

1972 Bill 62

First Session, 17th Legislature, 21 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 62

The Maintenance and Recovery Amendment Act, 1972

MR. ASHTON

First Reading

Second Reading

Third Reading

BILL 62

1972

THE MAINTENANCE AND RECOVERY AMENDMENT ACT, 1972

(Assented to _____, 1972)

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

1. *The Maintenance and Recovery Act is hereby amended.*
2. *Section 6, subsection (6) is amended by striking out the figure "\$100" and by substituting the figure "\$500".*
3. *Section 14 is amended by striking out subsection (3) and by substituting the following:*
 - (3) If the child is retained in her custody and under her care and control,
 - (a) the marriage of the mother, or
 - (b) the resumption by the mother of cohabitation with her husband,does not bar the making of a complaint, the continuation of any proceedings commenced under this Part before the marriage or resumption of cohabitation, or the making of an order.
4. *Section 28, subsection (2) is amended by adding at the end thereof the words "and may authorize service ex juris of the notice".*
5. *Section 34, clause (b) is amended by striking out the word "aid" and by substituting the words "social allowance".*

Explanatory Notes

1. This Bill will amend chapter 223 of the Revised Statutes of Alberta 1970.

2. Section 6 prohibits disclosure of personal information on Government files relating to this Act. Subsection (6) presently reads:

(6) Any person who contravenes this section is guilty of an offence and liable upon summary conviction to a fine of not more than \$100 and in default of payment to a term of imprisonment of not more than 90 days.

3. Section 14(3) presently reads:

(3) If the child is retained in her custody and under her care and control,

(a) the marriage of the mother, or

(b) the resumption by the mother of cohabitation with her husband, does not bar the making of a complaint or the continuation of any proceedings under this Part commenced before the marriage or resumption of cohabitation, as the case may be, but in either case a judge may only make an order if the circumstances are such as would justify the reinstatement of an existing order as provided in section 23.

4. Section 28(1) and (2) presently read:

28. (1) Upon the failure on the part of a putative father to comply with the terms of an agreement with respect to the making of payments for maintenance and when the putative father is outside Alberta, the Director may apply to a judge for an order against the putative father with respect to payments in arrears and terms of payment in the future.

(2) The judge shall issue a notice to the putative father in which he shall set out the facts of the application and the date and time at which the application will be heard.

5. Section 34 presently reads:

34. A judge having jurisdiction in the judicial district

(a) where the recipient of an overpayment resides, or

(b) where the aid is or has been issued,

has jurisdiction under this Part.

6. Section 58 is amended by striking out subsections (1), (2) and (3) and by substituting the following:

58. (1) Where a social allowance is provided under *The Social Development Act* to meet

- (a) the payments on a land mortgage, or
- (b) the payments of an agreement for sale of land, or
- (c) the cost of repairs to buildings or other improvements to land,

the Minister may cause a caveat in a form prescribed by him to be registered in the land titles office against the certificate of title for the land.

(2) On the registration of the caveat, the Minister has a charge on the land equal to

- (a) the amount by which the principal sum of the mortgage or agreement for sale has been reduced since payments mentioned in subsection (1) were commenced, or
- (b) the cost of repairs made to buildings or other improvements to the land mentioned in subsection (1).

(3) On receiving the caveat, the Registrar shall send a notice of the caveat to

- (a) the mortgagor, where payments are made for a mortgage,
- (b) the purchaser, where payments are made under an agreement for sale, if the purchaser's address can be ascertained from the certificate of title, and
- (c) the person who has received a social allowance, where payment of the cost of repairs to buildings or other improvements to the land has been made.

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

6. Section 58(1) to (3) presently reads:

58. (1) Where a social allowance is provided under The Social Development Act to meet the payments of a land mortgage or an agreement for the sale of land, the Minister may cause a caveat in a form prescribed by him to be registered in the land titles office against the certificate of title for the land.

(2) On the registration of the caveat, the Minister has a charge on the land equal to the amount by which the principal sum of the mortgage or agreement for sale has been reduced since payments as mentioned in subsection (1) were commenced.

(3) On receiving the caveat, the Registrar shall send a notice of the caveat to

- (a) the mortgagor, where payments are made for a mortgage, and
- (b) the purchaser, where payments are made under an agreement for sale provided that the purchaser's address may be ascertained from the certificate of title.