

BILL

An Act respecting the Statutes.

(Assented to

.)

His Majesty by and with the advice and consent of the  
Legislative Assembly of the Province of Alberta enacts  
as follows:

SHORT TITLE.

Short title.

1. This Act may be cited as "The Interpretation  
Act.

Application  
of this  
Act

2. This Act and every provision thereof shall extend  
and apply to every Act of the Province passed in the  
session held in the sixth year of His Majesty's reign  
and in any future session of the Legislature of Alberta  
except in so far as the provision is inconsistent with  
the intent and object of such Act or the interpretation  
which such provision would give to any word, expression  
or clause is inconsistent with the context and except  
in so far as any provision hereof is in any such Act  
declared notwithstanding thereto; and the omission in any  
Act of a declaration that the Interpretation Act applies  
thereto shall not be construed to prevent it so applying  
although such express declaration is inserted in some other  
Act or Acts of the same session.

## FORM OF ENACTING.

Form of enact-  
ing clause.

3. The following words may be inserted in the preambles of Acts and shall indicate the authority by virtue of which they are passed: " His Majesty by and with ~~the~~ advice and consent of the Legislative Assembly of the Province of Alberta enacts as follows:"

Preamble and  
operative  
part of Acts.

4. After the insertion of the words aforesaid, which shall follow the setting forth (if any) of the considerations or reasons upon which the law is grounded and which shall with these considerations or reasons constitute the entire preamble, the various clauses of the Act shall follow in a concise and enunciative form.

## TIME OF COMMENCEMENT OF ACTS.

Indorsement  
of assent.

5. The clerk of the Legislative Assembly shall indorse on every Act of the Province immediately after the title of such Act, the day, month and year when the same was by the Lieutenant Governor assented to or reserved by him for the assent of the Governor General; and in the latter case such clerk shall indorse thereon the day, month and year when the Lieutenant Governor has signified ( either by speech or message to the Legislative Assembly or by proclamation ) that the same was laid before the Governor General and that the Governor General was pleased to assent to the same; and such indorsement shall be taken to be a part of such Act; and ~~the~~ date of such assent or signification (as the case may be) shall be the date of the commencement of the Act if no later commencement is therein provided.

AMENDMENT OR REPEAL.

Amendment of  
law in same  
session.

6. Any Act of the province may be amended, altered or repealed by any Act passed in the same session.

INTERPRETATION.

Interpretation. 7. In every Act unless the context otherwise requires:

(1). The law shall be considered as always speaking; and whenever any matter or thing is expressed in the present tense the same shall be applied to the circumstances as they arise so that effect may be given to each Act and every part thereof according to its spirit, true intent and meaning;

"Shall"

(2). The expression "shall" shall be construed as

"May"

imperative and the expression "may" as permissive;

"Herein"

(3). Whenever the expression "herein" is used in any section of an Act it shall be understood to relate to the whole Act and not to that section only;

The Sovereign.

(4). The expression "His Majesty," "the King" or "the Crown", means His Majesty, his Heirs and Successors. Sovereigns of the United Kingdom of Great Britain and Ireland and of the British dominions beyond the seas.

"Lieutenant  
Governor"

(5). The expression "Lieutenant Governor" means the Lieutenant Governor for the time being or other chief executive officer or administrator for the time being carrying on the government of the province by whatever title he is designated;

Lieutenant  
Governor in  
Council.

(6). The expression "Lieutenant Governor in Council" means the Lieutenant Governor or person administering the government of the province for the time being acting by and with the advice of or by and with the advice and consent of or in conjunction with the Executive Council of the said province.

"Government",

(7). The expression "Government," "Government of the province " or Alberta Government " used in any Act whenever enacted means His Majesty the King acting for the province.

"United Kingdom"

(8). The expression "the United Kingdom" means the United Kingdom of Great Britain and Ireland and of the British dominions beyond the seas;

"United States".

(9). The expression "the united States" means the United States of America;

"Territories".

(10). The expression "Territories" means the North-West Territories as defined by The North-West Territories Act excepting that portion of the said Territories declared by the Yukon Territory Act to constitute the

"Ordinance".

Yukon Territory and the expression "Ordinance" means an ordinance of the North-West Territories.

"Name of country  
place, officer,  
etc.

(11). The name commonly applied to any country, place, body, corporation, society, officer, functionary, person, party or thing means such country, place, body, corporation, society, officer, functionary, person, party or thing, although such name is not the formal and extended designation thereof;

- "Proclamation". (12). The expression "proclamation" means a proclamation under the seal of the province;
- "Acts by proclamation". (13). When the Lieutenant Governor is authorised to do any act by proclamation such proclamation is to be understood to be a proclamation issued under an Order of the Lieutenant Governor in Council but it shall not be necessary that be it mentioned in the proclamation that it is issued under such Order;
- Number and gender. (14). Words importing the singular number or the masculine gender only include more persons, parties or things of the same kind than one and females as well as males and the converse;
- "Person". (15). The expression "person" includes any body corporate and politic or party and the heirs, executors, administrators or other legal representatives of such person to whom the context can apply according to law;
- "Writing". (16). The expression "~~Writing~~", "written" or any term of like import includes words printed, painted, engraved, lithographed or otherwise traced or copied;
- "Now"  
"Next". (17). The expression "now" or "next" shall be construed as having reference to the time when the Act was assented to;
- "Month"  
"Year". (18). The expression "month" means a calendar month; and the expression "year" means a calendar year; and the number of any year (unless the contrary is indicated) means "the year of our Lord" without the mention of "the year of our Lord";

"Holiday"

(19). The expression "holiday" includes Sunday, New Year's day, Ash Wednesday, Good Friday, Easter Monday, the second Friday in May to be known as Arbour day, the twenty-fourth day of May or when such day falls on a Sunday the twenty-fifth day of May to be known as "Victoria Day", Christmas day, the birthday or the day fixed by proclamation for the celebration of the birthday of the reigning Sovereign, Dominion Day, Labour Day and such day as may in each year be proclaimed a public holiday for the planting of forest and other trees and any other day appointed by proclamation for a general fast or thanksgiving;

Gazette"

(20) The term "gazette" or "official gazette" whenever enacted means The Alberta Gazette published by the King's printer under the authority of the Lieutenant Governor in Council;

Time expiring  
on holiday.

(21). If the time limited by any Act for any proceeding or the doing of anything under its provisions expires or falls upon a holiday, the time so limited shall be extended to and such thing may be done on the day next following which is not a holiday;

Standard  
time.

(22). The time used upon the Canadian Pacific railway and known as "mountain standard time" (being the local time at the one hundred and fifth meridian of longitude) is hereby declared to be the standard time of the province; and when any act refers to any particular time of day such standard time shall be considered to be meant;

"Felony"

(23). The expression "felony" shall mean any crime which before the passing of The Criminal Code 1892 would have been a felony under the law of Canada; and "misdemeanour"

shall mean any crime or offence which before the passing of the said Code would have been a misdemeanour under the said law;

"Oath" (24). The expression "oath" includes a solemn affirmation or declaration whenever the context applies to any person and case by whom and in which a solemn affirmation or declaration may be made instead of an oath; and in like cases the expression "sworn" includes the expression "affirmed" or "declared;"

"Sworn"

"Officers to take oaths. (25). Whenever (by any Act or by any Order, regulation or commission made or issued by the Lieutenant Governor or Lieutenant Governor in Council under any law authorising him to require the taking of evidence under oath) and oath is authorised or directed to be made, taken or administered, such oath may be administered and a certificate of its having been made, taken or administered may be given by any one named in any such Act, Order, regulation or commission, or by a judge of any court, a notary public, a justice of the peace or a commissioner for taking affidavits having authority or jurisdiction within the place where the oath is administered;

"Sureties"  
"Security" (26). The expression "sureties" means sufficient sureties and the expression "security" means sufficient security; and whenever these words are used one person shall be sufficient therefor unless otherwise expressly required;

"Magistrate" (27). The expression "magistrate" means justice of the peace;

"Justice"

(28). The expression "justice" means a justice of the peace and includes two or more justices if two or more justices act or have jurisdiction and also any person having the power or authority of two or more justices of the peace;

Official  
jurisdiction"

(29). If anything is directed to be done by or before a magistrate or a justice of the peace or other public functionary or officer, it shall be done by or before one whose jurisdiction or powers extend to the place where such thing is to be done;

"Implied  
powers

(30). Whenever power is given to any person, officer or functionary to do or to enforce the doing of any act or thing, all such powers shall be understood to be also given as are necessary to enable such person, officer or functionary to do or enforce the doing of such act or thing;

Imprison-  
ment

(31). If in any Act any person is directed to be imprisoned or committed to prison, such imprisonment or committal shall (if no other place is mentioned or provided by law) be in or to the common gaol of the locality in which the order for such imprisonment is made or if there is no common gaol there then in or to that common gaol which is nearest to such locality; and the keeper of any such common gaol shall receive such person and safely keep and detain him in such common gaol under his custody until discharged in due course of law or bailed in cases in which bail may by law be taken;



Public  
expenditure.

(32). If any sum of the public money be by any act appropriated for any purpose or directed to be paid by the Lieutenant Governor, the Lieutenant Governor in Council or the Alberta Government, then (if no other provision be made respecting it) such sum shall be payable under warrant of the Lieutenant Governor directed to the Treasurer of the province out of the general revenue fund of the province; and all persons entrusted with the expenditure of any such sum or any part thereof shall account for the same in such manner and form with such vouchers at such periods and to such officers as the Lieutenant Governor may direct;

Appointment  
removal, etc.  
of officials.

(33). Words authorising the appointment of any public officer or functionary or any deputy include the power of removing or suspending him, reappointing or reinstating him or appointing another in his stead in the discretion of the authority in whom the power of appointment is vested;

Successors  
and deputies  
of officials

(34). Words directing or empowering any public officer or functionary to do any act or thing or otherwise applying to him by his name of office include his successors in such office and his or their lawful deputy;

Minister of  
Crown

(35) Words directing or empowering a minister of the Crown to do any act or thing or otherwise applying to him by his name of office include a minister acting for or (if the office is vacant) in the place of such minister under the authority of The Public Service Act or an Order in Council and also his successors in such office and his or their lawful deputy;

Officers  
retained  
during  
pleasure

(36). All officers now appointed or hereafter appointed under the authority of an Act (whether by commission or otherwise) shall remain in office during pleasure only unless otherwise authorised by law;

When  
majority may  
act.

(37). When any act or thing is required to be done by more than two persons a majority of them may do it;

Effect of  
incorporation

(38). Words making any association or number of persons a corporation or body politic and corporate shall vest in such corporation power to sue and be sued, contract and be contracted with by their corporate name; to have a common seal and to alter or change the same at their pleasure; and to have perpetual succession; and power to acquire and hold personal property or movables for the purposes for which the corporation is constituted and to alienate the same at pleasure; and shall also vest in any majority of the members of the corporation the power to bind the others by their acts; and shall exempt the individual members of the corporation from personal liability for its debts or obligations or acts provided they do not violate the provisions of the Act incorporating them;

Forms.

(39). Whenever forms are prescribed slight deviations therefrom not affecting the substance or calculated to mislead shall not vitiate them;

Repeal of  
by-laws, etc.

(40). Whenever power to make by-laws, regulations, rules or orders is conferred it shall include the power from time to time to alter or revoke the same and make others;

Private  
Acts.

(41). No provision or enactment in any Act which is of the nature of a private Act shall affect the rights of any person or of any body politic, corporate or collegiate, such only excepted as are therein mentioned or referred to;

Power of  
repeal  
reserved

(42). Every Act shall be so construed as to reserve to the Legislative Assembly the power of repealing or amending it and of revoking, restricting or modifying any power, privilege or advantage thereby vested in or granted to any person or party whenever such repeal, amendment, revocation, restriction or modification is deemed by the Legislative Assembly to be required for the public good;

Effect of  
repeal  
limited

(43) The repeal of any Act or part of any Act shall not revive any Act or provision of law repealed by such Act or part of an Act or prevent the effect of any saving clause therein;

Repeal no  
declaration as  
to law  
previously

(44). The repeal or amendment of any Act shall not be deemed to be or to involve any declaration whatsoever as to the previous state of the law;

Repeal:  
Continuation  
of previous  
officers, etc.

(45). Whenever any Act is repealed (wholly or in part) and other provisions are substituted and whenever any regulation is revoked and other provisions substituted all officers, persons, bodies politic or corporate acting under the old law or regulation shall continue to act as if appointed under the new law or regulation until others are appointed in their stead; and all proceedings taken under the old law or regulation shall be taken up and continued under the new law or regulation when not inconsistent therewith; and all penalties and forfeitures may be recovered and all proceedings had in relation to matters which have happened before the repeal or revocation

in the same manner as if the law or regulation was still in force, pursuing the new provisions as far as they can be adapted to the old law or regulation;

Repeal;  
By-laws, etc.,  
continued

(46). Whenever any Act is repealed (wholly or in part) and other provisions are substituted all by-laws, orders, regulations and rules made under the repealed Act shall continue good and valid in so far as they are not inconsistent with the substituted Act, or provision until they are annulled or others made in their stead;

Repeal:  
Reference to  
old law

(47). Whenever any Act or part of an Act is repealed and other provisions are substituted by way of amendment, revision or consolidation, any reference in any unrepealed Act (or in any rule, order or regulation made thereunder) to such repealed Act shall as regards any subsequent transaction, matter or thing be held and construed to be a reference to the provisions of the substituted Act relating to the same subject matter as such repealed Act;

Provided always that where there is no provision in the substituted Act relating to the same subject matter the repealed Act shall stand good and be read and construed as unrepealed in so far (but in so far only) as is necessary to support, maintain or give effect to such unrepealed Act or such rule, order or regulation made thereunder;

Repeal:  
Existing rights  
reserved

(48). The repeal of an Act or the revocation of a regulation at any time shall not affect any act done or any right or right of action existing, accruing, accrued or established or any proceedings commenced in a civil cause before the time when such repeal or revocation takes effect; but the proceedings in such case shall be conformable when necessary to the repealing Act or

regulation; but where there is no provision in the repealing Act or regulation relating to the same subject matter the repealed Act or regulation shall stand good and be read and construed as unrepealed in so far but in so far only as is necessary to support, maintain or give effect to such right or right of action and the enforcement thereof;

Enforcement  
of acts

(49). Unless otherwise therein specially provided, proceedings for the imposition of punishment by fine, penalty or imprisonment for enforcing any provincial statute or municipal by-law may be brought summarily before a justice of the peace under the provisions of part LVIII of The Criminal Code 1892; and the words "on summary conviction" whenever they occur in any Act shall refer to and mean under and by virtue of part LVIII aforesaid;

Applications  
of fines, etc.

(50). Any duty, penalty, fine or sum of money or the proceeds of any forfeiture under any law of the province shall (if no other provision be made respecting it) belong to the Crown for the public uses of the province and form part of the general revenue fund of the province;

Recovery of  
penalties in  
unprovided  
cases

(51). Where a pecuniary penalty or a forfeiture is imposed for the contravention of any Act then (if the provisions of part LVIII aforesaid are not applicable to the case and if no other mode is prescribed for the recovery of such penalty or forfeiture or if the mode prescribed is not applicable to the case) the penalty or forfeiture shall be recoverable with costs by civil action or proceeding at the suit of the Attorney General or of a private party suing as well for the Crown as himself in the Court having jurisdiction to the amount of the

penalty in cases of simple contract; if no other provision is made for the appropriation of the penalty or forfeiture one-half thereof shall belong to the Government of the province and the other half shall belong to the private plaintiff if any there be and if there be none the whole shall belong to the Crown;

Repeal:  
Penalties and  
forfeitures  
not affected

(52). No offence committed and no penalty or forfeiture incurred and no proceeding pending under any Act at any time repealed or under any regulation at any time revoked shall be affected by the repeal or revocation, except that the proceeding shall be conformable when necessary to the repealing Act or regulation; and whenever any penalty, forfeiture or punishment is mitigated by any of the provisions of the repealing Act or regulation, such provisions shall be extended and applied to any judgment to be pronounced after such repeal or revocation;

Acts public

(53). Every Act shall (unless by express provision it is declared to be a private Act) be deemed to be a public Act and shall be judicially noticed by all judges, justices of the peace and others;

Judicial  
notice

Printed copies  
of Acts

(54). Every copy of any Act (public or private) printed by authority of law shall be evidence of such Act and of its contents; and every copy purporting to be so printed shall be deemed to be so printed unless the contrary is shown;

Evidence of  
Orders in  
Council

(55). A copy of any regulation or Order of the Lieutenant Governor in Council printed by the King's Printer or a written copy thereof attested by the signature of the clerk of the Executive Council shall be evidence of such regulation or Order; and any Order in writing signed by the member of the Executive Council fulfilling the duties

of the provincial Secretary and purporting to be written by command of the Lieutenant Governor shall be received in evidence as the Order of the Lieutenant Governor;

Construction of Acts (56). The preamble of every Act shall be deemed a part thereof intended to assist in explaining the purport and object of the Act; and every Act and every provision or enactment thereof shall be deemed remedial (whether its immediate purport is to direct the doing of any things which the Legislative Assembly deems to be for the public good or to prevent or punish the doing of any thing which it deems contrary to the public good) and shall accordingly receive such fair, large and liberal construction and interpretation as will best insure the attainment of the object of the Act and of such provision or enactment according to its true intent, meaning and spirit:

Reference to sections (57). Where reference is made in any Act by number to two or more sections, subsections, clauses or paragraphs of any Act or Statute, the number first mentioned and the number last mentioned shall both be deemed to be included in the reference;

(58). Reference by number to any section, subsection, paragraph, clause or line of any other Act shall be deemed to be a reference to such section, subsection, paragraph, clause or line of such other Act as printed by authority of law;

Proceedings under Act preliminary to coming into force (59). Where an Act is not to come into operation immediately on the passing thereof and confers power to hold any election, to make any appointment, to make, grant or issue any instrument, Order in Council, order, warrant, scheme, letters patent, rules, regulations or by-laws, to

give notices, to prescribe forms or to do any other thing for the purposes of the Act, that power may (unless the contrary intention appears) be exercised at any time after the passing of the Act so far as may be necessary or expedient for the purpose of bringing the Act into operation at the date of the commencement thereof, subject to this restriction that any such instrument, Order in Council, order, warrant, scheme, letters patent, rules, regulations or by-laws shall not (unless a contrary intention appears in the Act or the contrary is necessary for bringing the Act into operation) come into operation until the Act comes into operation;

General rules of construction (60). Nothing in this section shall exclude the application to any Act of any rule of construction applicable thereto and not inconsistent with this section.

#### CUSTODY OF ACTS.

Acts to be of record 8. All Acts heretofore passed, now passed and hereafter to be passed shall be and continue to remain of record in the custody of the clerk of the Legislative Assembly.

#### CERTIFIED COPIES OF ACTS.

Authentication of copies 9. The clerk of the Legislative Assembly shall affix the seal of the province to certified copies of all Acts intended for transmission to the Secretary of State or required to be produced before courts of justice and in any other case which the Lieutenant Governor in Council may direct; and such copies so certified shall be held to be duplicate originals and also to be evidence (as if printed by lawful authority) of such Acts and of their



Certified  
copies

10. The clerk of the Legislative Assembly shall furnish a certified copy of any Act to any person applying for the same upon receiving from such person such fee ( not exceeding ten cents for every hundred words) as the Lieutenant Governor in Council may from time to time direct.

Certificate

11. The clerk of the Legislative Assembly shall insert at the foot of every such copy so required to be certified a written certificate duly signed and authenticated by him to the effect that it is a true copy; and in case of any Act disallowed after it came into force, "but disallowed by the Governor General in Council, which disallowance took effect on the day of A.D.1

CONSTRUCTION OF THIS ACT.

Interpret-  
ation here-  
of

12. The provisions of this Act shall apply to the construction thereof and to the words and expressions used therein.

No.

14

First Session, First Legislature  
of Edward VII, 1906.

B. I. B. I.

An Act respecting the Statutes.

Received and read the  
First Time.  
Second Reading.  
Third Reading.

Mr. *W. J. H. H. H.*

EDMONTON:

King's Printer.

A.D. 1906.