

1983 BILL 251

First Session, 20th Legislature, 32 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 251

CRIMINAL COMPENSATION INTERCEPT ACT

MR. R. SPEAKER

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 251
Mr. R. Speaker

BILL 251

1983

CRIMINAL COMPENSATION INTERCEPT ACT

(Assented to _____, 1983)

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

Definitions

1 In this Act,

(a) "compensation" means money that has been ordered to be paid by a defendant to any person by a Court as damages arising from an act in respect of which the defendant has been convicted of an offence under the *Criminal Code* (Canada), restitution ordered by a Court pursuant to the *Criminal Code* (Canada), or damages ordered to be treated as compensation pursuant to section 2;

(b) "defendant" means a person who has been ordered to pay damages for an act for which he has also been convicted of an offence under the *Criminal Code* (Canada) or who has been ordered to pay restitution pursuant to the *Criminal Code* (Canada);

(c) "provincial grant" means any money due or to be paid by Her Majesty in right of Alberta, by way of payment, grant, refund, allowance or on any other basis, to a defendant.

Damages ordered to be compensation

2 Where a person has been awarded damages but the act in respect of which the award was made has not been the subject of a criminal prosecution, the person who has been awarded the damages may apply to the Court for an order that the damages be treated as compensation for the purposes of this Act and the Court may so order if it is satisfied that the act was one in respect of which a criminal prosecution could have been commenced.

Certificate of compensation

3(1) Where compensation has been due and owing for more than 60 days, the person to whom it is owed may send a certificate of

that fact in the prescribed form to the Provincial Treasurer, and a request that all or any provincial grants to the defendant be intercepted to pay the compensation.

(2) A copy of a certificate made pursuant to subsection (1) shall be served on the defendant personally or by ordinary mail at his last known address.

(3) A certificate shall include:

- (a) the full name and the last known address of the defendant;
- (b) a copy of the judgement or order whereby the defendant owed the compensation.

Appeal

4(1) The defendant may, within 30 days of the service of the certificate on him, appeal the interception of the provincial grant to the Provincial Court on the grounds that

- (a) he is not liable for the compensation, or
- (b) the interception of the provincial grant would cause undue hardship,

and the Court shall determine whether or not the Provincial Treasurer may order that the provincial grant be intercepted.

(2) The defendant shall at the same time give notice of his appeal to the Provincial Treasurer.

Intercept

5 At any time more than 30 days after service of the certificate on the defendant if no appeal has commenced pursuant to section 4, or if it has been commenced, after it has been decided against the defendant, the Provincial Treasurer may order that any provincial grant due or to be paid to the defendant be intercepted and paid instead to the person to whom the compensation is payable, up to the amount of the compensation due to him.

Binds the Crown

6 This Act binds the Crown.

Reciprocal agreements

7 The Provincial Treasurer may enter into agreements with the Government of Canada or any government of a province which enacts similar legislation, to provide for reciprocal interception of grants payable in other jurisdictions and for the recovery of compensation arising in other jurisdictions, on the same or similar terms as in this Act.

Compensation

8 The Provincial Treasurer may make regulations, prescribing forms and procedures to fulfill the intent of this Act.

Coming into force

9 This Act comes into force on Proclamation.