

Part 12 – Regulations

This Part enables the Lieutenant Governor in Council to establish subordinate legislation to facilitate the operation of the Act.

The regulations in this part carry-over much of the regulation-making power found the Family Relations Act. This Part also introduces new regulation making power in the areas unique or significantly expanded in the Family Law Act, such as family dispute resolution.

Section 245 Regulations respecting family dispute resolution

- Section 245 gives the Lieutenant Governor in Council the authority to create regulations to implement the provisions in Part 2 – Resolution of Family Law Disputes.
- It authorizes regulations to be made regarding:
 - the process and standards of family dispute resolution;
 - the classes of persons and qualifications required for who may be a family dispute resolution professional;
 - the mandatory assessment of family violence by a person who has the required training, experience and other qualifications; and differential regulations for different types of family dispute resolution.
- This section also authorizes regulations to be made about the following with regard to mandatory family dispute resolution processes:
 - the type of processes to be used;
 - limits or conditions on participating in mandatory processes;
 - steps that must be taken before entering mandatory processes;
 - creating exemptions to requiring mandatory processes; and
 - any other matter that may be necessary to engage in mandatory processes.

Section 246 Regulations respecting pension division

- Section 246 section gives the Lieutenant Governor in Council the authority to create regulations to implement the provisions in Part 6 – Pension Division.

Section 247 Regulations respecting child support

- Section 247 carries over section 129(2) and (4) of the Family Relations Act which gives the Lieutenant Governor in Council the authority to create regulations to establish and implement the use of the Child Support Guidelines and the child support service.

Section 248 General regulation-making powers

- Section 248 gives the Lieutenant Governor in Council general regulation making authority to support the provisions of the Family Law Act, including prescribing forms for the purposes of the Act, providing limits and details respecting the children’s property regime under Part 8, and a general authorization to make regulations respecting any other

matter not specifically referenced in this section for which the Act contemplates regulations.

Section 249 Other regulation-making powers

- The section includes standard regulation making powers allowing regulations to be made in accordance with the types of regulations found in section 41 of the Interpretation Act.
- This section also permits regulations to be made designating classes of people, providing discretion to the minister, or allowing adoption of other Acts by reference.
- Section 249 carries over section 129(1) of the Family Relations Act.