

1978 BILL 68

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Fourth Session, 18th Legislature, 27 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 68**

**THE MAINTENANCE AND RECOVERY  
AMENDMENT ACT, 1978**

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MR. ASHTON

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

*Bill 68*  
*Mr. Ashton*

## **BILL 68**

1978

### **THE MAINTENANCE AND RECOVERY AMENDMENT ACT, 1978**

*(Assented to , 1978)*

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 amended by this Act.*

*2 Section 47 is amended by renumbering it as section 47(1) and  
by adding the following:*

(2) An order or agreement shall not be registered under  
subsection (1) if the person required to make a payment  
under it

(a) is not in default under the order or agreement, or

(b) in the case of an order, has deposited with the  
court security of a kind and in an amount satisfactory to  
a judge for making payment under the order in the  
event of the default of that person under it.

(3) The Registrar of Land Titles shall cancel the registra-  
tion of an order or agreement registered under subsection  
(1) upon the presentation to him of a certificate issued by  
the Director stating either

(a) that the person required to make a payment under  
it is not in default under the order or agreement, or

(b) in the case of a registered order,

(i) that the order has terminated or has been  
revoked by a further order of the court, or

(ii) that there has been deposited with the court  
security of a kind and in an amount satisfactory to  
a judge for the making of any payment under the  
order in the event of default of payment under it,  
or

## **Explanatory Notes**

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

**2** This amendment will provide the same procedure for discharging orders or agreements as the procedure prescribed in section 26.

Section 47 presently reads:

*47 An order or agreement may be registered in any land titles office and the registration so long as the order or agreement remains in force*

*(a) binds the estate and interest of every description that the person required to make a payment thereunder has in any lands in the land registration district where the registration is made, and*

*(b) operates thereon in the same manner and with the same effect as a registration of a charge by the person required to make a payment thereunder of a life annuity on his lands.*

(c) in the case of a registered agreement, that the agreement has terminated or has been discharged.

(4) Where the Director, upon application to him, refuses to issue a certificate under subsection (3), the applicant may apply to the court by way of originating notice of motion for an order directing the Registrar of Titles to cancel the registration of the order or the agreement.

(5) An order under subsection (4) may be made only where the court is of the opinion that grounds exist upon which the Director could have issued a certificate under subsection (3).

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