

Bill No. 51 of 1951.

A BILL TO AMEND THE FORESTS ACT.

NOTE.

This Bill amends *The Forests Act*, being chapter 43 of the Statutes of Alberta, 1949.

Section 8 is amended by the addition of a definition of the term "company". In addition to its ordinary meaning it includes an individual or partnership.

Section 12 is amended by the addition of a new subsection (2). The new subsection provides for an additional deposit to guarantee payment of the costs of a survey if the application covers timber in unsurveyed territory and there are no natural boundaries confining the timber on the tract.

Section 14 is amended by the addition of a new subsection (3). This subsection provides that the berth shall be defined on the ground at the time of cruising by blazing or cutting a line or making other appropriate markings.

Section 20 is amended by striking out subsection (1) and by substituting a new subsection. The former subsection provided for a board of three arbitrators and the substituted subsection provides for a board of not less than three arbitrators.

Section 21, subsection (4) is amended by enabling the Minister to appoint one or two arbitrators in addition to those already provided for.

Section 21 is further amended by striking out subsection (6) and substituting a new subsection. The new subsection has been reworded for purposes of clarification. It also provides that a person cannot be an arbitrator who has been employed at any time during the twelve months previous to the arbitration by a partnership or company that has tendered on the berth.

A new section 34a is added immediately after section 34. It provides that when dues remain unpaid for six months the sale, lease, license or permit, as the case may be, terminates forthwith without any notice from the Minister.

Section 37, subsection (3) is amended by the addition of a new clause (s) at the end. This enables the granting of a permit without competition to any person to cut poles for use in the construction of electrification projects and rural telephone lines.

Section 41, subsection (1) is amended by striking out clause (d). This clause enabled a permit to cut timber to be granted without dues where the timber was for use in construction in rural areas of educational, religious, charitable and ex-servicemen's institutions, etc.

Section 52, subsection (1) is amended. This subsection requires all timber with certain exceptions to be manufactured within the Province. The amendment adds green balsam fir to the list of exceptions.

Section 58, subsection (1) is amended to correct an error in spelling.

Section 63 is amended by the addition of a new subsection (7). It provides that where dues on timber cut remain unpaid a penalty equal to five per cent of the unpaid dues shall be added to the dues every three months.

Section 72, clause (c) is amended to correct an error in spelling.

Section 95 is amended by the addition of a new clause (j). Section 95 empowers the Lieutenant Governor in Council to make regulations. The new clause is an omnibus one enabling regulations authorizing the doing of anything relating to the administration of timber and timber lands.

Section 97 is amended by the addition of a new subsection (2). It provides that no sale, lease, license or permit that has been cancelled or forfeited shall be reinstated until all arrears and penalties have been paid.

Section 118 is amended by the addition of a new clause (n). Section 118 enables the Lieutenant Governor in Council to make regulations relating to the prevention of forest and prairie fires. The new clause is an omnibus clause similar to the one added to the power of the Lieutenant Governor in Council to make regulations relating to timber.

The Bill comes into force upon assent.

KENNETH A. MCKENZIE,
Legislative Counsel.

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

BILL

No. 51 of 1951.

An Act to amend The Forests Act.

(Assented to _____, 1951.)

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

1. *The Forests Act*, being chapter 43 of the Statutes of Alberta, 1949, is hereby amended.

2. Section 8 is amended by adding immediately after clause (b) the following new clause: Section 8 amended

“(bb) ‘company’ includes, in addition to its ordinary meaning, an individual or partnership;” “company”

3. Section 12 is amended,—

- (a) by renumbering the section as subsection (1);
- (b) by adding immediately after subsection (1) the following new subsection: Section 12 amended

“(2) In addition to the deposit required by subsection (1), if the application covers timber situated in unsurveyed territory and aerial photographs indicate there are no natural boundaries confining the timber on the tract, the applicant shall deposit the sum of five hundred dollars to guarantee payment of the costs of the survey.”

4. Section 14 is amended by adding immediately after subsection (2) the following new subsection: Section 14 amended

“(3) The tract comprising the berth shall be defined on the ground at the time of cruising by blazing or cutting a line, or other appropriate marking of the outer boundary of the berth.”

5. Section 20 is amended by striking out subsection (1) and by substituting the following: Section 20 amended

“**20.** (1) The Minister, in his discretion, upon receipt of the notice may refer the question forthwith to a board of not less than three arbitrators hereinafter called the Board.” Board of arbitrators

6. Section 21 is amended,— Section 21 amended

- (a) by adding at the end of subsection (4) the words “, and one or two arbitrators may be appointed by the Minister”;

(b) by striking out subsection (6) and by substituting the following:

“(6) No person named to a panel shall take part in any arbitration concerning a berth,—

“(a) for which he, or any partnership of which he is a member, or any company of which he is a shareholder, has tendered; or

“(b) for which any partnership or company that has employed him as an officer, employee or contractor, at any time during the twelve months previous to the arbitration, has tendered.”.

New section 34a

7. The following new section 34a is added immediately after section 34:

Termination of sale, lease, etc., for non-payment of dues

“**34a.** In any case where any dues, or any part thereof payable to His Majesty or the Minister, pursuant to the provisions of this Act are unpaid for a period of six months after the date upon which they became due, the sale, lease, license or permit, as the case may be, forthwith after the expiration of such period shall be deemed to be terminated without any notice from His Majesty or the Minister to the purchaser, lessee, licensee or permittee, as the case may be, and shall cease to have any force or effect whatever.”.

Section 37 amended

8. Section 37, subsection (3) is amended by adding immediately after clause (r) the following new clause:

“(s) any person to cut poles to a maximum of five hundred in any permit year for use in the construction of electrification projects and rural telephone lines.”.

Section 41 amended

9. Section 41, subsection (1) is amended by striking out clause (d).

Section 52 amended

10. Section 52, subsection (1) is amended by adding immediately after the word “excepting” the words “green balsam fir”.

Section 58 amended

11. Section 58, subsection (1) is amended by striking out the word “workships” and by substituting the word “workshops”.

Section 63 amended

12. Section 63 is amended by adding immediately after subsection (6) the following new subsection:

Penalty for non-payment of dues on timber cut

“(7) Where all or part of the dues on timber cut remain unpaid after the date on which they are due and payable an amount equal to five per cent of the unpaid dues shall be added thereto by way of penalty,—

“(a) on the day following the due date; and

“(b) on the expiration of each ninety days thereafter; and the amount or amounts so added shall form part of the dues payable.”.

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13. Section 72, clause (c) is amended by striking out the word "accumplation" and by substituting the word "accumulation". Section 72
amended

14. Section 95 is amended by adding immediately after clause (i) the following new clause: Section 95
amended

“(j) authorizing the doing of such acts, matters and things relating to the administration of timber and timber lands as may be deemed necessary or desirable.”.

15. Section 97 is amended,— Section 97
amended

(a) by renumbering the section as subsection (1);

(b) by adding immediately after subsection (1) the following new subsection:

“(2) No reinstatement shall be made until all arrears and penalties have been paid.”.

16. Section 118 is amended by adding immediately after clause (m) the following new clause: Section 118
amended

“(n) authorizing the doing of such acts, matters and things relating to the prevention of forest and prairie fires as may be deemed necessary or desirable.”.

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

No. 51.

FOURTH SESSION
ELEVENTH LEGISLATURE

15 GEORGE VI

1951

BILL

An Act to amend The Forests Act.

Received and read the

First time

Second time

Third time

HON. MR. TANNER.
