

Bill No. 50 of 1952.

A BILL RESPECTING BLIND PERSONS
ALLOWANCES.

NOTE.

This is a new Act to be cited as "*The Blind Persons Act*".

The Province and the Government of Canada recently entered into an agreement respecting the payment of allowances to blind persons as a result of the repeal by Canada of the "*Old Age Pensions Act*". Pensions to blind persons were previously authorized as a part of the old age pensions enactment of Canada and the Province. The Canadian Parliament after repealing the *Old Age Pensions Act* enacted provisions with respect to blind persons as a separate Act.

This new Act is enacted to authorize the carrying out in Alberta of the new scheme of blind persons allowances.

Sections 1 and 2 are, respectively, the short title and interpretation sections.

Section 3 provides that the Minister may enter into an agreement with the Minister of National Health and Welfare (Canada) in order to receive for Alberta the payments from Canada of amounts in respect of assistance under "*The Blind Persons Act*" (Canada). The amount to be paid by Canada in respect of any blind person will not exceed seventy-five per cent of forty dollars monthly, or of the amount paid by Alberta, whichever is the lesser.

Section 4 makes provision for the case where the Parliament of Canada amends, substitutes or adds new provisions to its Act. In such an event the Minister is authorized to enter into any agreement likely to procure for the Province the benefits of any amendments, substitutions or additions so made to the Canadian Act.

Section 5 provides that if for any reason the Canadian Government ceases to make its contributions under the agreement and the Canadian Act, all allowances under this Act shall cease and no further payments made hereunder.

Section 6 provides that sums received by the Province from Canada under *The Blind Persons Act* (Canada) will become part of the General Revenue Fund of the Province.

Section 7 provides that where the Province pays allowances and where later the Canadian Government refuses to pay them or claims that the allowances paid by Alberta were an over-payment, then, in such case, the allowance paid by Alberta becomes a debt owing the Crown.

Section 8 gives the Lieutenant Governor in Council power to make regulations.

Section 9 authorizes the appointment of officers to administer the Act.

Section 10 provides for the appointment of a Board. The Board is to consist of not less than three persons one of whom is chairman.

Section 11 sets out the duties of the Board, which include receiving applications, determining eligibility of applicants and directing payments to be made.

Section 12 provides that in certain cases the Board may appoint a trustee to receive the allowances for the benefit of the blind recipient who misuses or is likely to misuse his allowance. A recipient unable to handle his affairs may also have a trustee appointed on his behalf.

Section 13 declares that the allowance is not subject to alienation or transfer by the recipient, or attachment, or seizure in satisfaction of a claim against a recipient. These provisions are enacted to comply with the agreement entered into by the Province and Canada.

Section 14 provides that receipt of an allowance alone does not constitute a disqualification of a recipient for voting at a provincial or municipal election—and is also enacted to comply with a term of the agreement between the Province and Canada.

Section 15 creates offences and provides a penalty for the offences.

Section 16 provides that the payment of allowances and the expenses of administering the Act, shall be paid out of funds appropriated by the Legislature for that purpose.

This Bill comes into force upon assent and is then retroactive to the 1st day of January, 1952.

J. W. RYAN,
Acting Legislative Counsel.

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

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BILL

No. 50 of 1952.

An Act respecting Blind Persons Allowances.

(Assented to _____, 1952.)

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

Short Title.

1. This Act may be cited as "*The Blind Persons Act*". Short title

Interpretation.

2. In this Act, unless the context otherwise requires,—
- (a) "allowance" means a blind person's allowance provided under this Act and the regulations to the persons and under the conditions specified in *The Blind Persons Act* (Canada) and the regulations made under it; Interpretation "allowance"
 - (b) "Board" means the Board appointed pursuant to section 10; "Board"
 - (c) "inspector" means an inspector of the Department of Public Welfare; "inspector"
 - (d) "Minister" means the Minister of Public Welfare; "Minister"
 - (e) "recipient" means the person to whom an allowance is granted; "recipient"
 - (f) "regulations" means regulations made under this Act. "regulations"

3. The Minister, on behalf of the Government of Alberta, with the approval of the Lieutenant Governor in Council, may enter into an agreement with the Minister of National Health and Welfare (Canada), on behalf of the Government of Canada, to provide for the payment by Canada to Alberta, in accordance with *The Blind Persons Act* (Canada) and the regulations made under it, of amounts in respect of allowances paid by Alberta pursuant to this Act and the regulations, not exceeding, in respect to any recipient, seventy-five per cent of forty dollars monthly or of the amount of the allowance paid by Alberta monthly to the recipient, whichever is the lesser. Minister may enter agreement to provide allowances

4. (1) In the event of the Parliament of Canada amending *The Blind Persons Act* (Canada) or substituting or adding new provisions, the Minister with the approval of Amendment of Dominion legislation

the Lieutenant Governor in Council, may enter into any agreement that may be deemed necessary or proper for the purpose of securing to Alberta the benefits of such amending, substituted or added provisions, and in the event and for the purpose aforesaid, amend, vary, add to or repeal any of the provisions of this Act in any manner that may be deemed necessary, in order to adopt and make effective in Alberta any or all of the provisions that have been amended, substituted or added.

Publication
of orders
in council

(2) An order in council made pursuant to this section shall be published in *The Alberta Gazette* and shall be submitted to the Legislature at the next session held after such publication, within fifteen days of the commencement of that session, and upon publication shall have the same force and effect as if it had been enacted by this Act until the session of the Legislature to which it was submitted, and thereafter shall continue to have force and effect as aforesaid, unless it is disallowed by resolution passed at the session of the Legislature to which it is submitted.

Canada
ceasing
contributions

5. If for any reason the Government of Canada ceases to make the contributions provided for under *The Blind Persons Act* (Canada) or fails to carry out the terms of the agreement made under the authority of this Act, all allowances under this Act shall cease thereafter, and no further payment of allowances shall be made.

Sums paid
Alberta part
of General
Revenue
Fund

6. All sums paid by the Government of Canada to the Province of Alberta under the provisions of *The Blind Persons Act* (Canada) shall form part of the General Revenue Fund of the Province.

Allowance
debt due to
the Crown

7. Where an allowance has been paid and the Government of Canada,—

- (a) refuses to pay any amount in respect thereof;
- (b) rules that over-payments have been made to a recipient;

the allowance paid to a recipient shall be considered a debt due to the Crown and recoverable from the recipient or his estate.

Regulations

8. The Lieutenant Governor in Council may make regulations,—

- (a) governing the manner of making an application for an allowance;
- (b) providing for the suspension or cancellation of an allowance;
- (c) providing for the making of investigations by inspectors with respect to persons to whom an allowance may be paid or by whom or on whose behalf application has been made for an allowance or who are in receipt of an allowance;

- (d) prescribing the material or proof of any fact, including evidence under oath, that is to be furnished before an allowance is paid;
- (e) fixing the intervals at which, and the manner in which, an allowance is to be paid;
- (f) prescribing forms for use under this Act;
- (g) respecting any other matter necessary or advisable to carry out effectively the purposes of this Act.

9. The Lieutenant Governor in Council subject to the provisions of *The Public Service Act, 1947*, may appoint the officers necessary for the proper administration of this Act. Appointment of officers

10. (1) The Lieutenant Governor in Council may appoint a Board. Board authorized

(2) The Board shall consist of not less than three persons one of whom shall be designated chairman of the Board.

11. The Board shall,—

- (a) receive the applications for allowances;
- (b) determine the eligibility of each applicant for an allowance;
- (c) determine the amount of the allowance and direct that payment be made accordingly.

Duties of Board

12. If, in the opinion of the Board, a recipient,—

- (a) is using or is likely to use the allowance otherwise than for his own benefit; or
- (b) is incapacitated, or is incapable of handling his affairs;

Trustee authorized

the Board may appoint a trustee and direct that the allowance be paid to such trustee for the benefit of the recipient.

13. (1) An allowance is not subject to alienation or transfer by the recipient. Seizure

(2) An allowance is not subject to attachment or seizure in satisfaction of a claim against the recipient.

14. The receipt of an allowance does not by itself constitute disqualification of a recipient for voting at a provincial or municipal election. Voting rights

15. (1) No person knowingly shall obtain or receive an allowance that he is not entitled to obtain or receive under this Act or the regulations. Offences

(2) No person knowingly shall aid or abet another person to obtain or receive an allowance that such person is not entitled to obtain or receive under this Act and the regulations. Idem

Penalties
provided

(3) A person who violates subsections (1) or (2) of this section is guilty of an offence and liable on summary conviction to a penalty of not more than fifty dollars or to imprisonment for a term of not more than three months, or to both fine and imprisonment.

Allowances
and expenses
provided for

16. Allowances and the expenses of the administration of this Act and the regulations shall be paid out of moneys appropriated therefor by the Legislature.

Coming
into force

17. This Act shall come into force on the day upon which it is assented to and upon so coming into force shall be deemed to have been in force at all times on and after the first day of January, A.D. 1952.

No. 50.

FIFTH SESSION
ELEVENTH LEGISLATURE

1 Elizabeth II

1952

BILL

An Act respecting Blind Persons
Allowances.

Received and read the

First time

Second time.....

Third time.....

HON. DR. CROSS.
