

No. 73

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1st Session, 14th Legislature, Alberta  
8 Elizabeth II

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## **BILL 73**

A Bill to amend The Reciprocal Enforcement of  
Maintenance Orders Act

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HON. MR. MANNING

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## Explanatory Note

**2.** (a) "dependant" is redefined to relate to the law of the "state" where an order is made rather than to "place". (See remarks following concerning "jurisdiction".) (b) "maintenance order" is redefined for two purposes: (1) to remove the express exception relating to "affiliation orders", and (2) to refer specifically to "alimony", "former wife", "reputed wife" and "child". (c) "reciprocating state" is redefined to refer to state, (within or without Canada) as the law site rather than using the term "jurisdiction" which is capable of other meanings. The terms are presently defined as follows:

"2. In this Act,  
.....

- (c) "dependant" means a person that a person against whom a maintenance order is sought or has been made is liable to maintain according to the law in force in the place where the maintenance order is sought or was made;
- (d) "maintenance order" means an order, other than an order of affiliation, for the periodical payment of money towards the maintenance of the wife or any other dependant of the person against whom the order was made;
- (e) "reciprocating state" means a jurisdiction declared under section 14 to be a reciprocating state."

**3.** Self-explanatory. There is now no such right given by the Act.

**4.** The term "state" replaces jurisdiction. See note to clause 2(c). Section 14 presently reads:

"14. (1) Where the Lieutenant Governor in Council is satisfied that reciprocal provisions will be made by a jurisdiction in or outside Canada for the enforcement therein of maintenance orders made within Alberta, the Lieutenant Governor in Council may by order declare it to be a reciprocating state for the purposes of this Act.

(2) The Lieutenant Governor in Council may revoke any order made under subsection (1), and thereupon the jurisdiction with respect to which the order was made ceases to be a reciprocating state for the purposes of this Act."

# BILL

No. 73 of 1960

## An Act to amend The Reciprocal Enforcement of Maintenance Orders Act

(Assented to \_\_\_\_\_, 1960)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

**1.** *The Reciprocal Enforcement of Maintenance Orders Act*, being chapter 42 of the Statutes of Alberta, 1958, is hereby amended.

**2.** Section 2 is amended by striking out the definitions of "dependant", "maintenance order" and "reciprocating state" in clauses (c), (d) and (e) respectively and by substituting the following:

- (c) "dependant" means a person that a person against whom a maintenance order is sought or has been made is liable to maintain according to the law in force in the state where the maintenance order is sought or was made;
- (d) "maintenance order" means an order for the periodical payment of money as alimony or as maintenance for a wife or former wife or reputed wife or a child or any other dependant of the person against whom the order was made;
- (e) "reciprocating state" means a state declared under section 14 to be a reciprocating state.

**3.** Section 6 is amended by adding immediately after subsection (6) the following:

(6a) Where the court has declined to confirm an order or a part thereof, or has varied or rescinded an order, the person in whose favour the order was made and the Attorney General have a like right of appeal.

**4.** Section 14 is amended by striking out the word "jurisdiction" where it occurs in subsections (1) and (2) and by substituting the word "state".

**5.** This Act comes into force on the day upon which it is assented to.

No. 73

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FIRST SESSION

FOURTEENTH LEGISLATURE

8 ELIZABETH II

1960

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**BILL**

An Act to amend The Reciprocal  
Enforcement of Maintenance  
Orders Act

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. MANNING

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