

MEMORANDUM for the CABINET
BY THE HON. MINISTER OF JUSTICE
(Maintenance Orders - Facilities for Enforcement - Ordinance,
Cap. 76)

The Maintenance Orders (Facilities for Enforcement) Ordinance operates on the basis of reciprocity. It contains provisions and provides the machinery whereby this Government and the governments of any part of Her Majesty's Dominions may make arrangements so that maintenance orders made by our Courts and maintenance orders made by the Courts of such other parts of Her Majesty's Dominions with whom reciprocity will have been established may be enforced in each other's territory.

The Northwest Territories and the Provinces in the Dominion of Canada of Ontario, Prince Edward Island, Alberta and Newfoundland have already made provision under their respective laws in order that maintenance orders made by the Courts of these Islands may be enforced in their respective territories. It is, therefore, necessary and expedient that reciprocity be established in these Islands in favour of maintenance orders made by the Courts of the said territories. This is to be done in terms of the abovequoted Ordinance by means of a Proclamation.

A request in order that reciprocity be established with the said territories was made by the Malta Catholic Action Emigrants Commission. Moreover, the extension on a reciprocal basis of the facilities for the enforcement abroad of maintenance orders made by our Courts enhances the scope of the said Ordinance and is most desirable.

..... Honourable Ministers are, therefore, requested to advise His Excellency the Governor to sign the attached Proclamation extending the provisions of the Maintenance Orders (Facilities for Enforcement) Ordinance (Cap. 76) to maintenance orders made by the Courts of the Northwest Territories and by the Courts of the Provinces in the Dominion of Canada of Ontario, Prince Edward Island, Alberta and Newfoundland. The publication of such Proclamation will render operative the enactments already made by the Governments of the said territories in regard to the enforcement therein of maintenance orders of our Courts.

Anno Domini 1962

No.

PROCLAMATION

BY His Excellency Sir Maurice Dorman, Knight Grand Cross of the Most Distinguished Order of St Michael and St George, Knight Grand Cross of the Royal Victorian Order, Governor and Commander-in-Chief in and over the Island of Malta and its Dependencies; etc., etc.

Governor.

WHEREAS it is provided under section 12 of the Maintenance Orders (Facilities for Enforcement) Ordinance (Cap. 76) that where the Governor is satisfied that reciprocal provisions have been made by the legislature of any part of Her Majesty's Dominions outside these Islands for the enforcement within that part of maintenance orders made by the Court of these Islands, the Governor may by Proclamation extend the said Ordinance to that part, and thereupon that part shall become a part of Her Majesty's Dominions to which the said Ordinance extends;

AND WHEREAS I am satisfied that reciprocal provisions as aforesaid have been made by the Northwest Territories by virtue of an Order made on the 28th day of November, 1956 under the Maintenance Orders (Facilities for Enforcement) Ordinance, Chapter 63 of the Revised Ordinances of the Northwest Territories, 1956; by the Province of Ontario in the Dominion of Canada by virtue of Regulations made on the 25th day of October, 1956 under the Reciprocal Enforcement of Maintenance Orders Act, Revised Statutes of Ontario 1950, Chapter 334; by the Province of Prince Edward Island in the Dominion of Canada by virtue of an Order-in-Council made on the 4th day of October, 1956 under the Reciprocal Enforcement of Maintenance Orders Act, Chapter 139 of the Revised Statutes 1951 of the Province of Prince Edward Island; by the Province of Alberta in the Dominion of Canada by virtue of an Order in Council made on the 6th November, 1956 under the Maintenance Orders (Facilities for Enforcement) Act, Chapter 13 of the Statutes of Alberta 1947; and by the Province of Newfoundland in the Dominion of Canada by virtue of a Minute of the Honourable the Executive Council of the said province of Newfoundland approved by His Excellency the Lieutenant-Governor on the 30th November, 1956 under the Maintenance Orders (Enforcement) Act, Chapter 127 of the Revised Statutes of Newfoundland, 1952;

NOW, THEREFORE, I MAURICE DORMAN, Knight Grand Cross of the Most Distinguished Order of St Michael and St George, Knight Grand Cross of the Royal Victorian Order, Governor and Commander-in-Chief in and over the Island of Malta and its Dependencies, do hereby declare and proclaim that with effect from the date hereof the said Maintenance Orders (Facilities for Enforcement) Ordinance (Cap. 76) shall apply and extend to maintenance orders made by the Courts of the Northwest Territories and by the Courts of the Provinces in the Dominion of Canada of Ontario, Prince Edward Island, Alberta and Newfoundland.

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