

Bill No. 42 of 1952.

A BILL RESPECTING THE REVISED STATUTES OF
ALBERTA.

NOTE.

This Bill introduces a new Act to be known as "*The Revised Statutes Act, 1952*". It provides for the revision and consolidation of the Statutes of Alberta.

A Statute Revision Commission is to be established consisting of the Attorney General as a member *ex officio* and other members, not being more than three, appointed by the Lieutenant Governor in Council. The chairman may be appointed by the Lieutenant Governor in Council. The commission is to examine, revise and consolidate the public general statutes of Alberta.

The powers of the commission are set out in section 5. The revision commission generally may correct, reclassify, divide and make uniform the statutes of Alberta. The statutes and amendments passed at the present session of the Legislature may also be included in the revision.

When the work of the revision commission is completed, the commission will submit it through the Attorney General to the Lieutenant Governor in Council. The Lieutenant Governor is empowered to print the revision. One of the original printed copies which will be known as the "statute roll" is to be deposited with the Clerk of the Legislative Assembly. This copy shall be deemed to be the original statute roll of the Acts contained in the Revised Statutes. The Lieutenant Governor in Council may then bring the Revised Statutes of Alberta, 1952, into force upon a date to be named by him. On, from and after the named date the Revised Statutes of Alberta, 1952, repeal and replace the existing statutes of the Province to the extent that they are incorporated in the Revised Statutes of Alberta, 1952, or in the schedules thereto.

The remaining sections of the Act are largely for the purpose of providing for a smooth transition from the law presently in force to the law contained in the revision.

This Bill comes into force upon assent.

J. W. RYAN,
Acting Legislative Counsel.

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

BILL

No. 42 of 1952.

An Act respecting the Revised Statutes of Alberta.

(Assented to , 1952.)

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 Revised Statutes Act, 1952*".

Interpretation.

"Commis-
sion" **2.** In this Act, unless the context otherwise requires, "commission" means the Statute Revision Commission established under section 3.

Statute
Revision
Commission **3.** (1) There is hereby established a Statute Revision Commission consisting of the Attorney General, as member "*ex officio*", and such other person or persons, not exceeding three, as may be appointed by the Lieutenant Governor in Council.

Chairman (2) The Lieutenant Governor in Council may designate one of the members to be the chairman.

Duties of
commission **4.** (1) The commission shall examine and in accordance with the provisions of this Act shall revise and consolidate the public general statutes of Alberta.

Other
personnel (2) With the approval of the Lieutenant Governor in Council and for such remuneration as the Lieutenant Governor in Council may fix, the commission may employ professional assistance and such other officers, clerks and employees as it deems necessary for carrying out the provisions of this Act.

Powers of
commission **5.** The commission in revising and consolidating the public general statutes of Alberta may,—

- (a) incorporate a public general Act passed at the present session, and any amendments made at the present session to any of the public general statutes of Alberta;
- (b) omit an Act or part of an Act which at the date of the completion of the revising and consolidating has been repealed or superseded or has expired or has had its effect and can have no further enforcement;

- (c) omit an enactment repealing or amending an Act giving effect either to the repeal or amendment so effected in so far as the repealing or amending enactment as at the date of the revision and consolidation remains effective;
- (d) alter the number and sequence of an Act and the sections thereof;
- (e) consolidate two or more Acts into one Act, and consolidate two or more sections of an Act into one section;
- (f) divide an Act into two or more Acts and divide a section into two or more sections;
- (g) transfer a particular provision or part of an Act or section to any other or others in so far as may be thought advisable in order to secure a better arrangement of the public general statutes of Alberta without altering their true intent;
- (h) alter where deemed necessary the language of an Act in order to better express the spirit and meaning of the law or in order to preserve a uniform mode of expression, but not so as to change the meaning or intent of an enactment;
- (i) correct clerical and typographical errors, and make such minor amendments as are deemed necessary to express more clearly what is deemed to have been the intention of the Legislature, or reconcile seemingly inconsistent enactments;
- (j) omit an Act or a part of an Act which although a public general statute of Alberta has reference only to a particular place or municipality, or particular places or municipalities and have no general application throughout the Province;
- (k) include a private Act or a part of a private Act which affects the public generally and ought to be included in the revision and consolidation;
- (l) include relevant Imperial and Canadian statutes;
- (m) prepare a comprehensive index for the whole.

6. (1) As soon as the work of the commission is completed, the commission shall report the same through the Attorney General to the Lieutenant Governor in Council and shall deposit the result of its work with the Provincial Secretary. Report of commission

(2) Upon receiving the report of the commission, the Lieutenant Governor in Council may cause the revision and consolidation prepared by the commission to be printed. Printing of revision

(3) The Lieutenant Governor in Council may cause a correct printed copy of the revision and consolidation, to be known as the "statute roll", signed by the Lieutenant Governor and countersigned by the Provincial Secretary, to be deposited in the office of the Clerk of the Legislative Assembly. Statute roll

(4) The statute roll when deposited in the office of the Clerk of the Legislative Assembly shall be deemed to be the original of the statute laws of Alberta contained in the statute roll and of the several Acts and parts of Acts which it purports to embody.

Appendix to
statute roll

7. (1) The commission may append to the statute roll,—

- (a) an appendix, similar in form to Appendix “B” appended to the Revised Statutes of Alberta, 1942, containing certain Imperial, Canadian and Provincial statutes relating to the constitution, boundaries and natural resources of Alberta;
- (b) a schedule showing the Acts contained in the Revised Statutes of Alberta, 1942, and the other Acts that are repealed in whole or in part from the date upon which the Revised Statutes of Alberta, 1952, take effect and the extent of the repeal;
- (c) a schedule showing certain Acts and parts of Acts omitted but not repealed by the Revised Statutes of Alberta, 1952, which Acts and parts of Acts remain in force in the Province subject to the Revised Statutes of Alberta, 1952;
- (d) a schedule showing the Acts and parts of the Acts omitted from and repealed by the Revised Statutes of Alberta, 1952;
- (e) such other schedules and appendices as may be deemed necessary and expedient.

(2) The insertion of an Act in the schedules or any of them shall not be construed as a declaration that the Act or a part of an Act was or was not in force immediately before the coming into force of the Revised Statutes of Alberta, 1952.

Proclama-
tion of
revision

8. (1) After the deposit of the statute roll in the office of the Clerk of the Legislative Assembly, pursuant to section 6, the Lieutenant Governor in Council by proclamation may declare the day on, from and after which the statute roll or such portion thereof as considered proper shall come into force and have effect as law by the designation of the “Revised Statutes of Alberta, 1952”.

(2) On, from and after the day so declared, the statute roll, or the portion thereof as may be designated by the proclamation, shall be in force accordingly to all intents as if the same were expressly embodied in and enacted by this Act to come into force and have effect on, from and after that day.

Construction
of Revised
Statutes

9. (1) The Revised Statutes of Alberta, 1952, shall not be held to operate as new laws, but shall be construed and have effect as a consolidation of the law contained in the Acts or parts of Acts so repealed for which the Revised Statutes of Alberta, 1952, are substituted.

(2) The various provisions of the Revised Statutes of Alberta, 1952, corresponding to and substituted for the provisions of the Acts and parts of Acts previously in force shall, where they are the same in effect as those of the previous Acts and parts of Acts, be held to operate retrospectively as well as prospectively, and to have been passed upon the days respectively upon which the Acts and parts of Acts so repealed came into force.

(3) If upon any point, the provisions of the Revised Statutes of Alberta, 1952, are not in effect the same as those of the repealed Acts and parts of Acts for which they are substituted, then as respects all transactions, matters and things on and subsequent to the day upon which the said Revised Statutes take effect, the provisions contained in them shall prevail, but as respects all transactions, matter and things anterior to the said day, the provisions of the Acts or parts of Acts for which they are substituted shall prevail.

Revised
Statutes
to prevail

10. (1) On, from and after the day so declared, the Revised Statutes of Alberta, 1942, and the several public Acts and parts of Acts of the Province passed since the coming into force of the Revised Statutes of Alberta, 1942, so far as the same are within the legislative authority of the Legislature shall stand repealed to the extent that they are incorporated in the Revised Statutes of Alberta, 1952, or are repugnant thereto; and the several private Acts of the Province passed since the coming into force of the Revised Statutes of Alberta, 1942, shall stand repealed to the extent that they are incorporated in the Revised Statutes of Alberta, 1952, or are repugnant thereto.

Extent of
repeal of
existing law

(2) All the Acts or parts of Acts mentioned in the schedule showing Acts or parts of Acts repealed by the revision, shall be repealed to the extent mentioned in the said schedule.

11. The repeal of the said Acts and parts of Acts shall not revive any Act or provision of law repealed by them nor shall the said repeal prevent the effect of any saving clause in the said Acts and parts of Acts, or the application of the said Acts and parts of Acts or of any Act or provision of law formerly in force, to any transaction, matter or thing anterior to the said repeal to which they would otherwise apply.

Effect of
repeal

12. The repeal of the said Acts and parts of Acts shall not affect,—

Certain
matters not
affected
by repeal

- (a) any proceedings for enforcing a penalty, forfeiture or liability incurred before the time of the repeal and had, done, completed or pending at the time of the repeal;
- (b) any information, conviction, sentence or prosecution had, done, completed or pending at the time of the repeal;

- (c) any action, suit, judgment, decree, certificate, execution, process, order, rule or any proceeding, matter or thing whatsoever respecting the same, had, done, made, entered, granted, completed, pending, existing or in force at the time of the repeal;
- (d) any act, deed, right, title, interest, grant, assurance, descent, will registry, by-law, rule, order in council, proclamation, regulation, contract, lien, charge, status, capacity, immunity, matter or thing had, done, made, acquired, established or existing at the time of the repeal;
- (e) any office, appointment, commission, salary, allowance, security, duty or a matter or thing appertaining thereto at the time of the repeal;

nor shall the repeal defeat, disturb, invalidate or prejudicially affect any other matter or thing whatsoever had, done, completed, existing or pending at the time of the repeal; but every such matter or thing set out in clauses (a) to (e), inclusive, and every other matter or thing whatsoever shall remain and continue as if no such repeal had taken place and, so far as necessary, may be continued, prosecuted, enforced and proceeded with under the Revised Statutes of Alberta, 1952, and other statutes and laws having force in the Province and subject to the provisions of the said several statutes and laws as if no such repeal had taken place.

References
to repealed
Acts

13. A reference in a former Act remaining in force or in any proclamation, order in council, instrument or document to an Act or enactment shown as repealed in a schedule to the Revised Statutes of Alberta, 1952, after the Revised Statutes take effect, shall be held with respect to a subsequent transaction, matter or thing to be a reference to the enactments in the Revised Statutes of Alberta, 1952, having the same effect as the repealed Act or enactment.

Marginal
notes and
citations

14. The marginal or side notes, and the references to former enactments at the foot of sections, in the Revised Statutes of Alberta, 1952, shall be held to be no part of those statutes, but to be inserted for convenience of reference only.

Effect of
insertion
in revision

15. The insertion or incorporation of an Act or part of an Act in the Revised Statutes of Alberta, 1952, or in a schedule thereto shall not be considered as a declaration that the Act or any part of it was or was not in force immediately before the coming into force of the Revised Statutes of Alberta, 1952.

Rules of
construction
apply

16. This Act shall be printed with the Revised Statutes of Alberta, 1952, and shall be subject to the same rules of construction as the Revised Statutes of Alberta, 1952.

17. Copies of the Revised Statutes of Alberta, 1952, pur-
 porting to be printed by the King's Printer shall be evidence
 of the Revised Statutes of Alberta, 1952, in all courts and
 other places without further proof of any kind whatsoever.

Evidential
 value of
 copies of
 Revised
 Statutes

18. A chapter of the Revised Statutes of Alberta, 1952,
 may be cited and referred to in any Act or proceeding what-
 soever either by its title as an Act or by using the expression
 "the Revised Statutes of Alberta, 1952, chapter....."
 (adding the number of the particular chapter appearing
 in the copies printed by the King's Printer).

Citation of
 Revised
 Statutes

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

Coming
 into force

No. 42.

FIFTH SESSION
ELEVENTH LEGISLATURE

1 Elizabeth II

1952

BILL

An Act respecting the Revised
Statutes of Alberta.

Received and read the

First time

Second time

Third time

HON. MR. MAYNARD.
