CHAPTER 35

An Act to amend the Family Law Act, 1986

Assented to July 10th, 1986

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

1.—(1) Clause (c) of the definition of “property” in subsection 4 (1) of the Family Law Act, 1986, being chapter 4, is repealed and the following substituted therefor:

(c) in the case of a spouse’s rights under a pension plan that have vested, the spouse’s interest in the plan including contributions made by other persons.

(2) Paragraph 4 of subsection 4 (2) of the said Act is repealed and the following substituted therefor:

4. Proceeds or a right to proceeds of a policy of life insurance, as defined in the Insurance Act, that are payable on the death of the life insured.

2.—(1) Subsection 6 (6) of the said Act is repealed and the following substituted therefor:

(6) Where a surviving spouse,

(a) is the beneficiary,

(i) of a policy of life insurance, as defined in the Insurance Act, that was taken out on the life of the deceased spouse and owned by the deceased spouse or was taken out on the lives of a group of which he or she was a member, or

(ii) of a lump sum payment provided under a pension or similar plan on the death of the deceased spouse; and

(b) elects or has elected to receive the entitlement under section 5.
the payment under the policy or plan shall be credited against the surviving spouse's entitlement under section 5, unless a written designation by the deceased spouse provides that the surviving spouse shall receive payment under the policy or plan in addition to the entitlement under section 5.

(6a) If a surviving spouse,

(a) elects or has elected to receive the entitlement under section 5; and

(b) receives payment under a life insurance policy or a lump sum payment provided under a pension or similar plan that is in excess of the entitlement under section 5.

and there is no written designation by the deceased spouse described in subsection (6), the deceased spouse's personal representative may recover the excess amount from the surviving spouse.

(2) Clause 6 (8) (b) of the said Act is repealed.

(3) Subsection 6 (9) of the said Act is amended by inserting after "election" in the first line "shall be in the form prescribed by the regulations made under this Act and".

3. Subsections 6 (6) and (6a) of the said Act, as set out in subsection 2 (1) of this Act, apply with respect to deaths that occurred before or occur after the coming into force of this Act.

4. This Act comes into force on the day it receives Royal Assent.

5. The short title of this Act is the Family Law Amendment Act, 1986.