

EMPIRE LIFE INFORMATION CIRCULAR

DATE: April 23, 2012

Nº. 2012-09

CATEGORY : INVESTMENTS

TO : Managing General Agents, Associate General Agents, Brokers,
General Agents, Independent Financial Advisors and National Accounts

SUBJECT : **Spousal Declaration Form**

We have created a new Spousal Declaration form. Please use this form when requesting a transfer of Locked-in funds.

Important Information This form combines and replaces the separate provincial Declaration of No Spouse and Declaration of No Spouse at Death forms we previously had on our website.

The new form is attached for your reference and can be located on Forms section of our Advisor website. Use the [Search All](#) feature and input “Spousal Declaration” into the search field to access the form.

Reference **Carol Anne Bracciodieta**, Director, Investment Operations, Customer and Dealer Services

SPOUSAL DECLARATION

Policy/Contract Number
Owner/Annuitant
Applicable pension legislation under which the locked-in funds are being administered: <input type="radio"/> BC <input type="radio"/> AB <input type="radio"/> SK <input type="radio"/> MB <input type="radio"/> ON <input type="radio"/> QC <input type="radio"/> NS <input type="radio"/> NB <input type="radio"/> NL <input type="radio"/> Federal

Complete Section 1 if Annuitant is living or Section 2 if Annuitant is deceased

1. Declaration of Annuitant I certify that, as of the date this form is being signed, I do not have a spouse or partner as defined by the applicable pension legislation, as amended from time to time (see page 2 of this form).	
Signature of Annuitant X	Signature of Witness X
Date	Print name of Witness

2. Declaration of Executor of Annuitant's Estate As the Executor of the Annuitant's estate and as a result of the death of the Annuitant, I certify that, as of the date of death, the Annuitant did not have a spouse or partner as defined by the applicable pension legislation, as amended from time to time (see page 2 of this form).	
Signature of Executor of Estate X	Signature of Witness X
Print name of Executor of Estate	Print name of Witness
Date	

DEFINITION OF SPOUSE**

British Columbia – Pension Benefits Standards Act [RSBC 1996] CHAPTER 352 and Regulation

“spouse” means, in relation to another person,

- (a) a person who, at the relevant time, was married to that other person, and who, if living separate and apart from that other person at the relevant time, did not live separate and apart from that other person for longer than the 2 year period immediately preceding the relevant time, or
- (b) if paragraph (a) does not apply, a person who was living and cohabiting with that other person in a marriage-like relationship, including a marriage-like relationship between persons of the same gender, and who had been living and cohabiting in that relationship for a period of at least 2 years immediately preceding the relevant time;

Alberta – Employment Pension Plans Act, RSA 2000, c E-8 and Regulation

“pension partner” means, in relation to another person,

- (i) a person who, at the relevant time, was married to that other person and had not been living separate and apart from that other person for 3 or more consecutive years, or
- (ii) if there is no person to whom sub clause (i) applies, a person who, immediately preceding the relevant time, had lived with that other person in a conjugal relationship a) for a continuous period of at least 3 years, or b) of some permanence, if there is a child of the relationship by birth or adoption;

Saskatchewan – The Pension Benefits Act, 1992 and Regulations

“Spouse” means:

- (i) a person who is married to a member or former member; or
- (ii) if a member or former member is not married, a person with whom the member or former member is cohabiting as spouses at the relevant time and who has been cohabiting continuously with the member or former member as his or her spouse for at least one year prior to the relevant time.

Manitoba – The Pension Benefits Act, CCSM c P32 and Regulation

“Spouse” where used in relation to another spouse means the person who is married to that other spouse; and

“Common-law Partner” of a member or former member means:

- (a) a person who, with the member or former member, registered a common-law relationship under section 13.1 of the *Vital Statistics Act*; or
- (b) a person who, not being married to the member or former member, cohabited with him or her in a conjugal relationship
 - (i) for a period of at least three years, if either of them is married; or
 - (ii) for a period of at least one year, if neither of them is married; (“conjoint de fait”)

Ontario – Pension Benefits Act, RSO 1990, c P.8 and Regulation

“spouse” means either of two persons who:

- (a) are married to each other; or
- (b) are not married to each other and are living together in a conjugal relationship:
 - (i) continuously for a period of not less than three years; or
 - (ii) in a relationship of some permanence, if they are the natural or adoptive parents of a child, both as defined in the *Family Law Act* (“conjoint”).

** Definitions are current as of the date this form was prepared. Please refer to the relevant legislation to verify the current definition is unchanged.

Québec – Supplemental Pension Plans Act, RSQ, c R-15.1 and Regulation

“spouse” as defined in section 85 of the Act, is the person who, on the day of reference:

- (1) is married to or in a civil union with the member;
- (2) has been living in a conjugal relationship with a member who is neither married nor in a civil union, whether the person is of the opposite or the same sex, for a period of not less than three years, or for a period of not less than one year if:
 - (i) at least one child is born, or to be born, of their union;
 - (ii) they have adopted, jointly, at least one child while living together in a conjugal relationship; or
 - (iii) one of them has adopted at least one child who is the child of the other, while living together in a conjugal relationship.

Nova Scotia – Pension Benefits Act, RSNS 1989, c 340 and Regulations

“spouse or a common-law partner” means either of a man and woman who:

- (i) are married to each other;
- (ii) are married to each other by a marriage that is voidable and has not been annulled by a declaration of nullity, or
- (iii) have gone through a form of marriage with each other, in good faith, that is void and are cohabiting or, if they have ceased to cohabit, have cohabited within the twelve-month period immediately preceding the date of entitlement.

New Brunswick – Pension Benefits Act, SNB 1987, c P-5.1 and Regulation

“spouse” means either of two persons who

- (a) are married to each other;
- (b) are married to each other by a marriage that is voidable and has not been avoided by a declaration of nullity, or
- (c) have gone through a form of marriage with each other in good faith that is void and have cohabited within the preceding year.

Newfoundland & Labrador – Pension Benefits Act, 1997, SNL 1996, c P-4.01 and Regulations

“spouse” means, except in Part VI, a person who:

- (i) is married to the member or former member;
- (ii) is married to the member or former member by a marriage that is voidable and has not been voided by a judgment of nullity; or
- (iii) has gone through a form of a marriage with the member or former member, in good faith, that is void and is cohabiting or has cohabited with the member or former member within the preceding year.

Federal – Pension Benefits Standards Act, 1985, RSC 1985, c 32 (2nd Supp) and Regulations

“spouse”, in relation to an individual, includes a person who is a party to a void or, in Québec, null marriage with the individual;

“common-law partner”, in relation to an individual, means a person who is cohabiting with the individual in a conjugal relationship, having so cohabited for a period of at least one year.