

Bill No. 67 of 1952.

A BILL TO AMEND THE NOXIOUS WEEDS ACT.

NOTE.

This Bill amends *The Noxious Weeds Act*, being chapter 83 of the Revised Statutes of Alberta, 1942.

Section 9 is struck out and a new section is substituted. The effect of this amendment is to provide weed inspectors with authority to direct the destruction of noxious weeds or weed seeds by the particular means which the inspector deems advisable. Except for redrafting the old section to divide it into three subsections the amendment does not otherwise effect any new changes in the law.

Section 15 is struck out and a new section substituted. Subsection (1) conforms in wording with the powers actually conferred by the Act upon an inspector. Subsection (2) provides that where an inspector directs the use of or uses a chemical spray for the purpose of destroying noxious weeds or weed seeds he may do so over a greater area than five acres without obtaining the prior consent in writing of the Field Crops Commissioner, a requirement laid down by subsection (1) where the destruction of crops containing noxious weeds or weed seeds affect an area of five acres.

Section 16*a* is added to the Act. Where damage is caused by the reasonable exercise of a duty, power, function or discretion conferred upon a person by this Act, that person will not be liable for such damage.

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. 67 of 1952.

An Act to amend The Noxious Weeds Act.

(Assented to _____, 1952.)

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

1. *The Noxious Weeds Act*, being chapter 83 of the Revised Statutes of Alberta, 1942, is hereby amended.

Section 9
amended

Notice to
destroy
noxious
weeds or
weed seeds

2. Section 9 is struck out and the following is substituted:

"9. (1) Where any Class A or Class B noxious weeds or weed seeds are found,—

"(a) upon any occupied or unoccupied land; or

"(b) in any building other than a dwelling house; or

"(c) in or upon a vehicle, farm machinery or other equipment not in a dwelling house;

an inspector may give notice in writing to a person who is under the duty imposed by this Act to prevent their growth, to destroy them and any crops containing such noxious weeds or weed seeds, and the inspector may direct their destruction by any means he may deem advisable, on or before a day to be named in the notice.

Destruction
of noxious
weeds or
weed seeds
by inspector

"(2) If, after the day named in the notice, the noxious weeds or weed seeds are not destroyed, the inspector or a person duly authorized by him, may destroy them and any crops containing such noxious weeds or weed seeds.

"(3) For the purpose of destroying Class A or Class B noxious weeds or weed seeds or any crops containing the noxious weeds or weed seeds, the inspector or a person duly authorized by him, may adopt such means as the inspector may deem advisable."

Section 15
amended

3. Section 15 is struck out and the following is substituted:

Where
consent of
Field Crops
Commission-
er required

"15. (1) Where more than five acres of crop are likely to be affected, the powers conferred on an inspector by this Act to direct the destruction of or to destroy crops containing Class A or Class B noxious weeds or weed seeds shall not be exercised unless the Field Crops Commissioner in each case consents in writing to the exercise of the powers by the inspector.

“(2) Notwithstanding subsection (1), an inspector, for the purpose of destroying Class A or Class B noxious weeds or weed seeds, may direct the chemical spraying or may chemically spray an area in excess of five acres without the prior consent in writing of the Field Crops Commissioner.”.

4. The following new section is added immediately after ^{New} section 16^a:
section 16:

“**16a.** No liability shall attach to an inspector or a municipality by reason of any damage arising out of the ^{Liability for} reasonable exercise of a duty, power, function or discretion ^{damage} conferred upon the inspector or municipality by this Act.”.

5. This Act shall come into force on the day upon which ^{Coming} it is assented to. ^{into force}

No. 67.

FIFTH SESSION
ELEVENTH LEGISLATURE

1 Elizabeth II

1952

BILL

An Act to amend The Noxious
Weeds Act.

Received and read the

First time

Second time.....

Third time.....

HON. MR. URE.
