

Bill No. 72 of 1954

A BILL TO AMEND THE FORESTS ACT

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NOTE

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

Section 8 is amended. The definition of "pulp-wood" is changed to mean that timber that the Minister declares to be pulp-wood.

Section 9a is added to empower the Minister to declare timber below the standard of utilization for sawmilling to be pulp-wood for the purposes of this Act.

Section 11, subsection (1) is amended. Certain words are struck out because of the definition of "company" which includes these people.

Section 16 is amended by striking out clause (h) which requires certain matters relating to the competition to be set out in the advertising notice of a sale of a berth.

Section 25, subsection (1) is amended to remove a reference to *The Timber Areas Tax Act* which is to be repealed.

Section 26 is amended for that reason also.

Section 32, subsection (2) is amended to decrease the period in which renewals of licences that have expired may be renewed. The present six months' period brings it into the lumbering season.

Section 33 is amended. Reference to the timber areas tax is removed; and the ground rent is increased from twenty to thirty dollars to obtain the revenue that would have been obtained under *The Timber Areas Tax Act* were it not being repealed.

Section 35 is amended by striking out subsection (2) which provided that no licence of a berth acquired under *The Dominion Lands Act* regulations could be renewed after March 31st, 1954.

Section 37 is amended. Subsection (2), clause (e) is amended to permit the Director more often than once to renew special permits to cut timber. Subsection (3), clause (a) is amended to permit actual settlers to obtain such permits to cut timber on their own farms and to remove the authority to give such permits to persons representing settlers or groups of settlers.

Section 38 is amended by the addition of a new subsection (1) and by renumbering the present subsections. Subsection

(1) as introduced into the section requires that a permittee returning a permit cut more than half of the cutting permitted under the permit before he can obtain a refund of dues.

Section 40, subsection (5) is amended. By this amendment a permittee who overcuts will pay at least double the general rate of dues on the amount overcut.

Section 43, subsection (1) is amended. This amendment makes provision for agreements of sale under *The Public Lands Act*.

Section 50, subsection (3) is amended. This subsection previously required that a penalty of an additional ten dollars be paid each month the return required of a licensee was outstanding. This additional penalty is abolished.

Section 60, subsection (2) is amended to remove therefrom a reference to the tax under *The Timber Areas Tax Act*.

Section 63 is amended by replacing subsection (7) with a new subsection. This subsection now provides that unpaid timber dues will bear eight per cent interest until paid. Previously additional dues of five per cent of the unpaid dues were charged by way of a penalty every six months a default continued.

Section 66 is amended by the addition of new subsections (1a) to (1c). A purchaser of timber cut on public lands is required by subsection (1a) to keep a record of such purchases. By subsection (1b) he must before the 21st day of the month following the purchase pay dues on the timber, if he has retained those dues, to the Director. By subsection (1c) failure to comply with subsection (1b) is made an offence punishable by a fine.

Section 77 is amended by relettering the present clauses and by inserting a new clause (a) which requires that among the matters required to be set out in an invoice carried by a truck conveying a forest product, the date of the invoice must also be set out.

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. 72 of 1954

An Act to amend The Forests Act

(Assented to , 1954)

**H**ER 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 striking out clause (e) and by substituting the following: Section 8 amended

“(e) ‘pulp-wood’ means timber that is declared by the Minister to be pulp-wood;”.

3. The following new section is added immediately after section 9. New section 9a

“9a. Timber that is shown to the satisfaction of the Minister to be below the standard of utilization for saw-milling purposes may for the purposes of this Act be declared to be pulp-wood by the Minister.” Timber declared pulp-wood

4. Section 11, subsection (1) is amended by striking out the words “an individual, body corporate or registered partnership,” and by substituting the words “a company”. Section 11 amended

5. Section 16 is amended Section 16 amended  
(a) by striking out clause (h) of subsection (1),  
(b) by striking out subsection (2).

6. Section 25, subsection (1), clause (c) is amended by striking out the words “fire guarding charges, timber areas tax” and by substituting the words “and fire guarding charges”. Section 25 amended

7. Section 26 is amended by striking out the words “fire guarding charges and timber areas tax” and by substituting the words “and fire guarding charges”. Section 26 amended

8. Section 32, subsection (2) is amended by striking out the word “six” and by substituting the word “three”. Section 32 amended

Section 33  
amended

**9.** Section 33 is amended

- (a) by striking out the word "twenty" where it occurs in clause (a) and by substituting the word "thirty",
- (b) by striking out clause (d).

Section 35  
amended

**10.** Section 35 is amended by striking out subsection (2).

Section 37  
amended

**11.** Section 37 is amended

- (a) as to subsection (2), clause (c) by striking out the word "once",
- (b) as to subsection (3)
  - (i) by adding immediately after the words "may be granted" the words "on the payment of dues and fees",
  - (ii) by striking out clause (a) and by substituting the following:
 

"(a) actual settlers to cut timber for their own use on their own farms up to ten thousand feet board measure in any permit year;"

Section 38  
amended

**12.** Section 38 is amended

- (a) by renumbering the section as subsection (1),
- (b) by adding immediately after subsection (1) the following new subsection:
 

"(2) Where a permittee returns a permit issued pursuant to subsection (3) of section 37 giving thereon a statement of the amount of material cut, no refund of dues shall be made to the permittee unless fifty per cent of the material covered by the permit has been cut."

Section 40  
amended

**13.** Section 40, subsection (5) is amended by striking out the word "double" and by substituting the words "at least double but not more than triple".

Section 43  
amended

**14.** Section 43, subsection (1) is amended by adding immediately after the word "lease" the words "or an agreement for sale".

Section 50  
amended

**15.** Section 50, subsection (3) is amended by striking out the words "and a further sum of ten dollars each month the sworn return is outstanding".

Section 60  
amended

**16.** Section 60, subsection (2) is amended by striking out the words "timber areas tax".

Section 63  
amended

**17.** Section 63 is amended by striking out subsection (7) and by substituting the following:

Interest on  
unpaid dues

"(7) Dues that are not paid when they become due bear interest at the rate of eight per cent per annum until paid and the Crown has a lien for unpaid dues and interest thereon on any timber cut on public lands by the licensee or under his instructions."

**18.** Section 66 is amended by adding immediately after subsection (1) the following new subsections: Section 66  
amended

“(1*a*) A purchaser of timber that was cut on public lands shall keep an accurate record of such purchases and the records shall be open at all times to inspection by forest officers. Record of  
purchases

“(1*b*) Where the purchaser of timber that was cut on public lands retains the dues payable to the Crown on that timber, the purchaser not later than the twenty-first day of the month after the purchase shall pay the dues to the Director.

“(1*c*) If a purchaser fails to comply with subsection (1*b*) he is guilty of an offence and liable on summary conviction to a fine of not less than twenty-five dollars or more than five hundred dollars.”.

**19.** Section 77 is amended

(a) by relettering clauses (a), (b), (c) and (d) as clauses (b), (c), (d) and (e) respectively, Section 77  
amended

(b) by adding immediately before the relettered clause (b) the following new clause.

“(a) the date of the invoice;”.

**20.** This Act comes into force on the day upon which it is assented to. Coming  
into force

No. 72

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SECOND SESSION  
TWELFTH LEGISLATURE  
3 ELIZABETH II  
1954

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**BILL**

An Act to amend The Forests Act

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Received and read the

First time .....

Second time.....

Third time.....

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HON. MR. CASEY

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