" changed.	
HOME OWNER GRANT ACT	RSBC 1996, c. 194	004	Homeowner grants are also available where eligible residences are located on land cooperatives, on the same basis as eligible single family dwellings (including the rules that apply with respect to persons with disabilities, and the death of an occupant).	Definition of "spouse" changed.	
HOME OWNER GRANT ACT	RSBC 1996, c. 194	002	2(2) An owner who resides in an eligible residence can apply for a grant against property taxes. If the owner, the owner's spouse, or a relative residing with the owner, have disabilities, a larger grant is available.	Definition of "spouse" changed.	Category 11: Spouse definition: (g) extended definition.

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
HOME OWNER GRANT ACT	RS 1996 (Supp), c. 194	002	2(6) and (7) If an owner dies, the owner's spouse or relative, if occupying the residence as their principal residence, may claim the grant that would have been available to the owner for that year (whether the property is registered in the name of the owner, the owner's estate, the spouse or the relative).	Definition of "spouse" changed.	
HOME OWNER GRANT ACT	RSBC 1996, c. 194	003	Homeowner grants are also available where units in buildings are "owned" (e.g., apartment cooperatives, co-ops) on the same basis as eligible single family dwellings (including the rules that apply with respect to persons with disabilities, and the death of an occupant).	Definition of "spouse" changed.	
HOME OWNER GRANT ACT	RS 1996 (Supp), c. 194	004		Definition of "spouse" changed.	
HOME OWNER GRANT ACT	RSBC 1996, c. 194	005	Homeowner grants are also available where units are in "multi-dwelling leased parcels" on the same basis as eligible single family dwellings (including the rules that apply with respect to persons with disabilities, and the death of an occupant).	Definition of "spouse" changed.	
HOME OWNER GRANT ACT	RS 1996 (Supp), c. 194	003		Definition of "spouse" changed.	
HOME OWNER GRANT ACT	RS 1996 (Supp), c. 194	005		Definition of "spouse" changed.	
HOME OWNER GRANT ACT	RSBC 1996, c. 194	006	Only one grant is available to spouses in a year.	Definition of "spouse" changed.	- extended definition of "spouse".
HOME PURCHASE ASSISTANCE ACT	RSBC 1996, c. 195	004	Grants are only available to a person if the person, or the person's "spouse" (undefined), meet residency requirements.	FSRA defines "spouse".	Category 11: Spouse definition: (g) extended definition. The meaning of spouse would be extended by the Family Status Recognition Act. A special definition establishing a duration of relationship test is not required since spousal status has limited consequences (to establish residency). The FSRA allows a third party to require

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
HOMESTEAD ACT	RSBC 1996, c. 197	000	Sections refer to "spouse" and "surviving spouse". A filing can be made that protects the interest of a spouse in a "homestead" on succession or from creditors.	FSRA defines "spouse".	proof of the relationship if there are concerns over its legitimacy. Category 11: Spouse definition: (g) extended definition. The meaning of "spouse" and "surviving spouse" would be extended by the Family Status Recognition Act (and the status would persist until the parties are separated for one year, make a separation agreement, or a court order is made recognizing the end of the relationship). Category 11: Spouse definition: (g) extended definition.
HOMESTEAD ACT	RSBC 1996, c. 197	005		FSRA defines "spouse".	Category 11: Spouse definition: (g) extended definition.
HOMESTEAD ACT	RSBC 1996, c. 197	006		FSRA defines "spouse".	Category 11: Spouse definition: (g) extended definition.
HOSPITAL INSURANCE ACT	RSBC 1996, c. 204	007	The minister (or an officer) can demand information about a person's family necessary for the proper administration of the Act.	FSRA defines "family".	Category 12: Generic use of "family" and equivalent terms: (a) family. The FSRA defines "family" as including a person's spouse and people (including non-relatives) living together as family.
HOSPITAL INSURANCE ACT	RSBC 1996, c. 204	005	A family member (undefined), or some other person having knowledge of the facts, must make the application on behalf of a person requiring admission to a hospital who is a dependant, or who is unable to make an application.	FSRA defines "family".	Category 12: Generic use of "family" and equivalent terms: (a) family. The FSRA defines "family" as including a person's spouse and people (including non-relatives) living together as family. The section is not restricted, however, since the application may also be made by "some other person having knowledge of the facts".
HOTEL ROOM TAX ACT	RSBC 1996, c. 207	024	A lien to secure unpaid taxes may be filed against land used in the business that is owned by the operator, an associated corporation of the person, or a "related individual of the person" as defined in the Property Transfer Tax Act (spouse, or the owner or spouse's child, grandchild, great grandchild, parent, grandparent or greatgrandparent).	The Property Transfer Tax Act definition is changed.	Category 11: Spouse definition: (g) extended definition. The definition in the Property Transfer Tax Act will be enlarged. Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) who live together as family. Reason for not applying policy: the power provided under this legislation to attach property owned by relatives of the tax debtor is extraordinary and should not be lightly extended.

Table II: Sections not amended, but affected by other changes

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Meaning of section</i>	<i>Change</i>	<i>Notes</i>
HUMAN TISSUE GIFT ACT	RSBC 1996, c. 211	012	Information (about a person who withheld consent, a donor, or a recipient) may not be disclosed without the permission of the party concerned. The recipient or, if a minor, the person's parent or guardian, may consent on behalf of the recipient. The donor, or a person listed in s. 5, may consent on behalf of the donor.	Changed by the amendment to s. 5.	
HYDRO AND POWER AUTHORITY ACT	RSBC 1996, c. 212	036	Payments on the death of a member to a beneficiary or spouse (undefined) are exempt from execution.	FSRA defines "spouse".	Category 2: Pension/employment benefits. Spouse is not defined, so the general definition in the FSRA would apply. The section, however, creates an exemption from execution, not an entitlement to benefits. The terms of the plan will determine who qualifies as a spouse.
INFANTS ACT	RSBC 1996, c. 223	006	The Public Trustee may apply to sell land owned by an infant in a number of circumstances. If so, the infant's successors ("heirs, next of kin, or other representatives") have the same rights in the proceeds, in the event of the infant's death, they would have had in the land.	FSRA defines "next of kin".	Category 12: Generic use of "family" and equivalent terms: (c) next of kin: policy is to reserve next of kin for its technical meaning. The FSRA defines "next of kin" as meaning the person who would succeed to another's property on an intestacy under the Estate Administration Act. - this s. preserves the rights of next of kin, and its effect is unchanged by defining next of kin in the Family Status Recognition Act to incorporate the EAA rules.
INSURANCE (MOTOR VEHICLE) ACT	SBC 1997, c. 43	19.1	Excludes ICBC's liability to compensate for injury from the use of a weapon (other than a vehicle used as a weapon) to the wrongdoer, the victim, or each person's spouse, child, parent or personal representative.	FSRA defines "spouse".	- these terms are not defined (and, except for this section) are not used in the Act. The exclusion, consequently, will apply to extended relationships as defined by the Family Status Recognition Act. The definition of "family" includes people (including non-relatives) living together as family. If the regulations are amended to recognize this relationship, this section would have to be amended.
INSURANCE ACT	RSBC 1996, c. 226	140	If an insured dies, the insured's spouse ("if residing in the same dwelling premises"	FSRA defines "spouse".	Category 11: Spouse definition: (g) extended definition. The meaning of spouse would be

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
			at the time of death), becomes the insured under an automobile insurance policy.		extended by the Family Status Recognition Act. Category 8: Succession Rights. (No duration of relationship test is necessary for succession rights of this nature: it is intended to extend continuity of insurance within a calendar year where there has been a death). Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. Reason for not applying policy: (b) reference sufficiently inclusive: see para. (b) of the section. Category 11: Spouse definition: (g) extended definition. The meaning of spouse would be extended by the Family Status Recognition Act.
INSURANCE ACT	RSBC 1996, c. 226	150	An insurer can exclude liability for a variety of uses (mostly commercial) of motor vehicles, but various occasional uses do not come within the exceptions. One involves transporting the insured's or the insured's spouse's domestic servants.	FSRA defines "spouse".	
INTERNATIONAL FINANCIAL BUSINESS ACT	RSBC 1996, c. 234	020	Regulations may be made respecting the disclosure requirements for persons who, with respect to licensed corporations, are "related persons" and respecting prohibited and permitted transactions between licensed corporations and "related persons".	Rules determining "related persons" changed.	
INTERNATIONAL TRUSTS ACT	RSBC 1996, c. 237	000	A trust recognized under the convention will have certain incidents, one of which is that trust assets form no part of matrimonial property of the trustee and the trustee's spouse. The rules, however, do not affect the law that would determine succession rights for a trustee's spouse or relatives.	FSRA defines "spouse" and "relative".	Category 11: Spouse definition: (g) extended definition. The meaning of spouse would be extended by the Family Status Recognition Act. In each case the reference in the Convention does not confer rights, and therefore, the change will not affect the operation of the Convention. For the same reason, there is no need for a duration of relationship test. Category 12: Generic use of "family" and equivalent terms: (d) relative: "relative" excludes family relationships that consist of non-relatives. In this instance, because the Convention does not confer

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
LAND (SPOUSE PROTECTION) ACT	RSBC 1996, c. 246	002	The spouse of an owner can make a protective filing against title to a homestead. The application can be made on the spouse's behalf by, e.g., the owner.	Definition of "spouse" changed.	rights, use of the term is acceptable. - if a filing is made by the non-owning spouse, and the land is not a homestead, the filing can be cancelled under s. 12.
LAND (SPOUSE PROTECTION) ACT	RSBC 1996, c. 246	010	A spouse may abandon rights in the homestead using the prescribed form.	Definition of "spouse" changed.	
LAND (SPOUSE PROTECTION) ACT	RSBC 1996, c. 246	007	After an entry, a disposition by an owner will require a filed consent by the spouse (unless the spouse is a party to the disposition).	Definition of "spouse" changed.	
LAND (SPOUSE PROTECTION) ACT	RSBC 1996, c. 246	004	After an entry is made, a surviving spouse is entitled to a life estate in the homestead (subject to the claims of creditors) on the death of the owner.	Definition of "spouse" changed.	
LAND (SPOUSE PROTECTION) ACT	RSBC 1996, c. 246	009	A spouse who executes the contract for sale, or gave written consent to its execution, after there has been part performance by the purchaser, is deemed to consent to the disposition.	Definition of "spouse" changed.	
LAND (SPOUSE PROTECTION) ACT	RSBC 1996, c. 246	012	A court may cancel an entry if the land is not a homestead or the entry otherwise should not have been made.	Definition of "spouse" changed.	
LAND SURVEY ACT	RSBC 1996, c. 247	009	Service must be on the person, or an adult member of the person's "family" at the person's residence.	FSRA defines "family".	Category 12: Generic use of "family" and equivalent terms: (a) family: policy is not to replace generic terms with more precise lists of family relationships (although the FSRA clarifies that "family" includes a person's spouse and a second person (including a non-relative) living with a first person in a close relationship that is equivalent to a family relationship).
LAND TAX DEFERMENT ACT	RSBC 1996, c. 249	004	The Act allows B.C. residents over 60, persons whose spouses have died and disabled persons and others, to defer property taxes until the property is disposed. A transfer to a surviving spouse (undefined) on the death of the owner is	FSRA defines "spouse" and "surviving spouse".	Category 11: Spouse definition: (g) extended definition. The meaning of surviving spouse would be extended by the Family Status Recognition Act. No duration of relationship test is required. Category 14: Household members. Policy is to recognize the family

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
			not considered to be a transfer.		status of people (including non-relatives) living together as family. Reason for not applying policy: (a) problems of proving relationship. (c) concerns about unjustified claims. The deferral of taxes is a special tax privilege, in this case restricted to older members of the community. The recognition of extended family relationships is not reason to extend the tax privilege beyond a person's spouse.
LAW AND EQUITY ACT	RSBC 1996, c. 253	050	An RHSP designation in favour of a spouse is effective if in writing, or in a will. [This s. is repealed in the Supp.]	FSRA defines "spouse".	- RHSP's are dead letters. The meaning to be attached to "spouse" would include the extended definition under the Family Status Recognition Act. Note, s. 50 is repealed by legislation in the 1996 Supp.
LEGAL SERVICES SOCIETY ACT	RSBC 1996, c. 256	003	Sets out situations in which legal aid will be available, of which two are (a) where the legal problem threatens a person's "family's" (undefined) physical or mental safety or health, and (b) where it threatens a person's ability to feed, clothe or house the person or the person's "dependants" (undefined).	FSRA defines "family".	Category 12: Generic use of "family" and equivalent terms: (a) family. (b) dependant: policy is not to substitute other terms for "dependant" when it is used only in a general sense to describe family relationships (or is used as a general term which is more precisely defined in regulations). The FSRA, however, defines "family" as including a person's spouse, and people (including non-relatives) living together as family.
LEGISLATIVE ASSEMBLY ALLOWANCES AND PENSION ACT	RSBC 1996, c. 257	030	The commissioner may apply the pension for the benefit of a member's "spouse or children" if the member is in receipt of a superannuation allowance and unfit to manage affairs.	Definition of "spouse" changed.	Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. Reason policy not applied: the section is an alternative to committee ship. It is not clear what policy supports the section. Consequently, it is not proposed to expand its ambit. If other persons should be entitled to support from a member who is no longer capable of managing affairs, committee ship proceedings must be brought.
LEGISLATIVE ASSEMBLY ALLOWANCES AND PENSION ACT	RSBC 1996, c. 257	026	A member can make additional "voluntary contributions" which would enhance the regular pension entitlement. These must be refunded if the	Definition of "spouse" changed.	

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
LEGISLATIVE ASSEMBLY ALLOWANCES AND PENSION ACT	RSBC 1996, c. 257	017	<p>member dies before retiring and a refund is paid. They must also be refunded in circumstances where member or surviving spouse elects a refund of pension credits. The member (or surviving spouse) may also elect to take a pension and have voluntary contributions refunded.</p> <p>17(1) On a member or "surviving spouse" becoming eligible for a pension, the present value of the allowance is to be transferred to the public service superannuation fund.</p> <p>17(2) The commissioner must pay the monthly allowance to the member or "surviving spouse" in arrears.</p>	Definition of "spouse" changed.	
LEGISLATIVE ASSEMBLY ALLOWANCES AND PENSION ACT	RSBC 1996, c. 257	032	<p>Regulations can be made to provide for proof of the age of a "spouse".</p>	Definition of "spouse" changed.	- as formerly drafted ("providing for the manner of proving the age of a contributor and the contributor's spouse and of their marriage") the s. seemed to provide that regulations can be made for the manner of "proving the age of...their marriage." Bill 38 amended this by deleting "of their marriage." It would make sense to allow regulations to be made that set out how to establish the existence of a spousal relationship. The section could have been amended by deleting "marriage" and substituting "the existence of the spousal relationship." But no change is proposed.
LIQUOR CONTROL AND LICENSING ACT	RSBC 1996, c. 267	033	The prohibition against supplying a minor with liquor does not apply to the minor's parent, spouse or guardian.	FSRA defines "spouse".	<p>Category 11: Spouse definition: (g) extended definition. The meaning of spouse is extended by the Family Status Recognition Act.</p> <p>Category 9: Parents: Person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that relationship). Reason for not applying policy: (a) problems of proving relationship. The importance attached to</p>

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
MARRIAGE ACT	RBC 1996, c. 282	013	Doukhobor marriages require a formal proclamation by, in order of priority, a parent, next of kin, or a person authorized by the parties.	FSRA defines "next of kin".	regulating the supply of alcohol to minors suggests that the meaning of parent in this instance should not include a person who stands in place of a parent. Category 12: Generic use of "family" and equivalent terms: (c) next of kin: policy is to reserve next of kin for its technical meaning. The FSRA defines "next of kin" as meaning the person who would succeed to another's property on an intestacy under the Estate Administration Act. - the section is drafted so that giving "next of kin" its technical meaning will not result in any person in an extended family situation from being excluded from making the required proclamation.
MEDICAL PRACTITIONERS ACT	RBC 1996, c. 285	098	Funds paid to the College of Physicians and Surgeons may be used for a variety of listed purposes, including to assist a member or former member of the College, or that person's "spouse, parent, child, brother, sister or other member of the family" or a "person who is or was dependent on" the member (none of which are defined).	FSRA defines "spouse" and "family".	Category 1: Benevolent funds. Other statutes that address this issue do not set out lists of permitted relationships. They simply refer to a member's "family". This list, however, is sufficiently inclusive. Category 11: Spouse definition: (g) extended definition. The meaning of spouse would be extended by the Family Status Recognition Act. There is no need for a duration of relationship test. Category 12: Generic use of "family" and equivalent terms: (a) family: policy is not to replace generic terms with more precise lists of family relationships (although the FSRA clarifies that "family" includes a person's spouse and a second person (including a non-relative) living with a first person in a close relationship that is equivalent to a family relationship, to ensure that its general meaning includes extended family relationships).
MEDICARE PROTECTION ACT	RBC 1996, c. 286	007	Provides for the enrollment of a B.C. resident and for the resident's "spouse" or "child"	Definition of "spouse" changed.	

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
MEDICARE PROTECTION ACT	RSBC 1996, c. 286	005	who are also resident (both defined). A spouse is not entitled to be enrolled if making a separate application or if living separate and apart from the resident. A child is not entitled to be enrolled if making a separate application or if living independently of the resident. (1997 amendments) Among the Commission's powers is the ability to determine whether a person qualifies as a resident, and as a resident's "spouse" or "child" (both defined).	Definition of "spouse" changed.	
MEDICARE PROTECTION AMENDMENT ACT	SBC 1997, c. 26	007		Definition of "spouse" changed.	
MEMBERS' CONFLICT OF INTEREST ACT	RSBC 1996, c. 287	016	A member must make a disclosure statement to the commissioner, after which the member (and the member's "spouse", if available) must meet with the commissioner to ensure that adequate disclosure has been made, and how to comply with the obligations placed on the member by the Act. The member is under a continuing obligation to disclose material changes with respect to the member, the member's spouse, minor children, and private corporations controlled by them.	Definition of "spouse" changed.	
MEMBERS' CONFLICT OF INTEREST ACT	RSBC 1996, c. 287	017	The Commissioner must prepare a public disclosure statement about the finances of the member and the member's "spouse" or minor "children".	Definition of "spouse" changed.	
MENTAL HEALTH ACT	RSBC 1996, c. 288	033	An application to court may be made by a patient or a near relative or any other person who believes that the patient should not be admitted, or should be released.	Definition of "near relative" changed.	- the section allows an application to be brought by all relevant parties.
MENTAL HEALTH ACT	RSBC 1996, c. 288	037	The director may temporarily release a patient to relatives or others capable of assuming responsibility for the patient's care.	FSRA defines "relative".	Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. Reason for not applying

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
					policy: (b) reference sufficiently inclusive: the reference is to "relatives of the patient or others..."
					Category 12: Generic use of "family" and equivalent terms: (d) relative. "Relative" excludes family relationships that consist of non-relatives but is acceptable where (as here) it is not used restrictively.
					Category 11: Spouse definition: (g) extended definition. The FSRA defines "relative" as including a person's spouse and provides an extended definition of spouse (with no requirement for a duration of relationship test).
MENTAL HEALTH ACT	SBC 1998, c. 35	020		Definition of "parent" changed.	
MENTAL HEALTH ACT	SBC 1998, c. 35	034.2		Definition of "near relative" changed.	
MENTAL HEALTH ACT	RS 1996 (Supp), c. 288	001		Definition of "near relative" changed.	
MENTAL HEALTH ACT	RSBC 1996, c. 288	019	A person applying for the admission of a female patient must also arrange that the patient be accompanied by a "near relative" (defined) or a female person.	Definition of "near relative" changed.	
MENTAL HEALTH ACT	RSBC 1996, c. 288	025	A person who becomes a patient by involuntary admission may request a review, and one member of the panel may be selected by the patient, although may not be a member of the patient's family (undefined).	FSRA defines "family".	Category 12: Generic use of "family" and equivalent terms: (a) family. The Family Status Recognition Act defines family as including a person's spouse and persons (including non-relatives) who live with the patient as family.
MINING TAX ACT	RSBC 1996, c. 295	005	When determining the net income from a mining operation for tax purposes, s. 5 lists expenses that may not be deducted from a taxpayer's net income, including "the domestic or personal expenses of the taxpayer and the taxpayer's family."	FSRA defines "family".	Category 12: Generic use of "family" and equivalent terms. Policy is not to change references to "family" and "families" and other terms which are undefined and used in only a general sense. Here "family" is used in a generic sense and in a negative sense, in characterizing expenses that cannot be deducted. Expanding the meaning of "family" expands the effect of the exclusion, but first there would have to be something which would

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
MOTOR VEHICLE (ALL TERRAIN) ACT	RSBC 1996, c. 319	006	An owner of an all terrain vehicle is vicariously responsible for damage or loss caused by an operator using it and is conclusively deemed to have permitted its use if the operator is "living with and as a member of the family of the owner" or is employed by the owner.	FSRA defines "family".	allow the deduction in the first place. Category 14: Household members. The s. currently uses an extended definition of family. Parallels policy adopted under the Motor Vehicle Act.
MOTOR VEHICLE ACT	RSBC 1996, c. 318	086	In an action for damages arising from operation of a motor vehicle on a highway, the operator is deemed to be an employee of the owner driving in the course of employment if "living with and as a member of the family of the owner" or driving it with the owner's consent.	FSRA defines "family".	Category 14: Household members. The current section adopts an extended definition of family.
MOTOR VEHICLE ACT	RSBC 1996, c. 318	035	ICBC may exempt a consular officer or the officer's "spouse" (undefined) who has a valid foreign driver's license from the requirements of the Act concerning having a valid driver's license.	FSRA defines "spouse".	Category 11: Spouse definition: (g) extended definition. "Spouse" will include extended relationships under the Family Status Recognition Act. No duration of relationship test is required.
MUNICIPAL ACT	RSBC 1996, c. 323	996	Registration of the common mass in trust for owners of new parcels after a re-plotting must show various things, including a claim by a spouse under the Land (Spouse Protection) Act.	Changes to the Land (Spouse Protection) Act	Category 11: Spouse definition: (g) extended definition. The meaning of "spouse" will be controlled by persons capable of making a claim under the Land (Spouse Protection) Act.
MUNICIPAL ACT	RSBC 1996, c. 323	388	A council has discretion concerning payment of taxes by a soldier, or if the soldier is deceased, the soldier's "surviving spouse" or "orphan".	FSRA defines "spouse" and "surviving spouse".	Category 11: Spouse definition: (g) extended definition. The reference to spouse will be extended by the Family Status Recognition Act. The fact that relief is discretionary means that a duration of relationship test is not required. Use of "orphan" is probably less preferable than "child". But this section would seem to be more of historical interest. "Soldier" is defined in the Allied Forces Exemption Acts of 1919 and 1939.
MUNICIPAL ACT	RSBC 1996, c. 323	1002	If a municipality adopts a re-plotting scheme, a Commissioner must be appointed	FSRA defines "spouse".	Category 11: Spouse definition: (g) extended definition. The extended definition of spouse

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
			to consider complaints. The Commissioner may not be a member of council, an owner in the district, or a spouse of an owner.		will apply with the amendment to the Family Status Recognition Act (policy is not to require a duration of relationship test for legislation addressing conflicts of interest). The FSRA rules for determining when the relationship ends (after one year separation, or the making of a separation agreement or court order) are also satisfactory for conflict of interest purposes. Category 4: Conflicts of interest/Arms' length transactions: B.C. statutes adopt various rules for determining which classes of family relationships raise questions about conflict of interest or whether parties are dealing at arms' length. These statutes have been reviewed to ensure that they recognize extended family relationships within the identified classes. It would be desirable to address standardizing the rules relating to conflicts of interest and (arms' length transactions), but that is outside the scope of this initiative.
MUSIC TEACHERS (REGISTERED) ACT	RSBC 1996, c. 327	010	The B.C. Registered Music Teacher's Association may administer a benevolent fund for members and the families (undefined) of deceased members.	FSRA defines "family".	Category 1: Benevolent funds. Category 12: Generic use of "family" and equivalent terms. Policy is not to replace generic terms with more precise lists of family relationships (although the FSRA clarifies that "family" includes a person's spouse and people (including non-relatives) who live with the person as family.
NAME ACT	RSBC 1996, c. 328	003	On marriage, a spouse may keep a surname, change it to that of the other spouse, or change it to a surname the spouse had by birth or adoption.	FSRA defines "spouse".	- the structure of the section restricts the use of the word "spouse" to married relationships.
NEGLIGENCE ACT	RSBC 1996, c. 333	005	Damages for bodily injury or death of a "married person" caused by the contributory fault of the "spouse" (undefined) of the "married	FSRA defines "spouse".	Category 11: Spouse definition: (g) extended definition. Reason policy not applied: (a) section has only historical relevance. The prohibition only ever applied

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
			person" is not recoverable for any cause of actions arising before April 17, 1985.		to married persons. Extending the Family Status Recognition Act definition of "spouse" will not affect the section, since the meaning of "spouse" is restricted by the context to those spouses who qualify as "married persons".
OFFENCE ACT	RSBC 1996, c. 338	089	A condition of a suspended sentence may be that the defendant provide for the support of the defendant's spouse and dependants (both undefined).	FSRA defines "spouse".	Category 11: Spouse definition: (g) extended definition. "Spouse" will have an extended meaning under the Family Status Recognition Act. Category 12: Generic use of "family" and equivalent terms: (b) dependant: policy is not to substitute other terms for "dependant" when it is used only in a general sense to describe family relationships.
PATIENTS PROPERTY ACT	RSBC 1996, c. 349	014	The committee may decline compensation if, in the committee's opinion, the estate is insufficient to pay it. If claimed, however, the committee (or former committee) has a lien for all costs, expenses and advances incurred on behalf of the patient and the patient's family (undefined) or other dependants (undefined).	FSRA defines "family".	Category 12: Generic use of "family" and equivalent terms: (a) family. (b) dependants. Policy is not to replace generic terms with more precise lists of family relationships (although the FSRA clarifies that "family" includes a person's spouse and a second person (including a non-relative) living with a first person in a close relationship that is equivalent to a family relationship, to ensure that its general meaning includes extended family relationships).
PATIENTS PROPERTY ACT	RSBC 1996, c. 349	002	An application for committeehip may be brought by the A.G., a "near relative" (undefined) or "other person".	FSRA defines "relative".	Category 12: Generic use of "family" and equivalent terms: (d) relative. The FSRA defines "relative" as including a person's "spouse". Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. Reason for not applying policy: (b) reference sufficiently inclusive. The section allows near relatives and "other persons" to apply, so there is no need to revise it.
PATIENTS PROPERTY ACT	RSBC 1996, c. 349	018	A committee is under a duty to act on behalf of the patient and the patient's family, having regard to the patient's property and the circumstances.	FSRA defines "family".	Category 12: Generic use of "family" and equivalent terms: (a) family.

Table II: Sections not amended, but affected by other changes

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Meaning of section</i>	<i>Change</i>	<i>Notes</i>
PENSION (COLLEGE) ACT	RSBC 1996, c. 353	022		Definition of "spouse" changed.	
PENSION (COLLEGE) ACT	RSBC 1996, c. 353	019		Definition of "spouse" changed.	
PENSION (MUNICIPAL) ACT	RSBC 1996, c. 355	036		Definition of "spouse" changed.	
PENSION (MUNICIPAL) ACT	RSBC 1996, c. 355	026		Definition of "spouse" changed.	
PENSION (MUNICIPAL) ACT	RSBC 1996, c. 355	005		Definition of "spouse" changed.	Category 11: Spouse definition: (d) widow/widower/widowed. Policy is to replace these terms with "surviving spouse". Reason policy not applied: (b) section has no prospective application.
PENSION (MUNICIPAL) ACT	RSBC 1996, c. 355	021		Definition of "spouse" changed.	
PENSION (MUNICIPAL) ACT	RSBC 1996, c. 355	017(4)		Definition of "spouse" changed.	
PENSION (PUBLIC SERVICE) ACT	RSBC 1996, c. 356	036		Definition of "spouse" changed.	
PENSION (PUBLIC SERVICE) ACT	RSBC 1996, c. 356	032		Definition of "spouse" changed.	
PENSION (PUBLIC SERVICE) ACT	RSBC 1996, c. 356	035		Definition of "spouse" changed.	
PENSION (PUBLIC SERVICE) ACT	RSBC 1996, c. 356	027		Definition of "spouse" changed.	
PENSION (PUBLIC SERVICE) ACT	RSBC 1996, c. 356	021		Definition of "spouse" changed.	
PENSION (TEACHERS) ACT	RSBC 1996, c. 357	024		Definition of "spouse" changed.	
PENSION (TEACHERS) ACT	RSBC 1996, c. 357	034		Definition of "spouse" changed.	
PENSION BENEFITS STANDARDS ACT	RSBC 1996, c. 352	045	A plan winding up must provide a plan for allocating assets between members (their spouses, designated beneficiaries and estates) and the employer.	Definition of "spouse" changed.	
PENSION BENEFITS STANDARDS ACT	RSBC 1996, c.	035	A member who has a spouse at the date of retirement must	Definition of "spouse" changed.	

Table II: Sections not amended, but affected by other changes

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Meaning of section</i>	<i>Change</i>	<i>Notes</i>
	352		elect a pension in the form of a joint annuity paying at least 60 per cent of the value of the pension to the spouse on the member's death, unless the spouse waives that right.		
PENSION BENEFITS STANDARDS ACT	RSBC 1996, c. 352	074	Among the regulations that can be made are those relating to how "spousal" (not defined) waivers and consents are to be made.	Definition of "spouse" changed.	
PENSION BENEFITS STANDARDS ACT	RSBC 1996, c. 352	042	Conflicts of interest. Defines who may be a fundholder. If trustees are fundholders, there must be at least three, one of whom may not be related to the employer as a "significant shareholder" (owning more than 10 per cent of voting shares alone or with a parent, brother, sister, spouse or child).	Definition of "spouse" changed.	Category 4: Conflicts of interest/Arms' length transactions: B.C. statutes adopt various rules for determining which classes of family relationships raise questions about conflict of interest or whether parties are dealing at arms' length. These statutes have been reviewed to ensure that they recognize extended family relationships within the identified classes. It would be desirable to address standardizing the rules relating to conflicts of interest and (arms' length transactions), but that is outside the scope of this initiative.
PENSION BENEFITS STANDARDS ACT	RSBC 1996, c. 352	040	Despite the usual rules, the commuted value of a small pension (defined) can be transferred from the plan when the member terminates employment. Alternative arrangements for early payment can also be made where a member (or surviving spouse) has a terminal illness.	Definition of "spouse" changed.	
PENSION BENEFITS STANDARDS ACT	RSBC 1996, c. 352	010	A plan administrator must provide prescribed information to a "surviving spouse" entitled to a benefit under the pension by reason of the death of the member.	Definition of "spouse" changed.	
PENSION BENEFITS STANDARDS ACT	RSBC 1996, c. 352	030	After the initial qualification date, pension benefits are locked in and may not be withdrawn, except as a pension, by the member or the member's surviving spouse.	Definition of "spouse" changed.	
PENSION BENEFITS STANDARDS ACT	RSBC 1996, c. 352	036	Remarriage by a surviving spouse does not affect rights to a survivorship benefit (as of Jan. 1, 1993, the date the PBSA came into force).	Definition of "spouse" changed.	

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
PENSION BENEFITS STANDARDS ACT	RSBC 1996, c. 352	023	A plan must provide benefits equal to or more favourable than those required under this Part for members, their spouses, designated beneficiaries and estates.	Definition of "spouse" changed.	
PERPETUITY ACT	RSBC 1996, c. 358	010	If a perpetuity period must be determined by reference to lives in being, the lives in being may include a person's children and grandchildren, whenever born. Where the gift depends upon the spouse of a person in being, the spouse need not be ascertainable at the beginning of the perpetuity period.	FSRA defines "spouse".	Category 11: Spouse definition: (g) extended definition. "Spouse" will have an extended definition under the Family Status Recognition Act.
PERPETUITY ACT	RSBC 1996, c. 358	004	The rules respecting perpetuities and accumulations do not apply to a number of special trusts, including pension plans established for persons, their surviving spouses, dependants or other beneficiaries.	FSRA defines "spouse".	Category 9: Parents: (b) person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that relationship). Revising the perpetuities principles on this basis, however, would do little to advance the objective of recognizing the range of family forms in B.C., but would further complicate the already complex legal principles that apply. Category 11: Spouse definition: (g) extended definition. "Spouse" will have an extended definition under the Family Status Recognition Act (although statutes regulating pensions will restrict the meaning to include a duration of relationship test). Category 12: Generic use of "family" and equivalent terms: (b) dependant.
POWER OF ATTORNEY ACT	RSBC 1996, c. 370	008	An enduring power of attorney may be made in writing. The donor's signature cannot be witnessed by the attorney or the attorney's spouse.	FSRA defines "spouse".	Category 4: Conflicts of interest/Arms' length transactions: B.C. statutes adopt various rules for determining which classes of family relationships raise questions about conflict of interest or whether parties are dealing at arms' length. These statutes have been reviewed to ensure that they recognize extended family relationships within the identified classes. It would be desirable to address standardizing the rules relating to conflicts of interest and (arms' length transactions), but that is outside the scope of this initiative.

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
PROPERTY TRANSFER TAX ACT	RSBC 1996, c. 378	003	Multiple transactions respecting the same land by "related individuals" (defined) within a 6 month period are to be treated as a single transaction and tax is to be based on the total fair market value of the transactions (an application may be made for relief from tax under s. 20).	Definition of "related individual" changed.	Category 11: Spouse definition: (g) extended definition. "Spouse" will have an extended definition under the Family Status Recognition Act. This is a conflicts of interest provision and, therefore, policy is not to require a duration of relationship test.
PROPERTY TRANSFER TAX ACT	RSBC 1996, c. 378	008	The s. 4(4) rules apply to determining whether security that replaces an "eligible security" (defined) continues to qualify as an eligible security.	Definition of "related individual" changed.	Category 4: Conflicts of interest/Arms' length transactions: B.C. statutes adopt various rules for determining which classes of family relationships raise questions about conflict of interest or whether parties are dealing at arms' length. These statutes have been reviewed to ensure that they recognize extended family relationships within the identified classes. It would be desirable to address standardizing the rules relating to conflicts of interest and (arms' length transactions), but that is outside the scope of this initiative. - the definition of "eligible security" and these provisions are aimed at identifying arms length transactions. (Policy in this respect is to not require a duration of relationship test to establish a spousal relationship. To accomplish this would require having two definitions of spouse, one to identify arms' length transactions, the other for the purposes of tax relief. This is an issue that should be considered in a separate project on conflicts of interest/arms' length transactions).
PROPERTY TRANSFER TAX ACT	RSBC	004	An exemption from tax is	Definition of	

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
TAX ACT	1996, c. 378		available for 1st time home buyers, but not if the purchase is financed by a security with a "related individual" (this is accomplished through the definition of "eligible security" which excludes a security between a transferee and a person who is a "related individual".)	"related individual" changed.	
RAILWAY ACT	RSBC 1996, c. 395	226	The Act does not prevent railway companies from providing free or discounted tickets for officers or employees (or other persons the Minister may permit), or exchanging complimentary tickets with other railways for their officers and employees and their families (undefined) for passage or transportation of goods.	FSRA defines "family".	Category 12: Generic use of "family" and equivalent terms: (a) family: policy is not to replace generic terms with more precise lists of family relationships (although the FSRA clarifies that "family" includes a person's spouse and a second person (including a non-relative) living with a first person in a close relationship that is equivalent to a family relationship, to ensure that its general meaning includes extended family relationships).
RANGE ACT	RSBC 1996, c. 396	020	Licenses to use crown land for grazing or cutting hay may be cancelled if transferred, but s. 20 lists a number of exceptions, including a transfer to a family member or to a corporation controlled by a family member (defined as a "spouse, parent, child or sibling".)	FSRA defines "spouse".	Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. Reason policy not applied: (a) problems of proving relationship. (c) concerns about unjustified claims.
RECALL AND INITIATIVE ACT	RSBC 1996, c. 398	114	A person's personal expenses may include expenses incurred on behalf of children or other family members.	FSRA defines "family".	Category 12: Generic use of "family" and equivalent terms: (a) family: policy is not to replace generic terms with more precise lists of family relationships (although the FSRA clarifies that "family" includes a person's spouse and a second person (including a non-relative) living with a first person in a close relationship that is equivalent to a family relationship, to ensure that its general meaning includes extended family relationships).
RENT DISTRESS ACT	RSBC 1996, c.	002	Various items (the list has been long unreviewed) for use	FSRA defines "family".	Category 12: Generic use of "family" and equivalent terms:

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
	403		by the debtor and the debtor's "family" (not defined) are exempt from distress for rent.		(a) family: policy is not to replace generic terms with more precise lists of family relationships (although the FSRA clarifies that "family" includes a person's spouse and a second person (including a non-relative) living with a first person in a close relationship that is equivalent to a family relationship, to ensure that its general meaning includes extended family relationships).
REPRESENTATION AGREEMENT ACT	RS 1996 (Supp), c. 405	012	A person who appoints a representative may appoint a monitor, or state that a monitor is not required. Otherwise, the Public Trustee may appoint a "near relative" (defined) or adult friend to be a monitor.	Definition of "near relative" changed.	
REPRESENTATION AGREEMENT ACT	RS 1996 (Supp), c. 405	039	An attorney may bring an enduring power of attorney in under the new legislation, and may request the Public Trustee to appoint as monitor a "near relative" or friend of the donor.	Definition of "near relative" changed.	- the section, with the revision to "near relative" and by including "friends", is sufficiently inclusive.
RESIDENTIAL TENANCY ACT	RSBC 1996, c. 406	001	Definition of "family corporation" is a company owned by one individual, or by that individual and listed family members (father, mother, brother, sister, child, spouse, or spouse's mother, father or child).	FSRA defines "spouse".	Category 11: Spouse definition: (g) extended definition. The extended definition of "spouse" will apply with the amendment to the Family Status Recognition Act. Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. Reason policy not applied: changing the statute to recognize the status of household members would mean that a landlord could give notice to tenants that a household member would be living in the rental unit. But if the household member were to live there without the landlord, that would cause an end of the status as a household member.
RESIDENTIAL TENANCY ACT	RSBC 1996, c. 406	038	38(2) A landlord may give notice to a tenant if (a) the premises are sold to a person who intends to occupy it, or (b) if the sale is to a family	FSRA defines "spouse".	

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
RESIDENTIAL TENANCY ACT	RSBC 1996, c. 406	039	corporation (defined), a person who is a shareholder who intends to occupy it, or the person's spouse, parent, or child or the parent or child of the person's spouse intend to occupy it. 38(3) A landlord may give notice if the landlord personally, or, in the case of a family corporation, a person who is a shareholder, intends to occupy it, or the person's spouse, parent, or child or the parent or child of the landlord's spouse intend to occupy it. A tenant is entitled to compensation if given notice in the circumstances listed in s. 38 and the landlord or a family member listed in s. 38 does not within a reasonable time occupy the premises for at least 6 months.	FSRA defines "spouse".	
SCHOOL ACT	RSBC 1996, c. 412	079		FSRA defines "family".	
SOCIAL SERVICE TAX ACT	RSBC 1996, c. 431	103	The Commissioner may collect arrears of taxes by filing liens in the Land Title Office and in the special accounts receivable system maintained by the Commissioner against the land and personal property of the person operating the business or of a "related individual" of the person. Related individual is defined in the Property Transfer Tax Act and means a spouse, or the owner or spouse's child, grandchild, great grandchild, parent, grandparent or greatgrandparent. The Property Transfer Tax Act definition of "spouse" includes opposite sex relationships satisfying a 2 year cohabitation test.	Property Transfer Tax Act definitions changed.	- see the revised definitions in the Property Transfer Tax Act.
SOCIAL SERVICE TAX ACT	RSBC 1996, c. 431	129	Cabinet may exempt various people from paying tax, including foreign nationals involved in diplomatic work in B.C., and their "spouses"	FSRA defines "spouse".	Category 11: Spouse definition: (g) extended definition. The FSRA definitions will apply.

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
			(undefined).		
SURVIVORSHIP AND PRESUMPTION OF DEATH ACT	RSBC 1996, c. 444	001	An "interested person" may apply for a declaration that a missing person is presumed to be dead. The definition of "interested person" includes the missing person's "next of kin" (undefined).	FSRA defines "next of kin".	Category 12: Generic use of "family" and equivalent terms: (c) next of kin: policy is to reserve next of kin for its technical meaning (which is the intent of the section).
VANCOUVER CHARTER	SBC 1953, c. 55	565C	Council may permit occupation of a suite by members of the family or by household support persons employed by the owner of the principal dwelling unit.	FSRA defines "family".	
VANCOUVER CHARTER	SBC 1953, c. 55	565B	Council may define what constitutes a "family" and "household support persons", for the purposes of regulating the use of the principal dwelling unit and suites in the unit.	FSRA defines "family".	Category 12: Generic use of "family" and equivalent terms: (a) family: policy is not to replace generic terms with more precise lists of family relationships (although the FSRA clarifies that "family" includes a person's spouse and a second person (including a non-relative) living with a first person in a close relationship that is equivalent to a family relationship, to ensure that its general meaning includes extended family relationships). In any event, the section allows Council to adopt its own definition.
VETERINARIANS ACT	RSBC 1996, c. 476	005	The B.C. Veterinary Medical Association may administer a benevolent fund for members and the families (undefined) of deceased members.	FSRA defines "family".	Category 1: Benevolent funds. Category 12: Generic use of "family" and equivalent terms. Policy is not to replace generic terms with more precise lists of family relationships (although the FSRA clarifies that "family" includes a person's spouse and people (including non-relatives) who live with the person as family.
VITAL STATISTICS ACT	RSBC 1996, c. 479	036	The list of persons who may apply for a birth certificate includes: the person named; a parent whose name appears on the registration; a spouse of a person whose name appears on the registration; an agent, or a person with written authorization, by the person named or that person's parents or spouse.	FSRA defines "spouse".	Category 11: Spouse definition: (g) extended definition. "Spouse" will have an extended meaning under the Family Status Recognition Act. Further amendments are not necessary, since the list includes any other person who satisfies the deputy minister concerning the good faith of the person's cause for requiring the certificate.

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
VITAL STATISTICS ACT	RSBC 1996, c. 479	017	Particulars of death must be delivered to the funeral director by, in order of priority, the "nearest relative" (undefined) present at the death or in attendance during the illness; any relative in the registration district; any adult person present at the death; any adult person having knowledge of the facts; the coroner who has made an inquiry or held an inquest.	FSRA defines "relative".	Category 12: Generic use of "family" and equivalent terms: (d) relative. "Relative" excludes family relationships that consist of non-relatives but is acceptable where (as here) it is not used restrictively. Category 11: Spouse definition: (g) extended definition. The FSRA defines "relative" as including a person's spouse and provides an extended definition of spouse (with no requirement for a duration of relationship test).
WILLS ACT	RSBC 1996, c. 489	029	29(1) Unless there is a contrary intention in the will, a gift to a testator's child or other issue or to the testator's sibling does not lapse if the beneficiary of the gift dies before the testator but leaves issue. The gift is divided by the intestate rules that would have applied if the deceased beneficiary had died without a spouse and without debts. 29(2) Unless there is a contrary intention in the will, a gift to a testator's child or other issue or the testator's sibling does not lapse if the beneficiary of the gift dies before the testator leaving a spouse but no issue. The gift is divided by the intestate rules that would have applied if the deceased beneficiary had died without debts.	FSRA defines "spouse".	- to the extent that extended relationships should be recognized in these situations, that will be determined by the EAA.
WORKERS COMPENSATION ACT	RSBC 1996, c. 492	006	Where a worker dies from silicosis or silicosis complicated by tuberculosis, dependants are entitled to compensation.	Definition of "dependant" changed.	
WORKERS COMPENSATION ACT	RSBC 1996, c. 492	055		Definition of "dependant" changed.	
WORKERS COMPENSATION ACT	RSBC 1996, c. 492	094		Definition of "dependant" changed.	
WORKERS COMPENSATION ACT	RSBC 1996, c. 492	001	"Dependant" is used in connection with claims relating to a deceased worker	Changed definitions: "spouse", "parent", "child" and "member"	- note: the Act is currently under review by a Royal Commission.

Table II: Sections not amended, but affected by other changes

Statute	Cite	Section	Meaning of section	Change	Notes
			and means a family member who was, or would have been, dependent on the worker, and (except in listed sections where the Act makes specific provision for them), includes a spouse, parent or child who had a reasonable expectation of pecuniary benefit if the worker had lived.	of family".	Category 12: Generic use of "family" and equivalent terms. Policy is not to replace generic terms with more precise lists of family relationships. Here, however, "dependant" is defined with precision. Category 5: Relational claims.
WORKERS COMPENSATION ACT	RSBC 1996, c. 492	010	Compensation for work related claims from a wrong by the employer or worker is under the Act. In other cases, a worker (or dependant) has an election. An election on behalf of an infant dependant may be made by the parent, guardian or Official Guardian by applying for compensation under the Act.	Definition of "dependant" changed.	Category 9: Parents: (b) Person who stands in place of a parent. Policy is to recognize the family status of persons where one stands in place of a parent to the other. Reason policy not applied: because of the seriousness of the election, if the child does not have a parent or guardian, the Official Guardian should be involved.
WORKERS COMPENSATION ACT	RSBC 1996, c. 492	091		Definition of "dependant" changed.	
WORKERS COMPENSATION ACT	RSBC 1996, c. 492	008	Work related injuries occurring outside the province may entitle the worker or the worker's dependants to compensation.	Definition of "dependant" changed.	
WORKERS COMPENSATION ACT	RSBC 1996, c. 492	096	Privative clause listing Board's prerogatives, including the power to make findings about the existence of the relationship of a "member of a family" (a defined term) of a worker, and about the fact of dependency.	Definition of "member of the family" changed.	
WORKERS COMPENSATION ACT	RSBC 1996, c. 492	020	The board may require proof of the existence and condition of dependants.	Definition of "dependant" changed.	
WORKERS COMPENSATION ACT	SBC 1998, c. 50	177	An employer or supervisor is prohibited from preventing a worker or a worker's dependant reporting to the board.	Definition of "dependant" changed.	
WORKERS COMPENSATION ACT	RSBC 1996, c. 492	063		Definition of "dependant" changed.	
WORKERS COMPENSATION ACT	RSBC 1996, c. 492	016	The Board may provide a surviving dependent spouse with training or retraining, and may provide dependants with counselling and placement services.	Definition of "spouse", "surviving spouse" and "dependant" changed.	
WORKERS COMPENSATION ACT	RSBC 1996, c. 492	092		Definition of "dependant" changed.	
WORKERS	RSBC	056		Definition of	

Table II: Sections not amended, but affected by other changes

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Meaning of section</i>	<i>Change</i>	<i>Notes</i>
COMPENSATION ACT	1996, c. 492			"dependant" changed	
WORKERS COMPENSATION ACT	RSBC 1996, c. 492	090		Definition of "dependant" changed.	
WORKERS COMPENSATION ACT	RSBC 1996, c. 492	027	Dependents receiving benefits before 1974 (which were not indexed) will have benefits adjusted as of 1974 to reflect the amount that would have been payable had there been regular indexing.	Definition of "dependant" changed.	
WORKERS COMPENSATION ACT	RSBC 1996, c. 492	053		Definition of "dependant" changed.	
WORKERS COMPENSATION ACT	RSBC 1996, c. 492	096.1		Definition of "dependant" changed.	
WORKERS COMPENSATION ACT	RSBC 1996, c. 492	013	A worker cannot waive compensation under the Act for the worker (or dependants).	Definition of "dependant" changed.	
WORKERS COMPENSATION ACT	RSBC 1996, c. 492	009	The worker or dependants must elect whether to claim compensation under the Act, or under the law of the territory where the injury occurred.	Definition of "dependant" changed.	
YOUNG OFFENDERS (BRITISH COLUMBIA) ACT	RSBC 1996, c. 494	011	A condition of a probation order may be that the young person reside with a parent or an appropriate adult willing to care and support the young person.	Definition of "parent" changed.	
YOUNG OFFENDERS (BRITISH COLUMBIA) ACT	RSBC 1996, c. 494	005	Notice of the charge and court date must be given to the parents of a young person who is charged.	Definition of "parent" changed.	
YOUNG OFFENDERS (BRITISH COLUMBIA) ACT	RSBC 1996, c. 494	014	A young person, a parent, or the Attorney General can apply to have a disposition reviewed.	Definition of "parent" changed.	
YOUNG OFFENDERS (BRITISH COLUMBIA) ACT	RSBC 1996, c. 494	015	After a disposition, if the young person, or a parent with whom the young person is residing, becomes resident in another province, the young person, the parent, or the Attorney General can apply to have the disposition transferred to the Attorney General in the other province.	Definition of "parent" changed.	

Table III: Sections not changed

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Meaning of section</i>	<i>Notes</i>
ADOPTION ACT	RSBC 1996, c. 5	001		- the Adoption Act was reviewed, but no amendments to it are proposed. - the Act does not use the term "spouse". It allows a child to be placed for adoption with "one adult or 2 adults jointly." Category 12: Generic use of "family" and equivalent terms. Policy is not to replace generic terms with more precise list of family relationships (although the FSRA defines "family" as including a person's spouse and people (including non-relatives) living together as family. The Adoption Act uses family in three ways: in its general sense, as an adjective ("family name", "family relationships") and to refer to a person's "biological family".
ADOPTION ACT	RSBC 1996, c. 5	002		
ADOPTION ACT	RSBC 1996, c. 5	003		
ADOPTION ACT	RSBC 1996, c. 5	004		
ADOPTION ACT	RSBC 1996, c. 5	005		
ADOPTION ACT	RSBC 1996, c. 5	006		
ADOPTION ACT	RSBC 1996, c. 5	007		
ADOPTION ACT	RSBC 1996, c. 5	008		
ADOPTION ACT	RSBC 1996, c. 5	009		
ADOPTION ACT	RSBC 1996, c. 5	010		
ADOPTION ACT	RSBC 1996, c. 5	011		
ADOPTION ACT	RSBC 1996, c. 5	012		
ADOPTION ACT	RSBC 1996, c. 5	013		
ADOPTION ACT	RSBC 1996, c. 5	014		
ADOPTION ACT	RSBC 1996, c. 5	015		
ADOPTION ACT	RSBC 1996, c. 5	017		
ADOPTION ACT	RSBC 1996, c. 5	018		
ADOPTION ACT	RSBC 1996, c. 5	019		
ADOPTION ACT	RSBC 1996, c. 5	023		

Table III: Sections not changed

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Meaning of section</i>	<i>Notes</i>
ADOPTION ACT	RSBC 1996, c. 5	024		
ADOPTION ACT	RSBC 1996, c. 5	025		
ADOPTION ACT	RSBC 1996, c. 5	026		
ADOPTION ACT	RSBC 1996, c. 5	028		
ADOPTION ACT	RSBC 1996, c. 5	029		
ADOPTION ACT	RSBC 1996, c. 5	031		
ADOPTION ACT	RSBC 1996, c. 5	037		
ADOPTION ACT	RSBC 1996, c. 5	039		
ADOPTION ACT	RSBC 1996, c. 5	042		
ADOPTION ACT	RSBC 1996, c. 5	044		
ADOPTION ACT	RSBC 1996, c. 5	048		
ADOPTION ACT	RSBC 1996, c. 5	049		
ADOPTION ACT	RSBC 1996, c. 5	058		
ADOPTION ACT	RSBC 1996, c. 5	059		
ADOPTION ACT	RSBC 1996, c. 5	060		
ADOPTION ACT	RSBC 1996, c. 5	062		
ADOPTION ACT	RSBC 1996, c. 5	064		
ADOPTION ACT	RSBC 1996, c. 5	065		
ADOPTION ACT	RSBC 1996, c. 5	066		
ADOPTION ACT	RSBC 1996, c. 5	068		
ADOPTION ACT	RSBC 1996, c. 5	069		
ADOPTION ACT	RSBC 1996, c. 5	071		
ADOPTION ACT	RSBC 1996, c. 5	073		
ADOPTION ACT	RSBC 1996, c. 5	081		
ADOPTION ACT	RSBC 1996, c. 5	084		
ADOPTION ACT	RSBC 1996, c. 5	086		
ADOPTION ACT	RSBC 1996, c. 5	091		
ADOPTION ACT	RSBC 1996, c. 5	093		
ADOPTION ACT	RSBC 1996, c. 5	095		

Table III: Sections not changed

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Meaning of section</i>	<i>Notes</i>
ADOPTION ACT BC BENEFITS (CHILD CARE) ACT	RSBC 1996, c. 5 RS 1996 (Supp), c. 26	096 001	"Parent" includes a person the child lives with who stands in place of a parent. "Child care" means supervision by someone who is not a parent. "Child care subsidy" is a payment to a parent.	Category 9: Parents: (b) person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that relationship). That is the position currently adopted by the Act.
BC BENEFITS (CHILD CARE) ACT	RS 1996 (Supp), c. 26	013	The regulation making power includes the authority to prescribe rules for determining parents' incomes for eligibility purposes, the duties of parents who receive subsidies to advise of changes in finances, and circumstances which a reduced subsidy would be paid, or the parent is disentitled to any subsidy.	"Parent" is defined in the Act.
BC BENEFITS (INCOME ASSISTANCE) ACT	RS 1996 (Supp), c. 27	002		
BC BENEFITS (INCOME ASSISTANCE) ACT	RSBC 1996, c. 27	003		
BC BENEFITS (INCOME ASSISTANCE) ACT	RSBC 1996, c. 27	004		
BC BENEFITS (INCOME ASSISTANCE) ACT	RSBC 1996, c. 27	006		
BC BENEFITS (INCOME ASSISTANCE) ACT	RSBC 1996, c. 27	008		
BC BENEFITS (INCOME ASSISTANCE) ACT	RSBC 1996, c. 27	009		
BC BENEFITS (INCOME ASSISTANCE) ACT	RSBC 1996, c. 27	010		
BC BENEFITS (INCOME ASSISTANCE) ACT	RSBC 1996, c. 27	011		
BC BENEFITS (INCOME ASSISTANCE) ACT	RS 1996 (Supp), c. 27	011		
BC BENEFITS (INCOME ASSISTANCE) ACT	RSBC 1996, c. 27	014		

Table III: Sections not changed

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Meaning of section</i>	<i>Notes</i>
ASSISTANCE) ACT BC BENEFITS (INCOME ASSISTANCE) ACT	RSBC 1996, c. 27	015		
BC BENEFITS (INCOME ASSISTANCE) ACT	SBC 1997, c. 15	024		
BC BENEFITS (YOUTH WORKS) ACT	RS 1996 (Supp), c. 28	004		
BC BENEFITS (YOUTH WORKS) ACT	RS 1996 (Supp), c. 28	005		
BC BENEFITS (YOUTH WORKS) ACT	RS 1996 (Supp), c. 28	006		
BC BENEFITS (YOUTH WORKS) ACT	RS 1996 (Supp), c. 28	007		
BC BENEFITS (YOUTH WORKS) ACT	RS 1996 (Supp), c. 28	008		
BC BENEFITS (YOUTH WORKS) ACT	RS 1996 (Supp), c. 28	015		
BC BENEFITS (YOUTH WORKS) ACT	SBC 1997, c. 15	015.1		
CEMETERY AND FUNERAL SERVICES ACT	RSBC 1996, c. 45	055	Disposition of a stillborn infant or one who dies within 7 days is at the direction of either natural parent, or the child's guardian.	Category 9: Parents: (b) person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that relationship). In this case, it would not be possible for such a relationship to develop.
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	001	"Guardianship" includes all the rights, duties and responsibilities of a parent.	
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	001		- the terms to describe family relationships used in the Act are "family", "parent" ("father" and "mother" are used in the definition of "parent") and "relative". "Family" has an extended meaning under the FSRA, including a person's

Table III: Sections not changed

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Meaning of section</i>	<i>Notes</i>
				spouse, as well as people (including non-relatives) living together as family (although the FSRA definition would have no application in the context of this statute). The Act gives "parent" an extended meaning. When "relative" is used, the reference also includes other people who are not relatives. No amendments are proposed.
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	001	Definition of "aboriginal child".	
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	001	"Parent" means the mother or father of the child, a person with legal custody, or a person with whom the child resides and who stands in place of a parent.	Category 9: Parents: (b) person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that relationship). The Act currently includes a person who stands in place of a parent (and the Act, in many places, refers to "a parent or other person").
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	002	The Act is to be administered having regard to listed principles including the importance of preserving kinship ties and attachment to a child's extended family.	
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	004		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	005		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	006		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	007		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	011		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	013		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	014		

Table III: Sections not changed

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Meaning of section</i>	<i>Notes</i>
SERVICE ACT				
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	015		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	017		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	025		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	026		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	027		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	029		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	031		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	032		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	033		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	034		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	035		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	036		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	038		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	039		

Table III: Sections not changed

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Meaning of section</i>	<i>Notes</i>
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	040		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	041		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	042		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	045		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	046		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	047		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	048		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	049		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	053		Category 13: Marriage. Policy is to give equal recognition to spousal relationships arising from marriage and in other ways. However, forming a spousal relationship should not be a ground for cancelling a continuing custody order.
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	055		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	056		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	058		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	059		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	060		

Table III: Sections not changed

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Meaning of section</i>	<i>Notes</i>
SERVICE ACT				
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	070		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	084		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	093		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	095		
CHILD, FAMILY AND COMMUNITY SERVICE ACT	RSBC 1996, c. 46	097		
CHILD, FAMILY AND COMMUNITY SERVICE AMENDMENT ACT	SBC 1997, c. 46	033		
CHILD, FAMILY AND COMMUNITY SERVICE AMENDMENT ACT	SBC 1997, c. 46	033.1		
CHILD, FAMILY AND COMMUNITY SERVICE AMENDMENT ACT	SBC 1997, c. 46	036		
CHILD, FAMILY AND COMMUNITY SERVICE AMENDMENT ACT	SBC 1997, c. 46	040(2)		
CHILD, FAMILY AND COMMUNITY SERVICE AMENDMENT ACT	SBC 1997, c. 46	041.1		
CHILD, FAMILY AND COMMUNITY SERVICE AMENDMENT ACT	SBC 1997, c. 46	042		
CHILD, FAMILY AND COMMUNITY SERVICE AMENDMENT ACT	SBC 1997, c. 46	093		

Table III: Sections not changed

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Meaning of section</i>	<i>Notes</i>
CHILDREN'S COMMISSION ACT	SBC 1997, c. 11	001	Under the Child Family and Community Service Act, "parent" means the mother or father of the child, a person with legal custody, or a person with whom the child resides and who stands in place of a parent.	Category 9: Parents: (b) person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that relationship). (b) reference sufficiently comprehensive. The Act currently includes a person who stands in place of a parent (and the Act, in many places, refers to "a parent or other person").
CHILDREN'S COMMISSION ACT	SBC 1997, c. 11	008	The Commission may report its findings to a list of people, including the child's parent or guardian.	
CHILDREN'S COMMISSION ACT	SBC 1997, c. 11	010	A child's parent or any other person representing a child may complain about services provided a child, and breaches of the rights of a child in care.	
CORRECTION ACT	RSBC 1996, c. 74	006	Agreements may be made with a youth and the youth's parents having custody, to resolve the youth's conflict with the law, if a decision is made not to prosecute.	Category 9: Parents: (b) person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that relationship). No change is recommended here because the key concept is a person having "custody".
CORRECTION ACT	RSBC 1996, c. 74	018	A person in charge of a correctional facility has a discretion concerning how money earned by a youth will be used. A number of objects are listed, including support of the youth's "dependants" (undefined).	Category 12: Generic use of "family" and equivalent terms: (b) dependant. Policy is not to substitute other terms for "dependant" when it is used only in a general sense to describe family relationships.
CORRECTION ACT	RSBC 1996, c. 74	029	All rights of care, control and custody of a youth by a parent or guardian cease until the youth is released.	Category 9: Parents: (b) person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent (unless sound reasons can be identified for not including that relationship). Reason for not applying policy: the section does not confer rights. It removes aspects of parental status when a youth is admitted to a containment centre.
COURT ORDER ENFORCEMENT ACT	RSBC 1996, c. 78	003	The amount of an exemption from the attachment of wages is determined by whether the judgment debtor has dependants.	Category 12: Generic use of "family" and equivalent terms: (b) dependant: policy is not to substitute other terms for "dependant" when it is used

Table III: Sections not changed

Statute	Cite	Section	Meaning of section	Notes
				only in a general sense to describe family relationships.
COURT ORDER ENFORCEMENT ACT	RSBC 1996, c. 78	004	Limitations are placed on a court's ability to vary the exemption from attachment for wages by reference to whether the judgment debtor has dependants.	
COURT ORDER ENFORCEMENT ACT	RSBC 1996, c. 78	071	The list of exemptions from seizure takes into account property and needs of a judgment debtor's "dependants".	
CREDIT UNION INCORPORATION ACT	RSBC 1996, c. 082	001	Definition of "child" includes the child of a person's spouse.	Category 9: Parents: (b) person who stands in place of a parent. Policy is to recognize the family status of persons where they live together and one of them stands in place of a parent to the other. Reason policy not applied: (b) reference sufficiently inclusive. The specific inclusion is unnecessary when the legislation recognizes the family status of non-relatives who live together as family (as is proposed: see s. 41).
CRIMINAL INJURY COMPENSATION ACT	RSBC 1996, c. 85	001	"Child" includes a person to whom the victim stands in place of a parent.	Category 9: Parents: (b) person who stands in place of a parent. Policy is to recognize the family status of persons where one of them stands in place of a parent to the other (although policy is also to require the parties reside together, a requirement that is not proposed here because it is not currently part of this Act).
CRIMINAL INJURY COMPENSATION ACT	RSBC 1996, c. 85	013		Category 12: Generic use of "family" and equivalent terms: (b) dependant.
CURFEW ACT	RSBC 1996, c. 91	002	Vicarious liability of the parents or the guardians of children who habitually violate curfew regulations	Category 9: Parents: (b) person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that relationship). Reason for not applying policy: (d) penalty or vicarious liability. The relationship is not recognized solely for the purpose of making a person who stands in the place of a parent vicariously liable for the actions of the child.
DISABILITY	RS 1996 (Supp),	002		

Table III: Sections not changed

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Meaning of section</i>	<i>Notes</i>
BENEFITS PROGRAM ACT	c. 97			
DISABILITY BENEFITS PROGRAM ACT	RS 1996 (Supp), c. 97	004		
DISABILITY BENEFITS PROGRAM ACT	RS 1996 (Supp), c. 97	005		
DISABILITY BENEFITS PROGRAM ACT	RS 1996 (Supp), c. 97	006		
DISABILITY BENEFITS PROGRAM ACT	SBC 1997, c. 15	013.1		
EMPLOYMENT STANDARDS ACT	RSBC 1996, c. 113	009	A parent or guardian must not consent to a person employing a child under 15 unless the person has obtained the director's permission.	Category 9: Parents: (b) person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that relationship). In this case, a person who stands in place of a parent is not authorized in any event to consent to the employment of a child under 15.
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	073		
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	074	The court, on terms and conditions, may advance part of a next of kin's share of the estate if the person was dependent on the deceased at the time of death.	Category 12: Generic use of "family" and equivalent terms: (b) dependant. The use of "dependant" is acceptable. It is not being used as a shorthand way of referring to family members. The reason for conferring this jurisdiction on the court is the fact that a dependent next of kin requires support.
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	084	If an intestate leaves issue, their share is distributed per stirpes.	Category 9: Parents: Person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that relationship). However, legislation providing default rules for situations in which a person died without a will cannot be tailored to the range of family relationships that exist. That is why it is proposed to revise the Wills

Table III: Sections not changed

Statute	Cite	Section	Meaning of section	Notes
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	090		Variation Act to apply on an intestacy, and to allow an application under that Act by person who was in a parent/child relationship with the deceased.
ESTATE ADMINISTRATION ACT	RSBC 1996, c. 122	091		Category 12: Generic use of "family" and equivalent terms: (d) relative. "Relative" excludes family relationships that consist of non-relatives but is acceptable in this context since only relatives can qualify as next of kin under the Estate Administration Act.
FAMILY MAINTENANCE ENFORCEMENT ACT	RSBC 1996, c. 127	001	The definition of "creditor" includes the Director in relation to a maintenance order that requires a parent to contribute to the maintenance of a child in the Director's care.	
FAMILY MAINTENANCE ENFORCEMENT ACT	RSBC 1996, c. 127	001	The definition of "maintenance" includes lump sum payments arising from the birth of a child and the prenatal care of the mother and child.	Category 9: Parents: (a) mother/father. Policy is to use "parent" in preference to "mother" (unless, as here, the reference can only be to one sex).
FAMILY MAINTENANCE ENFORCEMENT ACT	SBC 1997, c. 15	001(1)		
FAMILY RELATIONS ACT	RS 1996 (Supp), c. 128	001		
FAMILY RELATIONS ACT	SBC 1998, c. 28	001	Providing more information concerning who may be granted custody, access or guardianship of a child, or which relationships should be considered when determining the impact of an order for custody, access or guardianship.	Category 12: Generic use of "family" and equivalent terms: (d) relative. "Relative" excludes family relationships that consist of non-relatives but is acceptable where (as here) it is not used restrictively. The section specifically includes persons "who are not relatives of the child".
FAMILY RELATIONS ACT	RS 1996 (Supp), c. 128	004		
FAMILY RELATIONS ACT	RSBC 1996, c.	021		Category 9: Parents: (a)

Table III: Sections not changed

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Meaning of section</i>	<i>Notes</i>
ACT	128			father/mother. Policy is to use "parent" in preference to "father" and "mother", but the FRA definition of "parent" would not operate without ambiguity in the context of this Part.
FAMILY RELATIONS ACT	RSBC 1996, c. 128	022		
FAMILY RELATIONS ACT	RSBC 1996, c. 128	027		
FAMILY RELATIONS ACT	RSBC 1996, c. 128	028		
FAMILY RELATIONS ACT	RSBC 1996, c. 128	029		
FAMILY RELATIONS ACT	RSBC 1996, c. 128	030		
FAMILY RELATIONS ACT	RSBC 1996, c. 128	034		
FAMILY RELATIONS ACT	SBC 1998, c. 28	035	Lists persons who may be granted custody or access of a child.	Category 12: Generic use of "family" and equivalent terms: (d) relative. "Relative" excludes family relationships that consist of non-relatives but is acceptable here, since the section also specifically include persons who are not relatives of the child.
FAMILY RELATIONS ACT	RSBC 1996, c. 128	042		
FAMILY RELATIONS ACT	RSBC 1996, c. 128	044		
FAMILY RELATIONS ACT	SBC 1997, c. 20	087		
FAMILY RELATIONS ACT	RSBC 1996, c. 128	088		
FAMILY RELATIONS ACT	SBC 1997, c. 20	088		
FAMILY RELATIONS ACT	RSBC 1996, c. 128	090		
FAMILY RELATIONS ACT	RS 1996 (Supp), c. 128	091		
FAMILY RELATIONS ACT	SBC 1997, c. 20	096		

Table III: Sections not changed

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Meaning of section</i>	<i>Notes</i>
FAMILY RELATIONS ACT	RSBC 1996, c. 128	121		
FAMILY RELATIONS ACT	RSBC 1996, c. 128	127		
FIREWORKS ACT	RSBC 1996, c. 146	004	The fire commissioner may designate fireworks that may not be sold to a minor without the written permission of the minor's parent or guardian.	Category 9: Parents: Person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that relationship). Reason policy not applied: (a) problems of proving relationship.
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT	RSBC 1996, c. 165	000		
HEALTH ACT	RSBC 1996, c. 179	087	When a person is in quarantine, the person, or the person's parents or other person "liable for" the support of the quarantined person, is responsible for medical costs and necessities.	Category 9: Parents: (b) person who stands in place of a parent. Policy is to recognize the family relationship of persons where one of them stands in place of a parent to the other (unless there are sound reasons for not doing so). Reason policy not applied: (b) reference sufficiently inclusive. The reference is to parent "or other person liable to support".
HOME CONVERSION AND LEASEHOLD LOAN ACT	RSBC 1996, c. 192	003	To qualify for a loan, a person must have one or more "dependants."	
HOME OWNER GRANT ACT	RSBC 1996, c. 194	001	Definition of "relative" in connection with a person with disabilities, includes a child, grandchild, parent, grandparent, stepparent, person who stands in place of a parent, and a sibling. In connection with a deceased, it is limited to a child, grandchild, father or mother or sibling.	Category 9: Parents: (b) person who stands in place of a parent Category 14: Household members. Policy is to recognize the family status of persons where one stands in place of a parent to the other, and of persons (including non-relatives) who live together as family. Reason policy not applied: (a) problems of proving relationship. (c) concerns about unjustified claims. As a general rule, amendments are not made in this respect to legislation with financial consequences where there would be problems of proving the relationship.
HOME PURCHASE ASSISTANCE ACT	RSBC 1996, c. 195	014	Family first home grant is only available to a parent or guardian whose minor child lives with the	Category 9: Parents: Person who stands in place of a parent. Policy is to include as a parent a person

Table III: Sections not changed

Statute	Cite	Section	Meaning of section	Notes
			parent or guardian.	who stands in place of a parent, (unless sound reasons can be identified for not including that relationship). Reason policy not applied: (a) problems of proving the relationship. (c) concerns about unjustified claims. There are no safeguards against a person alleging a parent/child relationship where one in fact does not exist.
HOSPITAL INSURANCE ACT	RSBC 1996, c. 204	001	"Beneficiary" or "qualified person" means a B.C. resident or a resident's dependant eligible for benefits under the regulations.	Category 12: Generic use of "family" and equivalent terms: (b) dependant. Policy is not to substitute other terms for "dependant" when it is used only in a general sense to describe family relationships (or is used as a general term which is more precisely defined in regulations).
HUMAN RIGHTS CODE	RSBC 1996, c. 210	007		- "family" is used as an adjective ("family status").
HUMAN RIGHTS CODE	RSBC 1996, c. 210	010		
HUMAN RIGHTS CODE	RSBC 1996, c. 210	011		
HUMAN RIGHTS CODE	RSBC 1996, c. 210	013		
HUMAN RIGHTS CODE	RSBC 1996, c. 210	014		
INCOME TAX ACT	RSBC 1996, c. 215	005	A person liable to pay the provincial surtax on high incomes who makes a deduction under s. 118 of the federal ITA for a "dependent spouse or other dependant" is entitled to stipulated deductions from the surtax.	- The definitions are tied to the federal ITA, restricting what can be done by the province. Even where not defined, terms indicating family relationships are restricted to the extent that the provincial legislation addresses issues that arise from the requirements of the federal legislation. This is an area where representations should be made to the federal government concerning tax policy as it applies to extended family relationships. (Note, however, Revenue Canada seems to have adopted the policy of interpreting its legislation as including same sex relationships, at least for some purposes).
INCOME TAX ACT	RSBC 1996, c. 215	006	A person liable to pay the provincial surtax on high incomes who makes a deduction under s. 118 of the federal ITA for a "dependent spouse or other	

Table III: Sections not changed

Statute	Cite	Section	Meaning of section	Notes
			dependant" is entitled to stipulated deductions from the surtax.	
INCOME TAX ACT	RSBC 1996, c. 215	008	A sales tax credit is available to an "eligible individual", based on the size of the family (children--referred to as "qualified dependants"--and a married spouse or opposite sex relationship if not living separate and apart from the eligible individual--referred to as "qualified relations" and having the same meaning as "cohabiting spouse") and the income of the individual and the spouse.	- The definitions are tied to the federal ITA, restricting what can be done by the province. Even where not defined, terms indicating family relationships are restricted to the extent that the provincial legislation addresses issues that arise from the requirements of the federal legislation.
INCOME TAX ACT	SBC 1998, c. 16	009	These sections address entitlement to the baby bonus (available for dependent children, recognizing the relationship between "cohabiting spouses") and overpayment of the baby bonus.	
INCOME TAX ACT	SBC 1998, c. 16	010		
INCOME TAX ACT	SBC 1998, c. 16	011	Incorporates by reference ITA rules relating to when a spousal relationship ends or begins.	
INCOME TAX ACT	SBC 1998, c. 32	079		
INDEPENDENT SCHOOL ACT	RSBC 1996, c. 216	001	Definition of "guardian" means a guardian under the FRA. A qualifying student must have a parent or guardian who is a citizen, landed immigrant with a permanent residence in B.C. or lawfully admitted to Canada and a B.C. resident.	Category 9: Parents: (b) person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that relationship). Reason policy not applied: (c) concerns about unjustified claims. The definition is designed to provide a test concerning whether students qualify as residents (thereby receiving government subsidies for their education).
INFANTS ACT	RSBC 1996, c. 223	017	The section allows an infant to consent to medical treatment in defined circumstances, in which case, there is no need to obtain the consent of the infant's parent or guardian (undefined).	Category 9: Parents: (b) person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that relationship). This section removes the need for obtaining the consent of a "parent". Because the consent of a person who stands in place of a parent is not required in any event, including an extended definition is

Table III: Sections not changed

Statute	Cite	Section	Meaning of section	Notes
				unnecessary. - consideration was given to adding to the Infants Act a definition of "parent" that would (except in s. 50) include (a) an infant's natural parent, (b) an infant's guardian, (c) a person with custody and control of the infant, and (d) if there was no one satisfying the requirements of paragraphs (a) through (c), a person who stands in place of a parent to the infant (to avoid any conflict between (d) and persons having a legal requirement to safeguard the child's interest). A review of the sections in which "parent" is used in the Infants Act suggests, however, that in the circumstances addressed (such as the approval of contracts and settlements, and the service of process) if an infant does not have a parent or guardian, that one should be appointed.
INFANTS ACT	RSBC 1996, c. 223	022	The Public Trustee, before granting an application to approve an infant's contract, or to grant contractual capacity, must consider, among other things, the wishes of the infant's parent or guardian.	
INFANTS ACT	RSBC 1996, c. 223	028	Rules for determining an infant's domicile refer to the domicile of the parents, parent, or person with custody (but not a guardian or person who stands in place of a parent) with whom the infant resides.	
INFANTS ACT	RSBC 1996, c. 223	047	Child ("son", "daughter") born after death of father can take contingent remainder.	- the section cannot be redrafted using "child" for "son" or "daughter" (the remainder may, e.g., be in favour of a person's 1st daughter, who may be born after the person's sons).
INFANTS ACT	RSBC 1996, c. 223	048	Service on an infant is made by serving the infant's "parent or guardian" resident in B.C.	
INFANTS ACT	RSBC 1996, c. 223	050	A parent can appoint a guardian by deed or will.	
INSURANCE (MOTOR VEHICLE) ACT	RSBC 1996, c. 231	007	The corporation's mandate is to administer a plan of universal compulsory automobile insurance, providing coverage that will pay, among other things, benefits to	Category 12: Generic use of "family" and equivalent terms: (b) dependants. Policy is not to substitute other terms for "dependant" when it is used only in a

Table III: Sections not changed

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Meaning of section</i>	<i>Notes</i>
			persons or their "dependants" for bodily injury or death arising from motor vehicle use.	general sense to describe family relationships (or is used as a general term which is more precisely defined in regulations).
INSURANCE (MOTOR VEHICLE) ACT	RSBC 1996, c. 231	019	Lists factors which will cause the forfeiture of insurance, affecting rights of an insured, those claiming through an insured, and the insured's "dependants" (not defined).	
INSURANCE ACT	RSBC 1996, c. 226	035	A group life insurance certificate must show the entitlement of the insured and persons "dependent on or related to him or her" (both undefined).	
INSURANCE ACT	RSBC 1996, c. 226	036	Life insurance on a person under 16 can be placed by a person without an insurable interest with the consent of a parent or person who stands in the place of a parent.	Category 9: Parents: (b) person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that relationship).
INSURANCE ACT	RSBC 1996, c. 226	048	A designation to "heir", "next of kin" or "estate" is to the person's personal representative.	
INSURANCE ACT	RSBC 1996, c. 226	095	Accident and sickness insurance on a person under 16 can be placed by a person without an insurable interest with the consent of a parent or person who stands in the place of a parent.	Category 9: Parents: (b) person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that relationship).
INSURANCE ACT	RSBC 1996, c. 226	103	A designation to "heir", "next of kin" or "estate" is to the person's personal representative.	
INSURANCE ACT	RSBC 1996, c. 226	108	A group life insured can enforce a personal claim, or one on behalf of a person dependent on or related to him, but the insurer can raise against the claim any defences that apply to the group life insured, the insured, and persons "dependent on or related to" the group life insured.	
INSURANCE CORPORATION ACT	RSBC 1996, c. 228	004	The corporation may participate in a pension plan for the benefit of employees and their "dependants" (undefined).	Category 12: Generic use of "family" and equivalent terms: (b) dependant: policy is not to substitute other terms for "dependant" when it is used only in a general sense to describe family relationships (or is used as a general term which is more precisely

Table III: Sections not changed

Statute	Cite	Section	Meaning of section	Notes
LAW AND EQUITY ACT	RS 1996 (Supp), c. 253	049	The definition of "plan" (in the Supp.) includes various listed pension vehicles established for the benefit of employees or their "dependants" (undefined).	defined outside the statute). Category 12: Generic use of "family" and equivalent terms: (b) dependant: policy is not to substitute other terms for "dependant" when it is used only in a general sense to describe family relationships (or is used as a general term which is more precisely defined in regulations).
LAW AND EQUITY ACT	RSBC 1996, c. 253	060	Modern version of married women's property legislation uses "wife" and "husband".	Category 11: Spouse definition: (c) husband/wife. Policy is to use "spouse" in preference to "husband" and "wife". Reason policy not applied: (c) reference applies to only married spouses. Substituting "spouse" for "married woman" would not affect the substance of the section. Despite the fact that the term technically includes extended relationships, in the context of the section it could only refer to persons who qualify as "spouses" by virtue of marriage. Nothing is gained by the change. The section is of historical importance. It was only ever intended to apply to married women.
LAW AND EQUITY ACT	RSBC 1996, c. 253	061	Abolishes illegitimacy. Subject to the Adoption Act and the FRA, a person is the "child" of his or her "natural parents".	
LEGAL PROFESSION ACT	RSBC 1996, c. 255	091	Sets out the requirements to establish a professional law corporation, particularly which shareholders are considered to qualify because of their relationship with a member. Here the approach is different from any other B.C. statute. Any relative (whether or not they live with a member) and any person who lives with a member qualifies.	Category 3: Professional corporation. Category 14: Household members. Policy is to recognize the family status of people (including non-relatives) living together as family. No change is necessary since the statute already includes persons in that class.
LEGAL PROFESSION ACT (1998)	SBC 1998, c. 9	082		Category 3: Professional corporation - enacted in 1998. Carries forward the policy of the 1996 Act on this issue.
LEGAL SERVICES SOCIETY ACT	RSBC 1996, c. 256	008	The society may arrange for pension and insurance benefits for its officers and employees and "their dependants" (undefined).	Category 2: Pension/Employment benefits. As a general observation: a better formulation would be to use "family" (defined to include the member's spouse as well). This drafting is out of step with current

Table III: Sections not changed

Statute	Cite	Section	Meaning of section	Notes
				thinking about family relationships, not all of which will be dependent relationships, (and it would be appropriate to extend benefits to some "independent" relationships). However, persons included as a member's dependents will be defined by the society, not by the Act, so no change is necessary.
LIMITATION ACT	RS 1996 (Supp), c. 266	007		
LIMITATION ACT	RSBC 1996, c. 266	007	"Guardian" means a parent or guardian with care and control of a child, or a committee [(Supp.) amends committee to "guardian under the Adult Guardianship Act]. Time will begin to run against a person under a disability if notice is served on the person's guardian and the Public Trustee (subs. (6)).	Category 9: Parents: (b) person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that relationship). Reason policy not applied: (a) problems of proving the relationship. A person with a claim against a minor should not be able to start a limitation period running unless service is on a person with an obligation to protect the minor's legal interests.
LIQUOR CONTROL AND LICENSING ACT	RSBC 1996, c. 267	035	A minor may not be in a licensed premise for selling liquor for off-site consumption unless accompanied by a parent or guardian.	Category 9: Parents: Person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that relationship). Reason for not applying policy: (a) problems of proving the relationship. The importance attached to regulating the supply of alcohol to minors suggests that the meaning of parent in this instance should not include a person who stands in place of a parent.
LOCAL GOVERNMENT STATUTES AMENDMENT ACT	SBC 1998, c. 34	217		Category 12: Generic use of "family" and equivalent terms: (b) dependant.
MARRIAGE ACT	RSBC 1996, c. 282	006	English law as of Nov. 19, 1958, subject to statute, prevails regarding...the consent of guardians or parents, or any person whose consent is necessary to the validity of a marriage.	Category 9: Parent: (b) person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that relationship). S. 6, however, does not confer rights. It provides that this Act will govern with respect to certain issues. S. 28 addresses who is entitled to consent to the

Table III: Sections not changed

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Meaning of section</i>	<i>Notes</i>
				marriage of a minor.
MARRIAGE ACT	RSBC 1996, c. 282	011	If a marriage has been solemnized by a religious representative in good faith, but who was not licensed under the Act, the director can waive the licensing requirement and validate the marriage. One of the requirements is that the parties have cohabited as "husband and wife."	Category 11: Spouse definition: (c) husband/wife. Policy is to use "spouse" in preference to "husband" or "wife". Reason policy not applied: (c) reference applies to only married spouses.
MARRIAGE ACT	RSBC 1996, c. 282	020	One of the statements required in civil ceremonies is that each party must declare that they take the other to be their "lawful wedded wife" or "husband".	Category 11: Spouse definition: (c) husband/wife. Policy is to use "spouse" in preference to "husband" or "wife". Reason policy not applied: (c) reference applies to only married spouses.
MEDICAL PRACTITIONERS ACT	RSBC 1996, c. 285	065	A member who suspects another member is guilty of sexual misconduct must report it. If the reason for the suspicion is information provided by a patient, the patient's consent must be first obtained. If the patient is not competent to consent to treatment, the consent of the patient's parent, guardian or committee must be obtained.	Category 9: Parents: (b) person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that relationship). Reason policy not applied (e) consent. The relationship is not recognized where the statute reserves a requirement for parental consent. The fact of the relationship may not provide the necessary assurances that would justify entrusting the protective role the statute requires of parents on people who stand in the place of a parent.
MOTOR DEALER ACT	RSBC 1996, c. 316	001		
MOTOR VEHICLE (ALL TERRAIN) ACT	RSBC 1996, c. 319	002	An all terrain vehicle cannot be registered by a person under 18 without the written consent of the person's parent or guardian.	Category 9: Parents: (b) person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that relationship). Reason for not applying policy: (a) problems of proving relationship. - parallels policy adopted under the Motor Vehicle Act.
MOTOR VEHICLE ACT	RSBC 1996, c. 318	007	A person under 18 cannot register and licence a vehicle unless the application is signed by the person's "parent or guardian". (There is an exception for a married person, or one who is self-supporting who cannot	Category 9: Parents: (b) person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that

Table III: Sections not changed

Statute	Cite	Section	Meaning of section	Notes
			obtain the signature of a parent or guardian).	relationship). Reason policy not applied (a) problems of proving relationship; (e) consent. Where the legislation reserves to a parent the prerogative of consent for particular privileges, problems of proof and the importance of protecting the minor dictate against recognizing the extended relationship.
MOTOR VEHICLE ACT	RSBC 1996, c. 318	032	An application for a license for a minor must be made by the "parent or guardian" (although ICBC may dispense with that requirement).	See the comment to s. 7.
MOTOR VEHICLE ACT	RSBC 1996, c. 318	124	A municipality may pass a bylaw prohibiting a "parent or guardian" from allowing a child under 16 from using a bicycle without wearing a required helmet on designated paths and ways within a municipality (other than on highways--which are subject to provincial regulation--or private property).	Category 9: Parents: (b) person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that relationship). Reason for not applying policy: (d) penalty or vicarious liability. An extended relationship is not recognized where the sole purpose is to make the parent liable for a penalty.
MOTOR VEHICLE ACT	RSBC 1996, c. 318	184	A "parent or guardian" who allows a child under 16 to use a bicycle on a highway without wearing a required helmet commits an offence.	Category 9: Parents: (b) person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that relationship). Reason for not applying policy: (d) penalty or vicarious liability. The extended relationship is not recognized where the sole purpose is to make the parent liable for a penalty.
MUNICIPAL ACT	RSBC 1996, c. 323	187	A council may arrange for benefits for council members and "their dependants" (undefined).	Category 2: Pension benefits/employment benefits Category 12: Generic use of "family" and equivalent terms: (b) dependents.
MUNICIPAL ACT	RSBC 1996, c. 323	251	A council may arrange for benefits for employees and officers and "their dependants" (undefined).	Category 2: Pension benefits/employment benefits. Category 12: Generic use of "family" and equivalent terms: (b) dependents.
MUNICIPAL ACT	RSBC 1996, c. 323	789	A regional district board may arrange for benefits for directors and "their dependants" (undefined).	Category 2: Pension benefits/Employment benefits. Category 12: Generic use of "family" and equivalent terms: (b) dependant:

Table III: Sections not changed

Statute	Cite	Section	Meaning of section	Notes
				policy is not to substitute other terms for "dependant" when it is used only in a general sense to describe family relationships (or is used as a general term which is more precisely defined outside the statute).
NAME ACT	RSBC 1996, c. 328	005	A person's name may be changed by a court granting a decree of divorce. A person may also apply to a court for a name change at any time after a marriage has been dissolved or declared a nullity for the person and, with the written consent of the other parent, for the person's minor children.	- it is not necessary to develop a parallel provision for spouses in extended relationships, who have legally adopted the same names, to change them. The Act allows an adult to change a name, or a minor who is a parent. There is, consequently, no discrimination.
NAME ACT	RSBC 1996, c. 328	014	Subsection (1) requires birth and marriage registrations to be amended to show a change of name, but a marriage registration must not be changed if names are changed when the marriage is dissolved, or when a spouse dies.	- the effect of the section is confined to marriage.
PENSION (COLLEGE) ACT	RSBC 1996, c. 353	048		Category 12: Generic use of "family" and equivalent terms: (b) dependant: policy is not to substitute other terms for "dependant" when it is used only in a general sense to describe family relationships.
PENSION (MUNICIPAL) ACT	RSBC 1996, c. 355	023		Category 11: Spouse definition: (d) widow/widower/widowed. (b) section has no prospective application.
PENSION (PUBLIC SERVICE) ACT	RSBC 1996, c. 356	012		
PENSION (PUBLIC SERVICE) ACT	RSBC 1996, c. 356	057		
PENSION (TEACHERS) ACT	RSBC 1996, c. 357	050		
PERSONAL PROPERTY SECURITY ACT	RSBC 1996, c. 359	056	A spouse "as defined in the FRA" can waive certain protections (re the seize or sue provisions under the PPSA) in an arrangement with the other spouse under the FRA, but the waiver is void as against any other secured creditor.	Category 11: Spouse definition: (g) extended definition. The FRA will determine who qualifies as a spouse for the purposes of this section. Married spouses or domestic partners would qualify automatically. People in marriage-like relationships would qualify if they make an agreement under FRA, s. 120.1.
POLICE ACT	SBC 1997, c. 37	066	For the purposes of bringing a complaint, the police complaint	Category 9: Parents: (b) person who stands in place of a parent. Policy

Table III: Sections not changed

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Meaning of section</i>	<i>Notes</i>
			commissioner can authorize representatives for persons unable to represent themselves. For a minor, the representative will be the minor's parent or guardian, but if not available or not willing to act, a responsible adult can be designated.	is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that relationship). Reason policy not applied: (b) reference sufficiently comprehensive. The section allows a "responsible adult" to be appointed if there is no parent or guardian available.
PUBLIC SERVICE BENEFIT PLAN ACT	RSBC 1996, c. 386	009	The definition of "pensioner" includes the dependants of a former employee who are receiving superannuation benefits.	Category 12: Generic use of "family" and equivalent terms: (b) dependant: policy is not to substitute other terms for "dependant" when it is used only in a general sense to describe family relationships (or is used as a general term which is more precisely defined outside the statute).
PUBLIC SERVICE BENEFIT PLAN ACT	RSBC 1996, c. 386	012	The Lieutenant Governor in Council may establish insurance plans (by agreement or by regulation) to cover medical and related expenses for the benefit of employees or pensioners or their "dependants".	
PUBLIC SERVICE BENEFIT PLAN ACT	RSBC 1996, c. 386	017	Regulation making power (which allows the Lieutenant Governor in Council to define who is a "dependant").	
SCHOOL ACT SCHOOL ACT	SBC 1997, c. 52 RSBC 1996, c. 412	001 001	The definition of "guardian of the person" has the meaning under the FRA. "Parent" is defined for the purposes of legislation governing a student registered for home education (but not for other purposes) and means a guardian of the person, a person who legally has custody, or the person who usually has care and control of the child or student.	Category 9: Parents: (b) person who stands in place of a parent. Policy is to recognize the family status of persons where one stands in place of a parent to the other. Reason policy not applied: (a) problems of proving relationship. (c) concerns about unjustified claims.
SCHOOL ACT	RSBC 1996, c. 412	003		
SCHOOL ACT	RSBC 1996, c. 412	005		
SCHOOL ACT	RSBC 1996, c. 412	007		
SCHOOL ACT	RSBC 1996, c. 412	008		
SCHOOL ACT	RSBC 1996, c. 412	009		

Table III: Sections not changed

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Meaning of section</i>	<i>Notes</i>
SCHOOL ACT	RSBC 1996, c. 412	010		
SCHOOL ACT	SBC 1997, c. 52	010		
SCHOOL ACT	RSBC 1996, c. 412	011		
SCHOOL ACT	SBC 1997, c. 52	012		
SCHOOL ACT	RSBC 1996, c. 412	012		
SCHOOL ACT	SBC 1997, c. 52	013		
SCHOOL ACT	RSBC 1996, c. 412	013		
SCHOOL ACT	SBC 1997, c. 52	022		
SCHOOL ACT	RSBC 1996, c. 412	065		
SCHOOL ACT	RSBC 1996, c. 412	076		
SCHOOL ACT	RSBC 1996, c. 412	077		
SCHOOL ACT	RSBC 1996, c. 412	080		
SCHOOL ACT	RSBC 1996, c. 412	082		
SCHOOL ACT	SBC 1997, c. 52	166.1 3		
SCHOOL ACT	RSBC 1996, c. 412	168		
SCHOOL ACT	SBC 1997, c. 52	168		
SCHOOL ACT	RSBC 1996, c. 412	170		
SCHOOL ACT	SBC 1997, c. 52	170		
STRATA PROPERTY ACT	SBC 1998, c. 43	055		Category 9: Parents: (b) Persons who stand in place of a parent. Policy is to recognize the family status of persons where one stands in place of a parent to the other. Reason policy not applied: (a) problems of proving relationship. A strata corporation would not be well placed to determine whether an adult designated by a minor actually stood in place of a parent.
UTILITIES COMMISSION ACT	RSBC 1996, c. 473	009	Cabinet can provide that commissioners, officers and employees are in the Pension (Public Service)	Category 2: Pension/Employment benefits. Category 12: Generic use of "family"

Table III: Sections not changed

Statute	Cite	Section	Meaning of section	Notes
			Act, or the Commission can arrange for a separate pension plan and group insurance plan for commissioners, officers and employees and their "dependants" (undefined).	and equivalent terms: (b) dependant: policy is not to substitute other terms for "dependant" when it is used only in a general sense to describe family relationships (or is used as a general term which is more precisely defined outside the statute).
VANCOUVER CHARTER	SBC 1953, c. 55	195	The city may arrange for benefits (including medical, dental and insurance benefits) for employees and officers and their "dependants", and Council members and their "dependants" (undefined).	Category 2: Pension/Employment benefits. Category 12: Generic use of "family" and equivalent terms: (b) dependant: policy is not to substitute other terms for "dependant" when it is used only in a general sense to describe family relationships (or is used as a general term which is more precisely defined outside of the statute).
VICTIMS OF CRIME ACT	RSBC 1996, c. 478	002		
VICTIMS OF CRIME ACT	RS 1996 (Supp), c. 478	008.1	A court may exempt a person from the victim's surcharge levy if it would cause undue hardship to the person or the person's family.	Category 12: Generic use of "family" and equivalent terms: (b) dependant: policy is not to substitute other terms for "dependant" when it is used only in a general sense to describe family relationships.
VITAL STATISTICS ACT	RSBC 1996, c. 479	001	Definitions of "birth" and "stillbirth" include references to the child's "mother."	Category 9: Parents: (b) mother/father. Policy is to use "parent" in preference to "mother" or "father" unless the reference can only be to one sex. See, however, s. 3(1)(a).
VITAL STATISTICS ACT	RSBC 1996, c. 479	004	Rules for selecting which of the parent's surnames (or a hyphenated form of their surnames) will be recorded as the child's surname depend on who completes the s. 3 statement.	
VITAL STATISTICS ACT	RSBC 1996, c. 479	010	Both parents, a surviving parent, a guardian, or an adult child can apply to have a given name changed.	
VITAL STATISTICS ACT	RSBC 1996, c. 479	014	After an adoption, a certificate of birth must, where parentage is shown, show the adopting parents, and contain no information that indicates the child is adopted.	
VITAL STATISTICS ACT	RSBC 1996, c. 479	39	Certificates of church records (which are the responsibility of the director under s. 25) may be obtained in the same fashion as certificates of records registered with the director.	- no change is necessary, since domestic partner records will not be found in church records.

Table III: Sections not changed

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Meaning of section</i>	<i>Notes</i>
WILDLIFE ACT	RSBC 1996, c. 488	011	A person commits an offence who does not obtain a hunting, firearm and other license as required. A minor can obtain a license, or have it held on the minor's behalf by a parent or guardian. There are some situations where possessing a firearm is not an offence, such as on premises owned by the person or by the person's parent or guardian.	Category 9: Parents: (b) person who stands in place of a parent. Policy is to include as a parent a person who stands in place of a parent, (unless sound reasons can be identified for not including that relationship). Reason for not applying policy: (a) problems of proving the relationship. (e) consent.
WILDLIFE ACT	RSBC 1996, c. 488	017	Youth licenses are available, but there are requirements for a parent or guardian to apply for the license in person and in writing on behalf of the minor, and for undertakings about supervising the minor when using the firearm.	See the note to s. 11.
WILLS ACT	RSBC 1996, c. 489	015	A will is revoked by a testator's subsequent marriage.	Category 11: Spouse definition. (i) inclusion of domestic partner. Category 13: Marriage. Policy is to give equal recognition to domestic partnership and marriage. Reason for not applying policy: revocation of a will is a drastic protective measure, introduced in legislation before the enactment of the Wills Variation Act. - a spouse qualifying under the extended definition is protected under the (renamed) Wills Variation Act. Not all beneficiaries under a revoked will, however, would be similarly protected.

Part V: Financial Implications

Statute	Cite	Section	Notes
ASSESSMENT ACT	RSBC 1996, c. 20	019	Category 10: Financial Implications: (a) tax exemption. If property is transferred to a spouse, the 10 year period may take into account ownership and use by both spouses. This is a modest tax exemption that will be expanded by including the extended definition of spouse.
AUDITOR GENERAL ACT	RSBC 1996, c. 23	004	Category 10: Financial implications: (g) pension/employment benefits. Benefits may be available to a wider class.
CORPORATION CAPITAL TAX ACT	RSBC 1996, c. 73	001	Category 10: Financial implications: (a) tax exemption. Family farm corporations are entitled to an exemption from tax under the Act. But the amendment to who may hold shares in such a corporation is unlikely to have an appreciable impact.
CREDIT UNION INCORPORATION ACT	RSBC 1996, c. 82	041	Category 10: Financial implications: the class of persons' entitled to be members of the credit union is increased.
CRIMINAL INJURY COMPENSATION ACT	RSBC 1996, c. 85	001	Category 10: Financial Implications: (c) statutory compensation. The amendments will recognize a larger class of applicants. But exposure is limited, since the Act recognizes a number of limitations, such as the \$50,000 cap on lump compensation: see s. 13.
ELECTION ACT	RSBC 1996, c. 106	007	Category 10: Financial implications: (g) pension/employment benefits. Benefits may be available to a wider class.
	RSBC 1996, c. 106	183	Category 10: Financial implications: personal election expenses are not included as part of general campaign expenses.
EMPLOYMENT STANDARDS ACT	RSBC 1996, c. 113	051	Category 10: Financial implications: (g) pension/employment benefits. More people would be entitled to (unpaid) parental leave.
	RSBC 1996, c. 113	053	Category 10: (g) pension/employment benefits: bereavement leave would be available in more situations.
FAMILY COMPENSATION ACT	RSBC 1996, c. 126	001	Category 10: Financial Implications: (f) expanded third party liability. A larger class may be able to claim compensation under the Act.
	RSBC 1996, c. 126		Category 10: Financial Implications: (f) expanded third party liability. Expanding the class of claimants will increase third party liability, but liability is not unlimited since it is determined by the amount the deceased could apply and was applying for the benefit of the claimants.
FAMILY RELATIONS ACT	RSBC 1996, c. 128	070	Category 10: Financial contributions: (g) pension/employment benefits. Revenue Canada has not yet indicated that it will accept persons in extended spousal relationships as being spouses for the purpose of pension division at the end of a relationship. This would mean that funds transferred to a spouse might be subject to immediate tax. It also has the potential to jeopardize a plan's registered status under the ITA. (However, Revenue Canada does recognize spouses in extended relationships for other pension purposes). In connection with these changes, consequently, representations should be made to the federal government.
FARM DISTRESS ASSISTANCE ACT	RSBC 1996, c. 129	001	Category 10: Financial implications: (c) statutory compensation. The class of

Part V: Financial Implications

Statute	Cite	Section	Notes
			persons entitled to claim may be restricted.
FOREST ACT	RSBC 1996, c. 157	053	Category 10: Financial implications: a larger class may be entitled to an exemption from the reduction in allowable cut on the death of a license holder.
HOME CONVERSION AND LEASEHOLD LOAN ACT	RSBC 1996, c. 192	001	Category 10: Financial Implications: (d) government grant or privilege. A larger class will be able to apply for grants.
	RSBC 1996, c. 192	006	Category 10: Financial Implications: (d) government grant or privilege. More persons may be able to satisfy the residency requirement.
HOME OWNER GRANT ACT	RSBC 1996, c. 194	001	Category 10: Financial Implications: (a) tax exemption. The change to the definition of "spouse" and "relative" will mean that grants will be available in more cases: for a surviving spouse, and where a spouse or relative has a disability. (b) Loss of Tax Exemption. Adding the extended definition of spouse will limit the availability of grants for same sex spouses with more than one residence (see s. 6).
HOME PURCHASE ASSISTANCE ACT	RSBC 1996, c. 195	004	Category 10: Financial Implications: (a) tax exemption. The change to the definition of "spouse" will mean that grants will be available in more cases.
HOMESTEAD ACT	RSBC 1996, c. 197	000	Category 10: Financial implications: (e) registry/administration responsibilities. A larger class of applicants may make filings.
HOSPITAL (AUXILIARY) ACT	RSBC 1996, c. 201	005	Category 10: Financial Implications: (d) government grant or privilege. Relief from provincial charges. Recognizing hardship to persons qualifying under the extended definition of spouse and to persons living together as family will mean that relief will be available in more cases.
INCOME TAX ACT	RSBC 1996, c. 215	017	Category 10: Financial Implications: (a) tax exemption. (b) Loss of tax exemption: see s. 17. - in many of these cases, recognizing extended relationships will be disadvantageous to the persons who qualify under the extended definitions.
INSURANCE ACT	RSBC 1996, c. 226	000	Category 10: Financial implications: (h) insurance. Expanded class may be eligible for coverage.
	RSBC 1996, c. 226	001	Category 10: Financial implications: (h) insurance. The changes to the Insurance Act will mean in some cases that an expanded class may be eligible for coverage.
LAND (SPOUSE PROTECTION) ACT	RSBC 1996, c. 246	001	Category 10: Financial implications: (e) registration/administration responsibilities. Filings may be made by a wider class.
LAND TAX DEFERMENT ACT	RSBC 1996, c. 249	004	Category 10: Financial Implications: (a) tax exemption. The legislation allows tax deferment. Recognizing extended spousal relationships will expand the number of people entitled to a tax deferment by reason of survivorship.
LEGISLATIVE ASSEMBLY ALLOWANCES AND PENSION ACT	RSBC 1996, c. 257	001	Category 10: Financial implications: (g) pension/employment benefits. Payable to a wider class.
	RSBC 1996, c. 257	022	Category 10: Financial implications: (g) pension/employment benefits. Preretirement survivor benefits may be payable to a wider class and in a larger amount.

Part V: Financial Implications

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Notes</i>
MEDICARE PROTECTION ACT	RSBC 1996, c. 286	001	Category 10: Financial Implications: (h) insurance. Expanded class of persons may qualify as a resident's spouse.
MUNICIPAL ACT	RSBC 1996, c. 323	388	Category 10: Financial implications: (a) tax exemption. A larger class may be entitled to a tax exemption.
OMBUDSMAN ACT	RSBC 1996, c. 340	005	Category 10: Financial implications: (g) pension/employment benefits. Benefits may be payable to a wider class.
PENSION (COLLEGE) ACT	RSBC 1996, c. 353	001	Category 10: Financial Implications: (g) pension/employment benefits. Payable to a wider class.
	RSBC 1996, c. 353	020	Category 10: Financial implications: (g) pension/employment. Pre-retirement benefits may be payable to a wider class and in a larger amount.
PENSION (MUNICIPAL) ACT	RSBC 1996, c. 355	001	Category 10: Financial Implications: (g) pension/employment benefits. Payable to a wider class.
	RSBC 1996, c. 355	022	Category 10: Financial implications: (g) pension/employment benefit. Pre-retirement benefits may be payable to a wider class and in a larger amount.
PENSION (PUBLIC SERVICE) ACT	RSBC 1996, c. 356	001	Category 10: Financial Implications: (g) pension/employment benefits. Payable to a wider class.
	RSBC 1996, c. 356	029	Category 10: Financial implications: (g) pension/employment benefit. Pre-retirement benefits may be payable to a wider class and in a larger amount.
PENSION (TEACHERS) ACT	RSBC 1996, c. 357	001	Category 10: Financial Implications: (g) pension/employment benefits. Payable to a wider class.
	RSBC 1996, c. 357	021	Category 10: Financial implications: (g) pension/employment benefit. Pre-retirement benefits may be payable to a wider class and in a larger amount.
PENSION BENEFITS STANDARDS ACT	RSBC 1996, c. 352	001	Category 10: Financial Implications: (g) pension/employment benefits. Payable to a wider class.
	RSBC 1996, c. 352	034	Category 10: Financial implications: (g) pension/employment benefits: pre-retirement benefits may be payable to a wider class and in a larger amount.
POLICE ACT	RSBC 1996, c. 367	013	Category 10: Financial Implications: (c) statutory compensation. Expanding the class of persons who qualify as person's spouse or child would enlarge the number of claims that might be made on the death of the person.
	SBC 1997, c. 37	019	Category 10: Financial implications: (f) statutory compensation. A larger class of persons may qualify for aid.
PROPERTY TRANSFER TAX ACT	RSBC 1996, c. 378	001	Category 10: Financial implications: (a) tax exemption. A larger class of persons would qualify for exemption from property transfer taxes.
	RSBC 1996, c. 378		Category 10: Financial Implications: (a) tax exemption. No tax is payable on transfers to a spouse. This tax exemption will be expanded by including the extended definition of spouse.
	RSBC 1996, c. 378		Category 10: Financial implications: (a) tax exemption. A larger class may be entitled to claim an exemption on the basis of a parent/child relationship.

Part V: Financial Implications

<i>Statute</i>	<i>Cite</i>	<i>Section</i>	<i>Notes</i>
PROVINCIAL COURT ACT	RSBC 1996, c. 379	020	Category 10: Financial implications: (g) pension/employment benefits. Benefits may be payable to a wider class.
RANGE ACT	RSBC 1996, c. 396	020	Category 10: Financial Implications: (d) government grant or privilege. To the extent that a license may be transferred and not cancelled in more cases, government loses a measure of control (and possible opportunity to profit) from ranging rights.
SOCIAL SERVICE TAX ACT	RSBC 1996, c. 431	129	Category 10: Financial Implications: (a) tax exemption. A larger class of persons would be entitled to exemption from paying social service taxes.
SUPREME COURT ACT	RSBC 1996, c. 443	012	Category 10: Financial implications: (g) pension/employment benefits. Benefits may be payable to a wider class.
TOBACCO DAMAGES RECOVERY ACT	SBC 1997, c. 41	001	Category 10: Financial implications: (f) expanded third party liability. A wider class may be able to claim.
VICTIMS OF CRIME ACT	RSBC 1996, c. 478 RSBC 1996, c. 478	001	Category 10: Financial implications: wider class may be entitled to victim services. Category 10: Financial implications: a wider class may be entitled to victim services.
VITAL STATISTICS ACT	RSBC 1996, c. 479	015	Category 10: Financial implications: (e) registry/administration responsibilities.
	RSBC 1996, c. 479	016	Category 10: Financial implications: (e) registry/administration responsibilities.
	RSBC 1996, c. 479	026	Category 10: Financial implications: (e) registry/administration responsibilities.
	RSBC 1996, c. 479	037	Category 10: Financial implications: (e) registry/administration responsibilities.
WORKERS COMPENSATION ACT	RSBC 1996, c. 492	001	Category 10: Financial implications: (c) statutory compensation. The amendments to the Act will result in including extended relationships with obvious financial implications. The Act, however, limits the amount of compensation payable to a person's dependants, so the financial consequences are restricted.

DISSENT OF ETEL R. SWEDAHL

I support the recommendations of the Institute with the following two exceptions:

1. Uniformity as between the spousal support provisions in the *Divorce Act*, 1985 and the *Family Relations Act*, R.S.B.C. 1996 c. 128 should be achieved as soon as possible.
2. Parts 5 and 6 of the *Family Relations Act* (division of property and pension benefits) should apply to common law spouses who have lived together for two years or more.

I recommend that the spousal support provisions in the *Family Relations Act* be made uniform with the spousal support provisions in the *Divorce Act* and that the existing property division legislation under the *Family Relations Act* (Part 5 - Matrimonial Property and Part 6 - Division of Pension Entitlement) be made applicable to common law spouses of either sex who have lived together for two years or more.

The above recommendations flow from an emphasis on the following principles:

- Principle 1 - Non-discrimination in access to social status.
- Principle 2 - Protecting the vulnerable.
- Principle 3 - Protecting society's expectations.
- Principle 4 - Equity in distribution of benefits.
- Principle 5 - Equality among family relationships.

The difference in spousal support provisions in the *Divorce Act* and the *Family Relations Act*

The spousal support provisions in the *Divorce Act* and in the *Family Relations Act* are set out in Appendices “A” and “B” respectively.

Pursuant to section 89(2) of the *Family Relations Act* a married or common law spouse who applies for spousal support is **required** to be self-sufficient in relation to the other spouse except as provided in section 89(1)(a)-(e).

Under the *Divorce Act* (sections 15.2(6)(a)-(d) and 17(7)(a)-(d)) there are four objectives of a spousal support order, one of them being that an order for spousal support should, insofar as practicable, **promote** the economic self-sufficiency of each spouse within a reasonable period of time.

The Supreme Court of Canada decision in *Moge v. Moge* [1993] 1 W.W.R. 481 (S.C.C.) interpreted the four objectives of spousal support in the *Divorce Act* as “an attempt to achieve an equitable sharing of the economic consequences of marriage or marriage breakdown” (para. 77) which “envisages a compensatory model of support.” “The principles of compensation are found in ss. 15.2(6)(a)-(c) and 17(7)(a)-(c)” of the *Divorce Act* (p. 482)). These principles of compensation are not in the *Family Relations Act* (see sec. 89 of the FRA).

In the last few years the Courts have endeavoured to consider the same factors for support applications under both Acts, however; there is clearly a greater onus on the applicant spouse in the *Family Relations Act* legislation. There remains a risk that an application for spousal support under the *Family Relations Act* will be treated differently because the legislation is so obviously different.

A common law spouse applying for support has no choice but to apply under the *Family Relations Act* and risk being treated differently because of the difference in legislation. In my view this constitutes discrimination on the basis of marital status.

The other group who commonly apply under the *Family Relations Act* for spousal support are poorer married spouses. The Provincial Court is seen to be cheaper than Supreme Court and if there is no property to divide there is no perceived reason to go to Supreme Court.

Making the spousal support provisions in the *Family Relations Act* uniform with those in the *Divorce Act* would be a relatively simple matter and would end the uncertainty and risk of inequity in this area.

Property division including pensions as between common law spouses.

Presently Parts 5 and 6 of the *Family Relations Act* (division of property and pensions) applies only to married spouses. An unmarried spouse must claim an interest in property by way of constructive trust, resulting trust or quantum meruit; all of which are more difficult, cumbersome, time-consuming (including court time) and expensive than proceedings under the *Family Relations Act*.

I recommend that the legislation be changed to include common law relationships of two years or more under Parts 5 and 6, that is, Property Division and Pension Benefits Entitlement. Two years is somewhat arbitrary but not out of line with some existing legislation.

Two examples of time periods presently defining common law relationships are:

A. One year:-

The *Pension Benefits Division Act* (Canada) applies to married or common law couples who terminate their relationship. Common law spouses are defined as two persons of the opposite sex who have cohabited in a conjugal relationship for a period of not less than **one year** and apply at least one year after separation.

The *Pension Benefits Division Act* applies to federal public pension plans provided under the following acts:

Canadian Forces Superannuation Act
Defence Services Pension Continuation Act
Diplomatic Service (Special) Superannuation Act
Governor General's Act
Lieutenant Governors Superannuation Act
Members of Parliament Retiring Allowances Act
Public Service Superannuation Act
Royal Canadian Mounted Police Pension Continuation Act
Royal Canadian Mounted Police Superannuation Act
Special Retirement Arrangements Act.

B. Two years:

Unmarried parties must have lived together as husband and wife for **two consecutive years** in order to apply for spousal maintenance and apply within one year of separation pursuant to the *Family Relations Act*.

I further recommend that common law spouses of either sex be required to opt out of the applicable legislation by way of, for example, a written agreement. If they do not opt out then upon two years of cohabitation Parts 5 and 6 of the *Family Relations Act* would automatically apply. Such legislation would conform to people's present expectations and tend to protect spouses with less power and less financial resources.

Section 1(1)(b) of the *Family Relations Act* presently defines spouse as a person who

except under Parts 5 and 6, lived with another person in a marriage-like relationship for a period of at least 2 years if the application under this Act is made within one year after they ceased to live together and, for the purposes of this Act, the marriage-like relationship may be between persons of the same gender.

The actual amendment could be accomplished by simply omitting the phrase “except under Parts 5 and 6” in the above definition of spouse.

Appendix “A” to Dissent

Divorce Act, R.S.C. 1985, c.3 (2nd Supp.)

Spousal Support Orders

Spousal support order

15.2 (1) A court of competent jurisdiction may, on application by either or both spouses, make an order requiring a spouse to secure or pay, or to secure and pay, such lump sum or periodic sums, or such lump sum and periodic sums, as the court thinks reasonable for the support of the other spouse.

Interim order

(2) Where an application is made under subsection (1), the court may, on application by either or both spouses, make an interim order requiring a spouse to secure or pay, or to secure and pay, such lump sum or periodic sums, or such lump sum and periodic sums, as the court thinks reasonable for the support of the other spouse, pending the determination of the application under subsection (1).

Terms and conditions

(3) The court may make an order under subsection (1) or an interim order under subsection (2) for a definite or indefinite period or until a specified event occurs, and may impose terms, conditions or restrictions in connection with the order as it thinks fit and just.

Factors

(4) In making an order under subsection (1) or an interim order under subsection (2), the court shall take into consideration the condition, means, needs and other circumstances of each spouse, including

- (a) the length of time the spouses cohabited;
- (b) the functions performed by each spouse during cohabitation; and
- (c) any order, agreement or arrangement relating to support of either spouse.

Spousal misconduct

(5) In making an order under subsection (1) or an interim order under subsection (2), the court shall not take into consideration any misconduct of a spouse in relation to the marriage.

Objectives of spousal support order

(6) An order made under subsection (1) or an interim order under subsection (2) that provides for the support of a spouse should

- (a) recognize any economic advantages or disadvantages to the spouses arising from the marriage or its breakdown;
- (b) apportion between the spouses any financial consequences arising from the care of any child of the marriage over and above any obligation for the support of any child of the marriage;
- (c) relieve any economic hardship of the spouses arising from the breakdown of the marriage; and
- (d) in so far as practicable, promote the economic self-sufficiency of each spouse within a reasonable period of time.

Priority

Priority to child support

15.3 (1) Where a court is considering an application for a child support order and an application for a spousal support order, the court shall give priority to child support in determining the applications.

Reasons

(2) Where, as a result of giving priority to child support, the court is unable to make a spousal support order or the court makes a spousal support order in an amount that is less than it otherwise would have been, the court shall record its reasons for having done so.

Consequences of reduction or termination of child support order

(3) Where, as a result of giving priority to child support, a spousal support order was not made, or the amount of a spousal support order is less than it otherwise would have been, any subsequent reduction or termination of that child support constitutes a change of circumstances for the purposes of applying for a spousal support order, or a variation order in respect of the spousal support order, as the case may be.

Custody Orders

Order for custody

16. (1) A court of competent jurisdiction may, on application by either or both spouses or by any other person, make an order respecting the custody of or the access to, or the custody of and access to, any or all children of the marriage.

Interim order for custody

(2) Where an application is made under subsection (1), the court may, on application by either or both spouses or by any other person, make an interim order respecting the custody of or the access to, or the custody of and access to, any or all children of the marriage pending determination of the application under subsection (1).

Application by other person

(3) A person, other than a spouse, may not make an application under subsection (1) or (2) without leave of the court.

Joint custody or access

(4) The court may make an order under this section granting custody of, or access to, any or all children of the marriage to any one or more persons.

Access

(5) Unless the court orders otherwise, a spouse who is granted access to a child of the marriage has the right to make inquiries, and to be given information, as to the health, education and welfare of the child.

Terms and conditions

(6) The court may make an order under this section for a definite or indefinite period or until the happening of a specified event and may impose such other terms, conditions or restrictions in connection therewith as it thinks fit and just.

Order respecting change of residence

(7) Without limiting the generality of subsection (6), the court may include in an order under this section a term requiring any person who has custody of a child of the marriage and who intends to change the place of residence of that child to notify, at least thirty days before the change or within such other period before the change as the court may specify, any person who is granted access to that child of the change, the time at which the change will be made and the new place of residence of the child.

Factors

(8) In making an order under this section, the court shall take into consideration only the best interests of the child of the marriage as determined by reference to the condition, means, needs and other circumstances of the child.

Past conduct

(9) In making an order under this section, the court shall not take into consideration the past conduct of any person unless the conduct is relevant to the ability of that person to act as a parent of a child.

Maximum contact

(10) In making an order under this section, the court shall give effect to the principle that a child of the marriage should have as much contact with each spouse as is consistent with the best interests of the child and, for that purpose, shall take into consideration the willingness of the person for whom custody is sought to facilitate such contact.

Variation, Rescission or Suspension of Orders

Order for variation, rescission or suspension

17. (1) A court of competent jurisdiction may make an order varying, rescinding or suspending, prospectively or retroactively,

- (a) a support order or any provision thereof on application by either or both former spouses; or
- (b) a custody order or any provision thereof on application by either or both former spouses or by any other person.

Application by other person

(2) A person, other than a former spouse, may not make an application under paragraph (1)(b) without leave of the court.

Terms and conditions

(3) The court may include in a variation order any provision that under this Act could have been included in the order in respect of which the variation order is sought.

Factors for child support order

(4) Before the court makes a variation order in respect of a child support order, the court shall satisfy itself that a change of circumstances as provided for in the applicable guidelines has occurred since the making of the child support order or the last variation order made in respect of that order.

Factors for spousal support order

(4.1) Before the court makes a variation order in respect of a spousal support order, the court shall satisfy itself that a change in the condition, means, needs or other circumstances of either former spouse has occurred since the making of the spousal support order or the last variation order made in respect of that order, and, in making the variation order, the court shall take that change into consideration.

Factors for custody order

(5) Before the court makes a variation order in respect of a custody order, the court shall satisfy itself that there has been a change in the condition, means, needs or other circumstances of the child of the marriage occurring since the making of the custody order or the last variation order made in respect of that order, as the case may be, and, in making the variation order, the court shall take into consideration only the best interests of the child as determined by reference to that change.

Conduct

(6) In making a variation order, the court shall not take into consideration any conduct that under this Act could not have been considered in making the order in respect of which the variation order is sought.

Guidelines apply

(6.1) A court making a variation order in respect of a child support order shall do so in accordance with the applicable guidelines.

Court may take agreement, etc., into account

(6.2) Notwithstanding subsection (6.1), in making a variation order in respect of a child support order, a court may award an amount that is different from the amount that would be determined in accordance with the applicable guidelines if the court is satisfied

- (a) that special provisions in an order, a judgment or a written agreement respecting the financial obligations of the spouses, or the division or transfer of their property, directly or indirectly benefit a child, or that special provisions have otherwise been made for the benefit of a child; and

- (b) that the application of the applicable guidelines would result in an amount of child support that is inequitable given those special provisions.

Reasons

(6.3) Where the court awards, pursuant to subsection (6.2), an amount that is different from the amount that would be determined in accordance with the applicable guidelines, the court shall record its reasons for having done so.

Consent orders

(6.4) Notwithstanding subsection (6.1), a court may award an amount that is different from the amount that would be determined in accordance with the applicable guidelines on the consent of both spouses if it is satisfied that reasonable arrangements have been made for the support of the child to whom the order relates.

Reasonable arrangements

(6.5) For the purposes of subsection (6.4), in determining whether reasonable arrangements have been made for the support of a child, the court shall have regard to the applicable guidelines. However, the court shall not consider the arrangements to be unreasonable solely because the amount of support agreed to is not the same as the amount that would otherwise have been determined in accordance with the applicable guidelines.

Objectives of variation order varying spousal support order

(7) A variation order varying a spousal support order should

- (a) recognize any economic advantages or disadvantages to the former spouses arising from the marriage or its breakdown;
- (b) apportion between the former spouses any financial consequences arising from the care of any child of the marriage over and above any obligation for the support of any child of the marriage;
- (c) relieve any economic hardship of the former spouses arising from the breakdown of the marriage; and
- (d) in so far as practicable, promote the economic self-sufficiency of each former spouse within a reasonable period of time.

(8) [Repealed, 1997, c. 1, s. 5]

Maximum contact

(9) In making a variation order varying a custody order, the court shall give effect to the principle that a child of the marriage should have as much contact with each former spouse as is consistent with the best interests of the child and, for that purpose, where the variation order would grant custody of the child to a person who does not currently have custody, the court shall take into consideration the willingness of that person to facilitate such contact.

Limitation

(10) Notwithstanding subsection (1), where a spousal support order provides for support for a definite period or until a specified event occurs, a court may not, on an application instituted after the expiration of that period or the occurrence of the event, make a variation order for the purpose of resuming that support unless the court is satisfied that

- (a) a variation order is necessary to relieve economic hardship arising from a change described in subsection (4.1) that is related to the marriage; and
- (b) the changed circumstances, had they existed at the time of the making of the spousal support order or the last variation order made in respect of that order, as the case may be, would likely have resulted in a different order.

Copy of order

(11) Where a court makes a variation order in respect of a support order or a custody order made by another court, it shall send a copy of the variation order, certified by a judge or officer of the court, to that other court.

Variation order by affidavit, etc.

17.1 Where both former spouses are ordinarily resident in different provinces, a court of competent jurisdiction may, in accordance with any applicable rules of the court, make a variation order pursuant to subsection 17(1) on the

basis of the submissions of the former spouses, whether presented orally before the court or by means of affidavits or any means of telecommunication, if both former spouses consent thereto.

Appendix “B” to Dissent

Family Relations Act, R.S.B.C. 1991, c. 128

Part 7 — Maintenance and Support Obligations

Definitions for Part

87 In this Part:

“child” includes a person who is 19 years of age or older and, in relation to the parents of the person, is unable, because of illness, disability or other cause, to withdraw from their charge or to obtain the necessaries of life

“enforcement officer” means an enforcement officer designated under section 98;

“maintenance order” means an order made under sections 88 to 96.

Obligation to support child

88 (1) Each parent of a child is responsible and liable for the reasonable and necessary support and maintenance of the child.

Obligation to support spouse

89 (1) A spouse is responsible and liable for the support and maintenance of the other spouse having regard to the following:

- (a) the role of each spouse in their family;
- (b) an express or implied agreement between the spouses that one has the responsibility to support and maintain the other;
- (c) custodial obligations respecting a child;
- (d) the ability and capacity of, and the reasonable efforts made by, either or both spouses to support themselves;
- (e) economic circumstances.

(2) Except as provided in subsection (1), a spouse or former spouse is required to be self sufficient in relation to the other spouse or former spouse.

Obligation to support parent

90 (1) In this section:

“child” means an adult child of a parent;

“parent” means a father or mother dependent on a child because of age, illness, infirmity or economic circumstances.

(2) A child is liable to maintain and support a parent having regard to the other responsibilities and liabilities and the reasonable needs of the child.

Application for an order

91 (1) A person may apply for an order under this Part on his or her own behalf.

(2) The Attorney General may designate in writing those persons who may make applications for orders under this Part on behalf of a parent described in section 90 or on behalf of a spouse.

(3) Any person may apply for an order under this Part on behalf of a child.

(4) A spouse or parent affected by an order under this Part or a person described in subsection (1), (2) or (3) may apply for an order altering, varying or rescinding the order or cancelling or reducing arrears under it.

(5) For the purposes of section 15 (1) (a) of the *BC Benefits (Income Assistance) Act*, the government may apply, in its own name or in the name of an individual, for an order under this Part.

Failing to comply with rules respecting disclosure of information

92 (1) If a person fails to comply with rules respecting disclosure information in proceedings under this Act that are made under the authority of the Court Rules Act, the court may order an amount not exceeding \$5 000 for the benefit of the spouse, parent or child on whose behalf the request was made.

(2) The award under subsection (1) is additional to and not in place of any other remedy.

Order for support and maintenance

93 (1) Subject to the Divorce Act (Canada), a court may make an order on application, or if the court makes or refuses an order for judicial separation or dissolution of marriage or a declaration that a marriage is null and void, requiring a party to the proceeding to discharge his or her liability

- (a) under section 88 by paying to the person designated in the order the amount the court ascertains, using the child support guidelines, and
- (b) under section 89 or 90, as the case may be, by paying to the person designated in the order the amount the court considers reasonable.

(2) Despite subsection (1) (a), a court may make an order to discharge a liability under section 88 by paying to the person designated in the order an amount that differs from the amount the court ascertains, using the child support guidelines, if the court is satisfied that

- (a) provisions in an order, a judgment or a written agreement respecting the financial obligations of the parents, or the division or transfer of their property, directly or indirectly benefit the child, or that special provisions have otherwise been made for the benefit of the child, and
- (b) the application of the child support guidelines would be inequitable in the circumstances of the provisions to which paragraph (a) refers.

(3) If the court makes an order under subsection (2), it must record its reasons for having done so.

(4) If a spouse will be living separate and apart from the spouse against whom the application is made, the court may, as it considers appropriate, adjust the amount of its order under subsection (1) (b) to take into account the needs, means, capacities and economic circumstances of each spouse, including the following:

- (a) the effect on the earning capacity of each spouse arising from responsibilities assumed by each spouse during cohabitation;
- (b) any other source of support and maintenance for the applicant spouse;
- (c) the desirability of the applicant spouse having special assistance to achieve financial independence from the spouse against whom the application is made;
- (d) the obligation of the spouse against whom application is made to support another person;
- (e) the capacity and reasonable prospects of a spouse obtaining education or training.

(5) An order under this section may also provide for one or more of the following:

- (a) payment periodically, annually or otherwise, and either for an indefinite or limited period or until the happening of a specified event;
- (b) payment of a lump sum directly or in trust on terms provided;
- (c) charging of property with payment under the order;
- (d) payment of support and maintenance beginning on the date the application in the proceeding was served on the respondent;
- (e) payment for expenses arising from and incidental to
 - (i) the prenatal care of the mother or child, or
 - (ii) the birth of a child.

(6) If an order under this section benefits more than one person, the court must specify the amount payable, as the case may be, for a spouse, a parent or the children.

Consent orders

93.1 (1) In proceedings under section 93 or 96 a court may award an amount that is different from the amount calculated under the child support guidelines, on the consent of the parties to the proceedings, if the court is satisfied that reasonable arrangements have been made for the support of the children to whom the order relates.

(2) For the purposes of subsection (1) the court must consider the child support guidelines in determining whether reasonable arrangements have been made for the support of the children to whom the order relates but must not consider the arrangements to be unreasonable solely because the amount calculated under the child support guidelines differs from the amount to which the parties consent.

Priority

93.2 (1) If a court is considering making an order under section 93, or in proceedings under section 96, the court must give priority to maintenance under section 88.

(2) If, as a result of subsection (1), the court is unable to make an order under section 93 (1) (b) or makes an order under section 93 (1) (b) in an amount that is less than it would have otherwise been,

- (a) the court must record its reasons for having done so, and
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- (b) any subsequent reduction or termination of the obligation to pay under the order made under section 93 (1)(a) constitutes a change described in section 96 (1) for the purposes of applying for
 - (i) an order under section 93 (1) (b), if one was not made previously, or
 - (ii) a variation of the order under section 93 (1) (b), if one was made in an amount that is less than it would have been otherwise.