



CHAPTER 57.

An Act to provide for the Maintenance of Parents by their Children.

[Assented to 16th December, 1922.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Parents' Maintenance Act." Short title.

2. (1.) For the purposes of this Act, a parent shall be deemed to be "dependent" where, by reason of age, disease, or infirmity, he is unable to maintain himself. Interpretation.
 (2.) In this Act, unless the context otherwise requires, "Magistrate" means a Stipendiary Magistrate, Police Magistrate, or any two Justices of the Peace having jurisdiction in the locality in which the dependent parent resides, or in which any son or daughter of the dependent parent resides.

3. Every son and every daughter shall be liable for the maintenance of his or her dependent parents to the extent and in the manner provided in this Act. Liability of child for support of parent.

4. (1.) Upon complaint of any parent that he is dependent and that any son or daughter of his has been applied to for aid, and has refused or failed to contribute sufficiently to the maintenance of the parent, a Magistrate may issue his summons requiring the son or daughter to appear at a time and place mentioned in the summons and show cause why an order should not be made against him or her under this Act for the maintenance of the parent. Complaint and summons
 (2.) Where the parent resides in any municipality required by law to make provision for its poor and destitute, the municipality may by any constable or peace officer, and in any other case the Attorney-General or any person authorized by him, may make the Proceedings at instance of municipality or Attorney-General

complaint on behalf of the parent, whether aid has been given by the municipality or by any public organization or institution to the parent or not; and all proceedings thereupon shall be the same and shall have the same effect as if the complaint had been made by the parent in his own behalf.

Order for
maintenance.

5. (1.) Whether or not the son or daughter appears in obedience to the summons, the Magistrate present at the hearing may, upon proof of the service of the summons, proceed to inquire into the matter of the complaint; and the Magistrate, if satisfied on the evidence before him that the parent is dependent within the meaning of this Act, and that the son or daughter has sufficient means to contribute to the maintenance of the parent, may in his discretion, having regard to the whole circumstances of the case, order that the son or daughter shall pay to the parent for his maintenance a weekly sum of money, not exceeding twenty dollars.

(2.) An order may be made under this section whether or not the dependent parent is being cared for in any hospital, home, or other eleemosynary institution.

Power to vary
order on change
in circumstances.

6. Where an order for the payment of money has been made under this Act, then, upon the application from time to time of the son or daughter against whom the order was made, or of the parent, or any person entitled to make complaint on his behalf under this Act, and upon proof that the means of the son or daughter or the needs of the parent have altered in amount since the making of the original order or the latest subsequent order varying it, the Magistrate by whom the original or subsequent order was made, as the case may be, or, in case of his death, illness, removal from office, or absence from the jurisdiction, any other Magistrate may vary the original or subsequent order so made.

Application
of "Summary
Convictions Act."

7. The provisions of the "Summary Convictions Act" shall apply to all proceedings under this Act, including the enforcement from time to time of any order for the payment of money made thereunder.

Registration
of order against
lands.

8. (1.) In addition to all other provisions of this Act for the enforcement of orders, every order for the payment of money made under this Act shall, upon the deposit of a copy of the order certified by the Magistrate by whom the order was made in any Land Registry Office in the Province, be registered in the like manner, and form a lien and charge on all the lands of the person against whom it is made in the land registry district in which the same is registered to the like extent and with the like effect as the registration of a judgment under the "Execution Act."

Registered order
deemed to be a
judgment.

(2.) Every order so registered shall be deemed to be a judgment within the meaning of section 26 of the "Execution Act," notwithstanding the fact that the sum payable thereby is less than the sum of one hundred dollars, and the parent and any person entitled to

make complaint on his behalf under this Act may pursue the same remedies for the recovery of any amount due thereon from time to time and all costs as if the order were a judgment of the County Court having jurisdiction in the locality in which the Land Registry Office wherein the order is registered is situate whereby the sum of one hundred dollars or more is payable.

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