

No. 45

1st Session, 15th Legislature, Alberta
12 Elizabeth II

BILL 45

A Bill to amend The Domestic Relations Act

HON. MR. MANNING

Explanatory Note

1. This Bill amends The Domestic Relations Act (c. 89 of the Revised Statutes) to alter the procedure on applications under Part IV for maintenance orders. It has been judicially held that because of the wording of sections 27 (2) and 31 (1) the proceedings are to be conducted in the same manner as summary conviction proceedings and the husband is required to plead "guilty" or "not guilty". The amendments in this Bill will enable a more suitable procedure to be followed.

BILL

No. 45 of 1964

An Act to amend The Domestic Relations Act

(Assented to _____, 1964)

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

1. *The Domestic Relations Act* is hereby amended.

2. Section 27 is amended

(a) by striking out subsection (2) and by substituting the following:

(1a) A married woman deserted by her husband may apply in person and by a supporting affidavit setting forth facts material to her application to a justice of the peace who, on being satisfied that her husband has neglected or refused without sufficient cause to provide reasonable maintenance for his wife or his wife and children, and has deserted her, may summons the husband to appear before a magistrate.

(1b) Upon the husband appearing before the magistrate, the magistrate shall advise the husband of the contents of the supporting affidavit and shall ask the husband whether or not he accepts liability for the maintenance of his wife or his wife and children, as the case may be, according to the application.

(2) If the husband admits liability, or if the husband denies liability and the magistrate after due hearing finds the husband does have liability, the magistrate may order that the husband pay to the applicant personally, or for her use to a third person on her behalf and named in the order, such weekly, semi-monthly, or monthly sum for the maintenance of his wife or his wife and children, as the magistrate considers reasonable having regard to the means of both the husband and wife.

(b) as to subsections (2a), (2b) and (2c) by striking out the word and figure "subsection (2)" and by substituting the word and figure "subsection (1a)".

4. Commencement of Act.

3. Section 31 is amended by striking out subsection (1) and by substituting the following:

31. (1) Except as is otherwise provided by this or any other Act, and except where contrary to the intent of this Part, the provisions of Part XXIII and Part XXIV of the *Criminal Code* apply to proceedings under this Part.

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

No. 45

FIRST SESSION
FIFTEENTH LEGISLATURE
12 ELIZABETH II
1964

BILL

An Act to amend The Domestic
Relations Act

Received and read the

First time

Second time

Third time

HON. MR. MANNING
