

Bill No. 92 of 1954

A BILL TO AMEND THE PUBLIC HIGHWAYS ACT

NOTE

This Bill amends *The Public Highways Act*, being chapter 74 of the Revised Statutes of Alberta, 1942.

Section 22*f* is amended by replacing subsection (2) with new subsections (2) and (3). The new subsection (2) makes it an offence and provides a minimum and maximum fine and in default of payment of the fine provides for a period of imprisonment where an owner or occupier of land allows water used or intended to be used for irrigation purposes to escape into the highway. Previously there was only provision for a maximum fine. The present subsection (3) is renumbered as subsection (4). Subsection (3) provides a minimum and maximum fine and in default of payment of the fine provides for a period of imprisonment where a person has been convicted of an offence under this section, and who continues to allow water used or intended to be used for irrigation purposes to escape into a highway ditch or into or onto the highway or who does not take any action to the satisfaction of the Minister to prevent the escape of the water therefrom. A new subsection (5) is added which provides that the right of the Minister to claim by way of civil action for any damages caused by the escape of water from the land into a highway ditch or into or upon a highway is not derogated from by this section.

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. 92 of 1954

An Act to amend The Public Highways Act

(Assented to _____, 1954)

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

1. *The Public Highways Act*, being chapter 74 of the Revised Statutes of Alberta, 1942, is hereby amended.

Section 22f
amended

2. Section 22f is amended

(a) by striking out subsection (2) and by substituting the following:

Offence and
penalty

“(2) A person who contravenes the provisions of subsection (1) is guilty of an offence and liable on summary conviction to a fine of not less than fifty dollars nor more than two hundred dollars, or in default of payment to imprisonment for a period of not less than ten days nor more than thirty days.

“(3) A person convicted of an offence under this section

“(a) who continues to cause or permit any water used or intended to be used for irrigation purposes to escape from the land into a highway ditch or into or upon a highway, or

“(b) who does not within fourteen days from the day of the conviction take any action to the satisfaction of the Minister to prevent the water used or to be used for irrigation purposes from escaping from the land into a highway ditch or into or upon a highway,

is guilty of an offence and liable on summary conviction to a fine of not less than ten dollars nor more than twenty-five dollars for each day during which he neglects or fails to fill up the ditch or drain, and in default of payment of the fine to imprisonment for a period of not less than thirty days nor more than ninety days.”;

(b) by renumbering the present subsection (3) as subsection (4);

(c) by adding immediately after subsection (4) the following new subsection:

“(5) Nothing in this section derogates from the right of the Minister to claim by way of civil action for any damages caused to a highway by the escape of the water into a highway ditch or into or upon a highway.”.

3. This Act comes into force on the day upon which it ^{Coming into} is assented to. _{force}

No. 92

SECOND SESSION
TWELFTH LEGISLATURE
3 ELIZABETH II

1954

BILL

An Act to amend The Public
Highways Act

Received and read the

First time

Second time

Third time

HON MR. TAYLOR
