

Bill No. 11 of 1945.

A BILL TO AMEND THE RURAL MUTUAL
TELEPHONE COMPANIES ACT

NOTE.

This Bill incorporates a new section in the Act. This section applies only to rural mutual telephone companies who, some years ago, acquired their plants and equipment from the Government. (See subsection (6)). The section authorizes the Minister to expropriate the plant and equipment of such a company where it has committed a breach of its agreement with the Government or a breach of any of the provisions of the Act or regulations, or where the Minister deems such action advisable. The procedure by which the expropriation is effected is set out in subsections (2) and (3). Subsection (4) provides the compensation to be paid, namely the amount paid by the Company to the Government on the purchase of the plant, etc., together with an amount equal to what the Minister considers a fair value of the property owned by the Company over and above that obtained from the Government, also any amount the Company may have paid for easements or rights-of-way which are taken over under the section.

W. S. GRAY,
Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 11 of 1945.

An Act to amend The Rural Mutual Telephone Companies Act.

(Assented to _____, 1945.)

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

1. *The Rural Mutual Telephone Companies Act*, being chapter 199 of the Revised Statutes of Alberta, 1942, is hereby amended by adding immediately after section 28 the following new section:

“28a.—(1) In any case where a company has committed a breach of the terms of its agreement with Alberta Government Telephones or of any provision of this Act or any regulations made pursuant to this Act, or where the Minister in his discretion deems it advisable so to do, the Minister may take possession of all the plant and equipment owned by the company or to which the company is entitled, used in or if not in use capable of being used in the operation of the telephone system of the company all of which plant and equipment is hereinafter in this section referred to as the plant and equipment of the company.

“(2) Upon notice in writing by the Minister that he is taking possession of the plant and equipment of the company being mailed by registered mail addressed to the company at the address of any officer or director of the company, then upon the date of the mailing of the notice the Minister shall be deemed to have taken possession of the plant and equipment of the company and all right and interest whatsoever of the company in and to the same shall forthwith cease and the same shall thereupon become the absolute property of the Crown in the right of the Province and shall be dealt with or disposed of in such manner as the Minister may direct.

“(3) Upon the plant and equipment of the company becoming the property of the Crown all easements, rights-of-way and other rights necessary or incidental to the maintenance and operation of its telephone system which the company enjoys or to which the company is entitled shall vest in the Crown in the right of the Province.

“(4) Upon the Minister taking possession of the plant and equipment of the company and the same becoming the property of the Crown the Minister shall, within a reasonable time thereafter, cause to be paid to the company as

compensation an amount equal to the amount paid by the company to the Crown as the purchase price of the plant and equipment purchased by the company from the Crown in the right of the Province together with an amount equal to the amount which in the opinion of the Minister is the fair value of all plant and equipment owned by the company in addition to that purchased by it from the Crown and the Minister shall also cause to be paid to the company an amount equal to the amount paid by the company for any easement, right-of-way or other right which vested in the Crown pursuant to subsection (3).

“(5) The company shall not be entitled to any compensation or payment other than as provided in this section.

“(6) This section shall only apply to a company which acquired its plant and equipment in whole or in part from the Crown in the right of the Province.”

2. This Act shall come into force on the day upon which it is assented to.

No. 11.

FIRST SESSION
TENTH LEGISLATURE
9 GEORGE VI
1945

BILL

An Act to amend The Rural Mutual
Telephone Companies Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. FALLOW.

EDMONTON:
A. Shnitka, King's Printer
1945