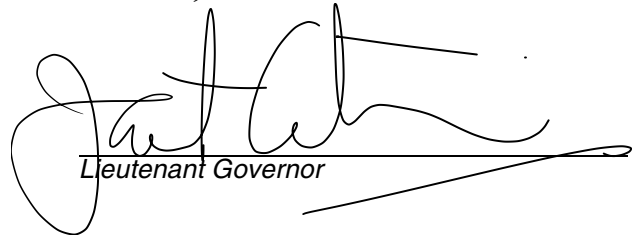


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 546

, Approved and Ordered October 3, 2023



Lieutenant Governor

**Executive Council Chambers, Victoria**

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective March 1, 2024,

- (a) sections 1 to 4 and 6 to 12 of the *Attorney General Statutes (Hague Convention on Child and Family Support) Amendment Act, 2022*, S.B.C. 2022, c. 5, are brought into force,
- (b) the *Interjurisdictional Support Orders Act*, S.B.C. 2002, c. 29, is amended as set out in the attached Appendix 1, and
- (c) the *Interjurisdictional Support Orders Regulation*, B.C. Reg. 15/2002, is amended as set out in the attached Appendix 2.



Attorney General



Presiding Member of the Executive Council

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*(This part is for administrative purposes only and is not part of the Order.)*

**Authority under which Order is made:**

Act and section: *Attorney General Statutes (Hague Convention on Child and Family Support) Amendment Act, 2022*, S.B.C. 2022, c. 5. s. 15; *Interjurisdictional Support Orders Act*, S.B.C. 2002, c. 29, s. 44

Other: O.C. 48/2003

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## APPENDIX 1

- 1 The Interjurisdictional Support Orders Act, S.B.C. 2002, c. 29, is amended by adding the following Schedule:*

### SCHEDULE 2

*[section 44 (8)]*

#### **Declaration respecting the applicability of the convention to certain child support obligations**

- 1** If Canada makes a declaration with respect to British Columbia under article 2 (3) of the convention that the applicability of the convention extends to applications respecting child support obligations towards persons who are 21 years of age or older and are unable, by reason of illness, disability or other cause, including but not limited to enrolment in a full-time program of education, to withdraw from their parents' charge or to obtain the necessaries of life, this Act, with necessary modifications, and the definition of "child" as set out in Part 7 of the *Family Law Act* apply to such applications.

#### **Declaration respecting the applicability of the convention to applications for spousal support only**

- 2** If Canada makes a declaration with respect to British Columbia under article 2 (3) of the convention that the applicability of chapters II and III of the convention extends to applications respecting only spousal support, this Act applies, with necessary modifications, to such applications.

#### **Reservation respecting bases for recognition and enforcement**

- 3** If Canada makes a reservation with respect to British Columbia under article 20 (2) of the convention in respect of article 20 (1) (c), (e) and (f), none of the following circumstances may alone form the basis for the recognition and enforcement in British Columbia of a decision for the purposes of article 20 (1):
- (a) the creditor was habitually resident in the state of origin at the time proceedings were instituted;
  - (b) except in disputes relating to maintenance obligations in respect of children, there has been agreement to the jurisdiction of the state of origin in writing by the parties;
  - (c) the decision was made by an authority exercising jurisdiction on a matter of personal status or parental responsibility, unless that jurisdiction was based solely on the nationality of one of the parties.

#### **Declaration respecting the making of applications through central authority only**

- 4** If Canada makes a declaration with respect to British Columbia under article 30 (7) of the convention that applications for recognition and enforcement of a maintenance arrangement must only be made through the British Columbia central authority, such applications are to be made through the central authority.

## APPENDIX 2

### *1 The Interjurisdictional Support Orders Regulation, B.C. Reg. 15/2003, is amended by adding the following sections:*

#### **Designation of courts**

- 1.1** The Supreme Court and the Provincial Court are designated for the purpose of proceedings under the Act.

#### **Competent authorities**

- 1.2** (1) The Supreme Court and the Provincial Court are competent authorities in relation to all powers and duties under the convention.
- (2) The director is a competent authority in relation to the following:
- (a) administering applications under article 10 (1) (b) of the convention;
  - (b) providing documents for the purposes of articles 25 (1) (b) and 30 (3) (b) of the convention;
  - (c) making requests under article 25 (2) of the convention;
  - (d) drawing up abstracts or extracts of decisions referred to in article 25 (3) (b) of the convention.

#### **Prescribed circumstances – section 2.06 (5) of Act**

- 1.3** (1) In this section, “**decision**” means a decision within the meaning of article 19 (1) of the convention.
- (2) For the purposes of section 2.06 (5) of the Act, an abstract of a decision may be substituted for the complete text of the decision if the abstract is
- (a) drawn up by an appropriate authority in a contracting state, and
  - (b) is substantially in the form recommended and published from time to time by the Hague Conference on Private International Law.

#### **Rules respecting direct requests**

- 1.4** If a direct request under article 37 of the convention is made to a competent authority other than the Supreme Court or the Provincial Court, the direct request must
- (a) be directed to the central authority referred to in section 2.03 (1) of the Act, and
  - (b) be treated as an application under article 10 (1) (a) or (2) (a) of the convention.

### *2 Section 2.1 is amended by striking out “the British Columbia court must send” and substituting “the British Columbia court registry must send”.*

### *3 Section 5 is amended*

- (a) by renumbering the section as section 5 (1),*
- (b) in subsection (1) by striking out “section 39” and substituting “section 39 (2) (a)”, and*

*(c) by adding the following subsection:*

- (2) The director or, if the foreign support order is not filed with the director, the designated authority, may, from time to time, revise the conversion of the foreign support amount into Canadian currency to reflect
  - (a) current conversion rates, or
  - (b) the conversion calculations of a reciprocating jurisdiction or contracting state.

**4** *The following section is added:*

**Prescribed certification-exempt records**

**5.3** The following records are prescribed as certification-exempt records:

- (a) an extraprovincial order within the meaning of section 16 (1) of the Act, if it is provided by an appropriate authority in a reciprocating jurisdiction in Canada;
- (b) a foreign order within the meaning of section 16 (1) of the Act, if it is provided by an appropriate authority in a reciprocating jurisdiction outside Canada;
- (c) a decision, within the meaning of article 19 (1) of the convention, respecting support, if it is provided by an appropriate authority in a contracting state.