

Bill No. 102 of 1952.

A BILL TO AMEND THE SEED-CONTROL AREAS ACT.

NOTE.

This Bill amends *The Seed-Control Areas Act*, being chapter 15 of the Statutes of Alberta, 1948.

Two new subsections are added to section 9 and seven new sections are added immediately after section 9. The Act provides for the formation of seed control areas upon petition of the residents for the purpose of growing particular kinds or varieties of seeds. This necessitates the prohibition of the growing of certain other designated kinds or varieties of seeds or crops within the seed-control area. A person who grows a prohibited seed or crop is guilty of an offence and subject to a fine but this in itself is not effective to protect the authorized varieties of seed grown in the area.

The new sections added are similar to those contained in *The Noxious Weeds Act* and they provide that prohibited seeds or crops in a seed-control area will be treated in a manner similar to noxious weeds under *The Noxious Weeds Act*.

Under the added provisions the seed-control committee can give a notice requiring the occupier of land to prevent the blossoming or maturing of the prohibited seed or crop. If he fails to do so the Field Crops Commissioner may direct the cutting or destruction of the prohibited seed or crop at the expense of the seed-control committee. The expenditures of the committee may be collected as a debt or may be added to the taxes of the occupier of the land.

An appeal is provided from the actions of the seed-control committee to the Minister of Agriculture who is given broad power to hear and determine any matter in dispute.

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. 102 of 1952.

An Act to amend The Seed-Control Areas 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 Seed-Control Areas Act*, being chapter 15 of the Statutes of Alberta, 1948, is hereby amended.

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

“(aa) ‘municipality’ means any city, town, county, village, municipal district, improvement district or special area;”.

3. Section 9 is amended,—

- (a) by renumbering the section as subsection (1); Section 9 amended
(b) by adding immediately after subsection (1) the following new subsections:

“(2) If a person fails to comply with subsection (1) the committee, with the approval of the Field Crops Commissioner, may give that person a notice in writing requiring him to take action within seven days of the receipt of the notice to prevent the blossoming or maturing of the prohibited seed or crop.

“(3) The notice may be delivered personally or may be mailed by double registered mail.”.

4. The following new sections are added immediately after section 9: New sections 9a to 9g inclusive

“9a. Where a person has failed to take the required action within seven days of the receipt of a notice under section 9, the committee shall advise the Field Crops Commissioner of the failure to comply with the notice, and the Field Crops Commissioner may direct the cutting or destruction of the prohibited seed or crop at the expense of the committee, and for that purpose a person authorized by the Field Crops Commissioner may enter upon the land of the person failing to comply with the notice. Destruction of prohibited seed or crop

“9b. All expenditures incurred by the committee in connection with the cutting or destruction of the prohibited seed or crop shall be a debt payable on demand to the committee by the person to whom the notice was given, and may be Recovery of expenditures incurred by committee

recovered either by suit brought in a court of competent jurisdiction in the name of the committee, or by distress upon the goods and chattles of the person to whom the notice was given.

Unpaid
expendi-
tures
recoverable
as taxes

“9c. Where the expenditures incurred by the committee have been demanded from the person to whom the notice was given and all or a part remains unpaid at the fifteenth day of December next after the making of the expenditures,—

“(a) the committee may notify the municipality within which the parcel of land is situate of the amount remaining unpaid in respect of that parcel; and

“(b) the proper officer of the municipality shall add the amount to and it shall form part of the ordinary municipal taxes levied against the parcel; and

“(c) the municipality shall pay the said amount to the committee.

Appeal

“9d. (1) A person who is interested as owner or mortgagee in a seed or crop, or parcel of land affected by a notice given under section 9 or by any action, proceeding or matter that does or can result therefrom or that is or may be taken in connection therewith may appeal to the Minister of Agriculture.

Notice
of appeal

“(2) The notice of appeal shall be in writing and shall set out,—

“(a) the name and address of the appellant;

“(b) the location of the seed or crop or parcel of land;

“(c) the nature of his interest in the seed or crop or parcel of land;

“(d) a description of the notice or the action, proceeding or matter resulting therefrom or in connection therewith, in respect of which the appeal is taken;

“(e) the grounds of appeal.

Extension
of time for
destroying
prohibited
seed or
crop

“9e. The Minister of Agriculture or a person delegated on his behalf may forthwith,—

“(a) extend the time for taking the action required by the notice;

“(b) order the committee not to cut or destroy the seed or crop or part thereof either absolutely or before a time fixed by him.

Hearing
of appeal

“9f. The Minister of Agriculture or a person delegated on his behalf shall,—

“(a) fix a time and place for the hearing of the appeal, which place may be on the parcel affected by the notice; and

“(b) give such notice thereof to the appellant, the committee, and to such other persons as he deems proper, in such manner as he may determine;

“(c) hear and determine the appeal at the time and place so fixed.

"9g. (1) The Minister of Agriculture or a person delegated on his behalf may make an order,— Order of Minister of Agriculture

- "(a) confirming, varying or setting aside the notice or extending the time for the taking of the required action;
- "(b) authorizing or prohibiting the cutting or destruction of all or part of the seed or crop by the committee;
- "(c) fixing the amount of the expenditures incurred by the committee which constitute a debt for the purposes of section 9b or 9c;
- "(d) providing for any other matter or thing which he deems just and proper having regard to all the circumstances of the case.

"(2) The decision of the Minister of Agriculture and any order made by him upon the appeal shall be binding and conclusive upon the parties thereto and there shall be no further appeal therefrom." No appeal from decision of Minister of Agriculture

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

No. 102.

FIFTH SESSION
ELEVENTH LEGISLATURE

1 Elizabeth II

1952

BILL

An Act to amend The Seed-Control
Areas Act.

Received and read the

First time

Second time.....

Third time.....

HON. MR. URE.
