

Bill No. 72 of 1950.

A BILL TO AMEND THE GOVERNMENT LIQUOR
CONTROL ACT OF ALBERTA.

NOTE.

This Bill amends *The Government Liquor Control Act of Alberta*, being chapter 24 of the Revised Statutes of Alberta, 1942.

Section 2 (*v*) which defines the term "residence" is amended. At present the term "residence" as defined does not include a part of a building where a person resides if it is connected with another part of the building used for business purposes by a door or other means of access opening into the part used for business purposes. The purpose of the amendment is to enable the Board to define such a place as a residence notwithstanding the existence of the connecting door.

Section 9 is amended by amending clause (*e*) and by adding a new clause (*ee*). The purpose of the amendments is to enable the Board, with the approval of the Lieutenant Governor in Council, to purchase store or warehouse property if this is necessary or desirable. The liquor boards in other provinces exercise a similar power. At present the Board is only authorized to lease property.

Section 29 is amended. This section deals with the issue of licenses to clubs authorizing the sale of beer. Subsection (2) provides that no such license shall be granted unless the club complies with certain conditions designed to ensure that licenses are issued only to *bona fide* clubs operated for purposes other than the sale of beer. Clause (*b*) and the proviso thereto are struck out and a new clause is substituted. Under the new clause before a license to sell beer can be granted the club must have been in continuous operation as a club for such period as the Board in its discretion may prescribe. A new clause is also added to subsection (2) immediately after the existing clause (*c*). The new condition added is that the club must maintain such recreational facilities for the use of its members as, in the opinion of the Board, are satisfactory and proper.

A new section 31*a* relating to liquor licenses is added immediately after the existing section 31. A club or canteen that has been granted a license for the sale of beer and that operates a dining room for the regular service of meals to its members may apply to the Board for a liquor license. This license will enable the club or canteen to purchase and keep on its premises such quantity of liquor as may be prescribed

or allowed by the Board for consumption on those premises by the members and their guests who are not disqualified under any provision of the Act or the regulations. The Board is authorized to make regulations prescribing the type of room or place on the club or canteen premises in which the liquor shall be kept and prescribing the days and hours during which the liquor may be served or consumed and providing for inspection, supervision and control. Such a license is subject to such terms, conditions, limitations and restrictions as may be prescribed by the Board from time to time.

Section 33 is amended. This section provides that no beer license shall be issued to a hotel unless the hotel complies with certain conditions. A new clause is added after clause (a) of subsection (1) which requires the hotel to have suitable facilities for the service of meals under the direct control of the applicant unless the Board has exempted the hotel from the requirements of this clause by a notice in writing. A further new clause is added immediately after clause (c) of subsection (1). This adds a new condition requiring the hotel to be equipped with suitable fire escapes and fire exit doors which are fitted to open outwards and furnished with approved panic bolts.

Section 37 is amended. Subsection (1) is amended to make it clear that a beer licensee may only sell beer in closed bottles for consumption off the premises if he is licensed for that type of sales. Subsection (2) presently provides that a person may consume beer in his residence or in his private hotel room. This subsection is also amended to permit the consumption of beer in a person's private compartment or bedroom occupied by him in a train.

Section 38(a) is amended. This section presently prescribes the hours during which a hotel with a beer license may sell beer. The section permits beer parlors to be open between the hours of seven in the morning and ten o'clock at night. The amendment changes the hour of opening from seven o'clock in the morning to ten o'clock in the morning.

Section 39(3) is amended. This subsection fixes the fees payable for club licenses to sell beer. The amendment provides that the fee in the case of a golf and country club, irrespective of its membership, will be one hundred dollars. This is the minimum fee as golf clubs are only open for approximately six months and many club members do not patronize the beverage room. Accordingly, a fee based on the total membership of the golf club would not appear to be equitable in comparison with other clubs whose facilities are used the year round.

Sections 45a to 45f inclusive are added immediately after section 45. These sections provide for the licensing of distilleries within the Province and for their supervision and inspection by the Board. These provisions are similar to those applicable to breweries. A person licensed as a dis-

tiller by the Government of Canada may be granted a distiller's license by the Board. Such a license authorizes the licensee to manufacture liquor within the Province and to sell liquor to the Board or to such persons as the Board may authorize by permit in writing. The distiller may also obtain a permit to import wines and spirits for the sole purpose of blending with and flavouring the liquor manufactured by him.

Section 46 is amended. This section provides that drug stores in localities where there is no liquor store may get a special permit to keep a limited quantity of liquor for medicinal purposes. The amendment increases the present limit of forty ounces to fifty-three ounces so that a druggist who wishes to keep on hand both whisky and brandy may order one twenty-six ounce bottle of each.

Section 55 is amended. The proclamation in connection with the taking of a plebiscite in a local option area is presently required to be posted in every post office. Under Dominion Government regulations permission to post such proclamation may be refused. The section is amended to provide for notice of the proclamation being given by advertising in a newspaper circulating in the local option area.

Sections 60 and 63 are each amended by striking out a reference to British subject and by substituting a reference to Canadian citizen. These sections deal with the right to vote. Voting is a right incidental to citizenship. Persons who are not citizens do not ordinarily enjoy the privilege of the franchise. Every British subject who had a Canadian domicile before June 1946 is a Canadian citizen and every British subject who arrived in Canada from another country after that date may obtain Canadian citizenship after five years' residence. His status as a British subject is not affected by acquiring Canadian citizenship because every Canadian citizen is automatically a British subject.

Sections 70 and 71 are struck out and two new sections are substituted in their stead. The new section 70 provides that in a local option vote the plebiscite will be decided in the affirmative if sixty per cent of the voters vote in favour of the granting of beer licenses. In the case of a plebiscite held in a municipality where beer licenses have already been granted the plebiscite will not be decided in the negative against beer licenses unless sixty per cent of the voters vote against the granting of such licenses. The new section 71 provides that if sixty per cent or more of the votes are in the affirmative or are in the negative no new petition and vote can be held for a period of two years. If, however, the vote is not decisive and fifty per cent or more but less than sixty per cent of the votes are in the affirmative or are in the negative a new petition may be presented and a new vote may be taken at any time after the expiration of one year. Subsections (3) and (4) of the new section 71 are practically the same as the present section 70 (2) and the proviso, slightly reworded for the purposes of clarification.

Section 84 is amended. Subsection (1) prohibits a beer licensee or club licensee from receiving anything other than money in payment for liquor supplied. The amendment makes this subsection applicable also to club licensees. A new subsection is added also immediately after subsection (1) which prohibits any beer licensee or club licensee from supplying liquor to any person unless the licensee has first received payment for the liquor in cash.

Two new sections are added immediately after section 84. The effect of the new section 84a is that no beer licensee, club licensee or canteen licensee can sell or serve to any person for consumption by him more than two glasses or one open bottle of beer at a time. Before the customer may be served with more beer he must first consume the beer previously served to him. A large number of persons are being sent to gaol on charges of intoxication. In many of these cases the person convicted has been served at one time with several glasses of beer which he has consumed in quick succession. This takes place at any time throughout the day but frequently happens just at closing time. Charges of drunkenness may be reduced in number if customers can only be served with a limited quantity of beer at one time and if they are required to consume that beer before being served again.

The new section 84b provides that no licensee or employee of a licensee shall promote the sale of any particular kind, class or brand of beer or liquor.

A new section 89a is added immediately after section 89 which prevents clubs from selling beer or liquor on election days and on such other days as the Board may direct.

A new section 90a is added immediately after section 90. The section prohibits the issue of a liquor permit to any person under the age of twenty-one years and makes it an offence for such a person to apply for a permit or to enter licensed premises of a beer licensee.

Section 98 is struck out and a new section is substituted in its stead. The section is amended similarly to section 37(2) to permit the consumption of liquor in a person's private compartment or bedroom occupied by him in a train. The offence of illegal possession of liquor is defined with a view to expressing more clearly the present meaning and intention of the section and simplifying the wording of informations laid under it.

A new section 99a is added immediately after section 99. This section prohibits the operators of night clubs, cafes, restaurants, dance halls, etc., from allowing their patrons to consume beer or liquor on the premises unless authorized by the provisions of a special permit. The operator of any such premises who permits his patrons to consume beer or liquor and any patron who brings into such a place any beer or liquor contrary to this provision is made guilty of an offence.

Section 100(1)(b) is amended. The section presently prohibits canvassing for or soliciting orders for the pur-

chase or sale of beer except in the case of beer proposed to be sold to beer licensees. This exception is no longer necessary or desirable as the Board now sells all beer to licensees. The amendment accordingly strikes out the exception.

A new section 109*a* is added immediately after section 109. This section provides minimum and maximum penalties for violations of the new section 90*a* by issuing a permit to a minor or by a minor entering premises licensed for the sale of beer.

A new section 110*a* is added immediately after section 110 prescribing the penalty which will be incurred by a beer licensee for selling or serving to his customers beer in contravention of the new section 84*a*.

Section 111 is amended by striking out subsection (1) and by substituting a new subsection. This section is the general penalty section which prescribes the penalties for all offences against this Act other than those which are specifically provided for by other sections. The only change effected by this amendment is the removal of the minimum penalty. It is deemed advisable to remove the minimum penalty. This has the effect of leaving to the discretion of the court whatever penalty is appropriate under the circumstances. It is an offence under the Criminal Code to be drunk and disorderly but no minimum penalty is prescribed in the Code for such an offence. It could and frequently did happen that a person who was charged with drunkenness under this Act got a heavier penalty than a person who was charged with being drunk and disorderly under the Criminal Code. Under this section if a person was found guilty even of a comparatively minor offence the court had no alternative but to prescribe the minimum penalty. This amendment accordingly removes the minimum penalty provision.

A new section 127*a* is added immediately after section 127. In a prosecution under this Act this new section enables the production by a policeman of a certificate or report signed and sworn by a member of the Board. Such a certificate is made conclusive evidence of the fact or facts stated in the certificate. This will avoid the necessity of sending members of the Board frequently considerable distances to attend a trial for the purpose of testifying that a person is or is not the holder of a license under the Act and other things of a like nature.

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. 72 of 1950.

An Act to amend The Government Liquor Control Act of Alberta.

(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 Government Liquor Control Act of Alberta*, being chapter 24 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 2, clause (v) by adding immediately at the end thereof the words “, or any part of a building where a person resides, notwithstanding that it is connected with a part of the building used for business purposes by a door or other means of access opening into the part used for business purposes, if it is for the time being designated by the Board in writing as a residence”.

2. The said Act is further amended as to section 9,—

(a) by adding immediately after the word “lease,” where it occurs in clause (e) the words “repair, maintain,”;

(b) by adding immediately after clause (e) the following new clause:

“(ee) with the approval of the Lieutenant Governor in Council, to purchase, or otherwise acquire, lands and buildings required for the operation of this Act and to construct such buildings and to sell or otherwise dispose of such lands and buildings;”.

3. The said Act is further amended as to section 29, subsection (2),—

(a) by striking out clause (b) and the proviso thereto and by substituting the following:

“(b) unless the club has been in continuous operation as a club for such period as the Board in its discretion may prescribe by regulation;”;

(b) by adding immediately after clause (c) the following new clause:

“(cc) unless the club maintains such recreational facilities for the use of its members as, in the opinion of the Board, are satisfactory and proper;”.

4. The said Act is further amended by adding immediately after section 31 the following new heading and section:

"Liquor Licenses.

"31a.—(1) Notwithstanding section 30, any club or canteen that has been granted a club license or a canteen license for the sale of beer and that operates a dining room for the regular service of meals to its members, may apply to the Board for a liquor license.

"(2) Any club or canteen that is licensed under this section may purchase and keep on its premises such quantity of liquor as may be prescribed or allowed by the Board for consumption on those premises by the members and their guests who are not disqualified under any of the provisions of this Act or the regulations.

"(3) The Board may make regulations,—

"(a) prescribing the type of room or place in or on the club or canteen premises in which such liquor shall be kept;

"(b) prescribing the days on which and the hours during which such liquor may be served or consumed on the club or canteen premises;

"(c) providing for inspection, supervision and control of the service and consumption of liquor on the premises of any such club or canteen.

"(4) Every liquor license shall be subject to such terms, conditions, limitations and restrictions as may be prescribed by the Board from time to time.

"(5) The Board, in its discretion, may grant, refuse, suspend or cancel any such license with or without any hearing or assigning any reason therefor."

5. The said Act is further amended as to section 33, subsection (1),—

(a) by adding immediately after clause (a) the following new clause:

"(aa) unless,—

"(i) the hotel has suitable facilities for the service of meals and meals are served in the hotel under the direct control of the applicant; or

"(ii) the Board has exempted the hotel from the requirements of this clause by a notice in writing for such period as may be stated in the notice;"

(b) by adding immediately after clause (c) the following new clause:

"(cc) unless the hotel is equipped with suitable fire escapes and fire exit doors which doors are fitted to open outwards and are furnished with approved panic bolts;"

6. The said Act is further amended as to section 37,—

- (a) by adding immediately after the words “beer license”, where they occur in subsection (1), the words “licensed under section 32, subsection (1), clause (b)”;
- (b) by adding immediately at the end of subsection (2) the words “or in a private compartment or bedroom occupied by him in a train”.

7. The said Act is further amended as to section 38, clause (a) by striking out the word “seven” wherever it occurs and by substituting the word “ten”.

8. The said Act is further amended as to section 39, subsection (3) by adding immediately at the end thereof the words “In case of a golf or country club irrespective of its membership 100.00”.

9. The said Act is further amended by adding immediately after section 45 the following new heading and sections:

“Distillers.

“45a.—(1) No person shall operate a distillery within the Province unless he is licensed to do so by the Board.

“(2) Any person who is licensed as a distiller by the Government of Canada may be granted a distiller’s license by the Board in accordance with the provisions of this Act and the regulations, and upon payment of the fee fixed by the Board.

“(3) The distiller’s license granted by the Board may authorize the licensee,—

- “(a) to manufacture liquor within the Province;
- “(b) to sell liquor to the Board;
- “(c) to sell liquor to such persons as the Board may authorize by permit in writing.

“45b.—(1) The Board may grant a permit in writing,—

- “(a) upon the application of any distiller licensed by the Government of Canada and by the Board; and
- “(b) subject to such conditions and restrictions as the Board deems it advisable to prescribe;

authorizing such distiller to purchase and import wines and spirits.

“(2) The wines and spirits shall be purchased only from such persons as are authorized to sell the same and they shall be used for the sole purpose of blending with and flavouring the liquor manufactured by the distiller to whom the permit is granted.

“45c. The Board, in its discretion, may grant, refuse, suspend or cancel, any distiller’s license with or without any hearing or assigning any reason therefor.

“45d. The license granted to a distiller, unless sooner determined, expires at midnight on the thirty-first day of December in the year in respect of which the license is granted.

"45e. No distiller shall produce or sell within the Province any liquor except in compliance with such regulations and standards as may be prescribed by the Board from time to time.

"45f.—(1) The Board may require any distiller,—

"(a) to make returns;

"(b) to permit examination of his books;

"(c) to permit examination of his distillery and all lands, buildings and other premises used in connection therewith; and

"(d) to furnish samples;

in the same manner and to the same extent as provided in the case of a brewer.

"(2) Any distiller who omits, neglects or refuses to comply with any requirement of the Board shall be guilty of an offence and liable on summary conviction to the same penalty as is provided for brewers for a similar omission, neglect or refusal.

10. The said Act is further amended as to the proviso of section 46 by striking out the word "forty" and by substituting the words "fifty-three".

11. The said Act is further amended as to section 55 by striking out the words "copies thereof posted in every post office" and by substituting the words "in a newspaper circulating".

12. The said Act is further amended as to section 60, clause (a) by striking out the words "British subject" and by substituting the words "Canadian citizen".

13. The said Act is further amended as to section 63, paragraph 1 of the form, by striking out the words "British subject" and by substituting the words "Canadian citizen".

14. The said Act is further amended by striking out sections 70 and 71 and by substituting the following:

"70.—(1) Upon any plebiscite being taken under this Part it shall be deemed to be decided in the affirmative if sixty per cent of the qualified voters voting thereat vote in favour of the granting of beer and club licenses in the "Local Option Area", otherwise it shall be deemed to be decided in the negative.

"(2) Notwithstanding subsection (1), in the case of a plebiscite held in a municipality where a beer, club or canteen license has been granted under this Act the plebiscite shall not be deemed to have been decided in the negative against beer, club or canteen licenses unless sixty per cent of the qualified voters voting thereat vote against the granting of such licenses.

"71.—(1) If sixty per cent or more of the votes cast by the qualified voters voting at a plebiscite are in the affirmative, or are in the negative, no petition shall be presented or received by the Lieutenant Governor in Council, nor any

vote or plebiscite taken pursuant to this Part at any time prior to the expiration of two years after the taking of a prior plebiscite under this Part.

“(2) If fifty per cent or more, but less than sixty per cent, of the votes cast by the qualified voters voting at a plebiscite are in the affirmative, or are in the negative, a new petition may be presented and received and a new vote or plebiscite taken at any time after the expiration of one year from the taking of the prior plebiscite.

“(3) If a beer license has been granted under this Act in any municipality no plebiscite shall be taken or held under this Part within two years of the granting of the first beer license in that municipality.

“(4) Nothing contained in this section shall prevent the taking of a plebiscite in any part of a municipal district or improvement district that has been added to a hamlet enlarged under the provisions of section 54, subsection (3).”.

15. The said Act is further amended as to section 84,—

- (a) by adding immediately after the words “beer licensee” where they occur in subsection (1) the words “or club licensee”;
- (b) by adding immediately after subsection (1) the following new subsection:

“(1a) No beer licensee or club licensee shall supply liquor to any person unless the licensee has first received payment for the liquor in cash.”.

16. The said Act is further amended by adding immediately after section 84 the following new sections:

“**84a.** No beer licensee, club licensee or canteen licensee and no servant, agent or employee of any such licensee, when selling or serving beer by the glass or open bottle to any person for consumption on the premises shall,—

- “(a) sell or serve to any person for consumption by him more than two glasses or one open bottle of beer at a time;
- “(b) sell or serve beer to any person a second or subsequent time until the beer previously sold or served to that person for consumption by him has been entirely consumed and the bottle or glasses have been removed.”.

“**84b.** No beer licensee, club licensee or canteen licensee or liquor licensee, and no person employed in, on or about any premises in respect of which a license has been issued shall promote, induce or further, or attempt to promote, induce or further the sale of any particular kind, class or brand of beer or liquor.”.

17. The said Act is further amended by adding immediately after section 89 the following new section:

“**89a.** No sale or other disposal of beer or liquor shall be made or take place in, on or from any part of a club

in respect of which a club license has been granted nor shall any part of the club be open for the sale of beer or liquor,—

- “(a) on any day on which polling takes place at any Dominion or Provincial election held in the electoral division in which the club is situated;
- “(b) on any day on which polling takes place at any municipal election held in the municipality if the club is located in a polling division therein in which polling takes place;
- “(c) during such other periods and on such other days as the Board may direct.”.

18. The said Act is further amended by adding immediately after section 90 the following new section:

“**90a.**—(1) No permit shall be issued to any person under the age of twenty-one years.

“(2) Any person under the age of twenty-one years who makes application for a permit or who enters or is found on the licensed premises of a beer licensee shall be guilty of an offence against this Act.”.

19. The said Act is further amended by striking out section 98 and by substituting the following:

“**98.**—(1) A holder of an individual permit may have in his possession and consume in his residence or in a private guest room occupied by him in a hotel or in a private compartment or bedroom occupied by him in a train,—

- “(a) only such liquor as he has lawfully acquired under his individual permit; and
- “(b) only such beer as he has lawfully acquired pursuant to the provisions of this Act.
- “(2) Every person is in illegal possession of liquor,—
- “(a) who has liquor in his possession within the Province when he is not the holder of a permit unless this Act authorizes him to be in possession of such liquor without a permit; or
- “(b) who has liquor in his possession in any place within the Province other than a place where he is authorized to be in possession of liquor pursuant to the provisions of this Act.

“(3) Any person who is in illegal possession of liquor shall be guilty of an offence.”.

20. The said Act is further amended by adding immediately after section 99 the following new section:

“**99a.**—(1) No owner, operator or manager, and no person who appears to own, operate, manage or be in control of, any night club, cafe, restaurant, dance hall, place of entertainment or premises other than licensed premises or a residence, and no employee of any such person shall permit any person to bring into or have in his possession upon or consume upon the premises any beer or liquor except in accordance with the provisions of a special permit.

"(2) Any owner, operator or manager and any person who appears to own, operate, manage or be in control of such premises and any employee of any such person who violates the provisions of subsection (1) is guilty of an offence.

"(3) Any person who brings into or has in his possession upon or consumes upon such premises any beer or liquor contrary to subsection (1) is guilty of an offence."

21. The said Act is further amended as to section 100, subsection (1), clause (b) by striking out the words "excepting in the case of beer proposed to be sold to beer licensees, club licensees or canteen licensees duly authorized to sell beer under the provisions of this Act and then only by persons authorized by the Board in writing, which authority may be withdrawn at any time by the Board".

22. The said Act is further amended by adding immediately after section 109 the following new section:

"**109a.** Every person who violates any of the provisions of section 90a shall be guilty of an offence and liable on summary conviction for a first offence to a fine of not less than twenty-five dollars or more than fifty dollars, and for a second or subsequent offence to a fine of not less than fifty dollars."

23. The said Act is further amended by adding immediately after section 110 the following new section:

"**110a.** Every person who violates any provision of section 84a shall be guilty of an offence and liable on summary conviction for a first offence to a fine of not less than fifty dollars, and for a second or subsequent offence to a fine of not less than one hundred dollars."

24. The said Act is further amended as to section 111 by striking out subsection (1) and by substituting the following:

"**111.**—(1) Every person guilty of an offence against this Act for which no penalty has been specifically provided shall be liable on summary conviction,—

"(a) for a first offence to a penalty of not more than two hundred dollars and in default of immediate payment to imprisonment for not more than two months with or without hard labour;

"(b) for a second offence to imprisonment for not more than four months with or without hard labour or to a penalty of not more than five hundred dollars and in default of immediate payment to imprisonment for not more than four months with or without hard labour; and

"(c) for a third or subsequent offence to imprisonment for not more than six months with or without hard labour, without the option of a fine.

"(1a) If the person convicted of an offence referred to in this section is a corporation it shall, for a first offence be liable to a penalty of not less than two hundred dollars nor more than one thousand dollars, and for a second or subsequent offence to a penalty of not less than one thousand dollars nor more than three thousand dollars."

25. The said Act is further amended by adding immediately after section 127 the following new section:

"**127a.** In any prosecution under this Act or the regulations, production by a police officer, policeman, constable, inspector or peace officer, of a certificate or report signed and sworn, or purporting to be signed and sworn, by any member of the Board, shall be conclusive evidence of the fact or facts stated in the certificate or report and of the authority of the person giving or making the same without any proof of his appointment or signature."

26. This Act shall come into force on the first day of July, 1950.

**THIRD SESSION
ELEVENTH LEGISLATURE**

14 GEORGE VI

1950

BILL

**An Act to amend The Government
Liquor Control Act of Alberta.**

Received and read the

First time

Second time

Third time

HON. MR. MANNING.
