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Bill No. 121 of 1954

A BILL RESPECTING SLOT MACHINES

NOTE

This Bill enacts a new Act to be known as "*The Slot Machine Act, 1954*", which repeals and replaces chapter 333 of the Revised Statutes of Alberta, 1942, the former *The Slot Machine Act*.

The new Act redefines "slot machine" so as to exclude therefrom machines that could be considered to be governed by the gaming provisions of the Criminal Code. A "slot machine" is declared to be a nuisance and is not capable of ownership within the Province. A procedure for determining whether or not a machine is a slot machine similar to the procedure under the former Act is set out, but differs inasmuch as such determination is to be made by a judge of the Supreme or district court rather than by a justice of the peace or a district court judge as previously provided. The Act provides that slot machines within the Province are to be confiscated.

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. 121 of 1954

An Act respecting Slot Machines

(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. This Act may be cited as "*The Slot Machine Act, 1954*". Short title

2. In this Act

(a) "peace officer" means a person

Interpre-
tation
"peace
officer"

(i) who is a member

(A) of the Royal Canadian Mounted Police Force, or

(B) of the police force of any city, town, village or municipal district in the Province, or

(ii) who is appointed as a constable under the provisions of a statute of the Province providing for the appointment of constables;

(b) "premises" means any building or other premises other than a family dwelling occupied by a person or persons as his or their home; "premises"

(c) "slot machine"

"slot
machine"

(i) means a machine, contrivance or device that by the insertion therein of any coin, token or slug can be used for playing a game of skill, chance or mixed skill and chance,

(ii) does not include any machine, contrivance or device which under section 986 (4) of the Criminal Code is deemed to be a means or contrivance for playing a game of chance.

3. The maintenance of a slot machine on any premises within the Province is hereby declared to be a nuisance. Slot
machine
declared
nuisance

4. (1) No slot machine is capable of ownership and no slot machine shall be the subject of property rights within the Province. Slot
machines
prohibited

(2) No court of civil jurisdiction shall recognize or give effect to property rights in a slot machine.

5. (1) A judge of the Supreme Court or a district court judge, on information on oath by a peace officer that there are reasonable grounds for believing that a slot machine is to be found on any premises may by warrant under his signature authorize and empower the peace officer Search
warrant
for slot
machines

(a) to enter and search the premises and each part thereof,

(b) to break open a door, lock or fastening of the premises or a part thereof for the purpose of entry and search.

(2) A peace officer is not required by this Act to set out in the information referred to in subsection (1) any reason or grounds for his suspicion or belief.

Procedure
on seizure
of slot
machine

6. (1) A peace officer executing or assisting in the execution of a warrant issued pursuant to section 5 who finds on the premises mentioned in the warrant a machine or device that he believes to be a slot machine

(a) shall forthwith seize and remove the machine or device, and

(b) shall bring the machine or device before

(i) a judge of the Supreme Court, if the warrant was issued under the signature of a judge of the Supreme Court, or

(ii) a district court judge, if the warrant was issued under the signature of a district court judge.

Service of
notice

(2) When a slot machine is brought before a judge of the Supreme Court or a district court judge pursuant to subsection (1), the peace officer shall immediately thereafter serve a notice on the occupant of the premises or the person in whose possession the slot machine was at the time of the seizure.

Appearance
of person
served with
notice

(3) A notice referred to in subsection (2) shall require a person served therewith to appear at a time, not before the seventh day after the service, and at a place named therein,

(a) before a judge of the Supreme Court, if the warrant was issued under the signature of a judge of the Supreme Court, or

(b) before a district court judge if the warrant was issued under the signature of a district court judge,

to show cause why the seized slot machine should not be confiscated.

Seizure
without
warrant,
etc.

7. A peace officer

(a) may without a warrant seize a slot machine that he finds in a public place or in a place or premises to which the public are admitted, and

(b) shall on making a seizure referred to in clause (a) proceed in the manner set out in section 6 as if he had made the seizure under the authority of a search warrant.

Order of
confiscation

8. A judge of the Supreme Court or a district court judge at the time and place mentioned in the notice referred to in section 6,

(a) shall hear anything that is alleged as a cause why the machine should not be confiscated,

- (b) shall unless satisfied that the machine is not a slot machine within the meaning of this Act, make an order declaring the machine
 - (i) to be confiscated on behalf of the Crown, and
 - (ii) to be disposed of as the Attorney General directs,
 and
- (c) shall make an order under clause (b) whether or not the person served with the notice referred to in section 6 is the bailee or licensee of or otherwise entitled to the possession of the machine.

9. (1) For the purpose of carrying into effect the provisions of this Act the Lieutenant Governor in Council may make such regulations and prescribe such forms not inconsistent with the terms of this Act as he deems necessary. ^{Regulations and forms}

(2) Regulations and forms made or prescribed pursuant to this section have the same force and effect as if incorporated in this Act.

10. *The Slot Machine Act*, being chapter 333 of the Revised Statutes of Alberta, is hereby repealed. ^{Repeal}

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

NO. 121

SECOND SESSION
TWELFTH LEGISLATURE

3 ELIZABETH II

1954

BILL

An Act respecting Slot Machines

Received and read the

First time

Second time.....

Third time.....

HON. MR. MAYNARD.
