

1988 BILL 23

Third Session, 21st Legislature, 37 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 23

MAINTENANCE AND RECOVERY AMENDMENT ACT, 1988

MR. CHERRY

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 23
Mr. Cherry

BILL 23

1988

MAINTENANCE AND RECOVERY AMENDMENT ACT, 1988

(Assented to _____, 1988)

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 1 is amended by adding the following after clause (b):*
 - (b.1) "Director of Maintenance Enforcement" means the Director of Maintenance Enforcement as defined in the *Maintenance Enforcement Act*;
- 3 *In the following provisions, "Director" is struck out wherever it occurs and "Director of Maintenance Enforcement" is substituted:*
 - section 23(2);
 - section 27(1).
- 4 *Section 25 is repealed and the following is substituted:*
 - 25(1) In this section, "creditor" means a person entitled pursuant to an agreement under section 10 to receive money for that person's own use or for the benefit of another person.
 - (2) Any amount payable pursuant to an agreement under section 10 shall be paid
 - (a) directly to the creditor, or
 - (b) to the creditor through the Director of Maintenance Enforcement pursuant to the *Maintenance Enforcement Act*.

Explanatory Notes

- 1 This Bill will amend chapter M-2 of the Revised Statutes of Alberta 1980.
- 2 Adds a definition.
- 3 Corrects a reference to the appropriate Director.

4 Section 25 presently reads:

25(1) Any amount to be paid under an order or agreement shall be paid to the Director or to a person the Director directs.

(2) The Director shall ensure that the money collected under an order or agreement is paid out and applied for the purposes specified in the order or agreement, but

(a) the Director may cause any of the money to be paid out in amounts and at times the Director considers reasonable, and

(b) if any public funds have been or are being spent on any of the expenses mentioned in section 21, the Director may pay into the General Revenue Fund a like amount collected under the order or agreement.

(3) When money has been paid under an order or agreement to the Director and the Director is unable to pay out the money for the purpose intended due to the death of the child or other reason, the money remaining in the hands of the Director shall, in his discretion, be repaid to the person who paid the money or forfeited to the Crown, unless otherwise ordered by a judge.

(4) When under an agreement money has been paid or is to be paid to the Director and the Director determines that the amount paid or to be paid is in excess of the amount of the expenses for which the money was intended the Director may, in his discretion,

(a) repay any excess money remaining to the person from whom the money was received, or

(b) release his claim against the excess amount agreed to be paid.