

1984 BILL 212

Second Session, 20th Legislature, 33 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 212

**TAX REFUND AND PROVINCIAL
GRANT INTERCEPT ACT**

MR. R. SPEAKER

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 212
Mr. R. Speaker

BILL 212

1984

TAX REFUND AND PROVINCIAL GRANT INTERCEPT ACT

(Assented to , 1984)

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

Definitions

1 In this Act,

(a) "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 the debtor;

(b) "debt" means money that is owed Her Majesty in right
of Alberta in respect of a failure to meet obligations under an
order of a court respecting alimony or maintenance of a spouse,
ex-spouse or child, and "debtor" has a corresponding meaning.

Certificate of
debt

2(1) Where a debt has been owed for more than 60 days, a Minister
may send a certificate of that fact to the Provincial Treasurer, and a
request that all or any provincial grants to the debtor be intercepted
to pay the debt.

(2) A copy of a certificate made pursuant to subsection (1) shall
be served on the debtor 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 debtor;

(b) the social insurance number of the debtor;

(c) the basis upon which the debtor owes the debt and the
names of the persons in respect of whom it is owed;

(d) a statement of the arrears of obligations that constitute the
debt including their due dates.

Appeal

3(1) The debtor 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 debt, 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 debtor shall at the same time give notice of his appeal to the Provincial Treasurer.

Intercept

4 At any time more than 30 days after service of the certificate on the debtor if no appeal has commenced pursuant to section 3, or if it has been commenced, if it has been decided against the debtor, the Provincial Treasurer may order that any provincial grant due or to be paid to the debtor be intercepted and paid instead to Her Majesty in right of Alberta up to the amount of the debt that is 60 days or more overdue, to be applied and paid by the Provincial Treasurer to the proper satisfaction of the debt.

Exclusions

5 Money due or to be paid to a debtor by the Minister of Social Services and Community Health may not be intercepted unless the Crown has first applied to the Court and the judge has been satisfied that the money should in the circumstances be intercepted to satisfy the debt.

Binds 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 debts arising in other jurisdictions, on the same terms as in this Act.

Coming into force

8 This Act comes into force on Proclamation.