

Bill No. 54 of 1950.

A BILL TO AMEND THE PUBLIC WORKS ACT.

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NOTE.

This Bill amends *The Public Works Act*, being chapter 73 of the Revised Statutes of Alberta, 1942.

Section 19 of the Act is amended to remove the exceptions from the general rule that all lands taken for any public work are required to be surveyed and marked on the ground by a duly qualified surveyor or engineer who shall prepare a proper plan. The exceptions are moved to section 21 (2) where they more properly belong.

Section 21 (2) is amended to make it clear that no new survey or plan need be made under the provisions of section 19 where the land required for the public work has previously been registered in the Land Titles Office under the provisions of *The Land Titles Act*.

Section 22 is struck out and a new section is substituted. At present the Minister may pay compensation for land taken for a public work, but there is no statutory authority enabling him to pay compensation for damage to any land caused during the construction of the public work. By Order in Council No. 633-49 dated the twenty-third day of May, 1949, the Minister was authorized to offer and pay such compensation, subject to a retroactive amendment being made to the Act at this session of the Legislature. Section 22 is accordingly amended to give effect thereto.

Section 23 is amended to make it clear that any person claiming that land in which he had a registered interest was damaged during the construction of any public work, may reject the offer of compensation made by the Minister and may claim increased compensation. At present, only those whose lands are taken for a public work may claim increased compensation.

The Act comes into force on the day upon which it is assented to, and upon so coming into force, sections 3 and 4 shall be deemed to have been in force at all times since the twenty-third day of May, 1949, which was the date of Order in Council No. 633-49 above referred to.

KENNETH A. MCKENZIE,  
*Acting Legislative Counsel.*

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

# BILL

No. 54 of 1950.

An Act to amend The Public Works Act.

(Assented to \_\_\_\_\_, 1950.)

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

1. *The Public Works Act*, being chapter 73 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 19 by striking out the words "other than a lot or lots shown on a plan of subdivision registered under the provisions of *The Land Titles Act*, on a legal subdivision or subdivisions within the meaning of *The Alberta Surveys Act*".

2. The said Act is further amended as to section 21 by striking out subsection (2) and by substituting the following:

"(2) Notwithstanding the provisions of section 19, where any such land consists of a lot or a parcel shown on a plan which is registered under the provisions of *The Land Titles Act*, or a parcel which is the subject matter of a separate certificate of title, or of a legal subdivision within the meaning of *The Alberta Surveys Act*, the land shall be deemed to have been surveyed and the plan thereof shall be deemed to have been filed within the meaning of *The Land Titles Act* and this Act upon the filing in the Land Titles Office of a notification from the chief engineer that the lot, parcel, or subdivision is required for the purpose of a public work."

3. The said Act is further amended by striking out section 22 and by substituting the following:

"**22.**—(1) Upon the filing in the Land Titles Office of the plan of any land taken for any public work or upon the filing in the Land Titles Office of a notification from the chief engineer, as hereinbefore provided, the Minister, except in cases hereinafter provided, shall cause to be served by registered mail upon all persons shown by the records of the Land Titles Office to be interested in the lands so taken,—

"(a) a notice setting forth the compensation which he is ready to pay for the land so taken, for the erection or re-location of fences, and for any damages suffered by such land during the construction of the public work; and

“(b) a copy of this subsection and of sections 23 and 24.

“(2) In the event that a claim is submitted to the Minister that land other than that taken for any public work has been damaged during the construction of the public work, the Minister shall cause to be served by registered mail upon all persons shown by the records of the Land Titles Office to be interested in such land,—

“(a) a notice setting forth the compensation which he is ready to pay for such damage; and

“(b) a copy of this subsection and of sections 23 and 24.”.

4. The said Act is further amended as to section 23,—

(a) by striking out the words “entitled to compensation for lands taken for any public work” and by substituting the words “claiming compensation”;

(b) by striking out the words “for the lands taken.”.

5. This Act shall come into force on the day upon which it is assented to, and upon so coming into force, section 3 and section 4 shall be deemed to have been in force at all times on and after the twenty-third day of May, 1949.

THIRD SESSION  
ELEVENTH LEGISLATURE  
14 GEORGE VI  
1950

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**BILL**

An Act to amend The Public  
Works Act.

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Received and read the

First time .....

Second time .....

Third time .....

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HON MR. MACMILLAN.

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