

Bill No. 19 of 1955

A BILL TO AMEND THE MENTAL DEFECTIVES ACT

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NOTE

This Bill amends *The Mental Defectives Act*, being chapter 191 of the Revised Statutes of Alberta, 1942.

Section 15 is amended. The terminology used in subsection (2) is being altered to correspond to the terms used in subsection (1). Subsection (5) is replaced by a new subsection which sets out a new test to determine the residence of a mentally defective person. The new test of residence is premised upon the parents' residence as determined by the appropriate municipal Act, and is similar to the test applied for residence of children under *The Child Welfare Act*. The residence test is made applicable to cases arising after this Bill comes into force.

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. 19 of 1955

An Act to amend The Mental Defectives Act

(Assented to \_\_\_\_\_, 1955)

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

1. *The Mental Defectives Act*, being chapter 191 of the Revised Statutes of Alberta, 1942, is hereby amended.

2. (1) Section 15 is amended

Section 15  
amended

- (a) as to subsection (2) by striking out the words "in which the mentally defective person had his abode" and by substituting the words "of which the mentally defective person is a resident",
- (b) by striking out subsection (5) and by substituting the following:

"(5) For the purposes of this section

Residence

"(a) when the parents of a mentally defective person are residing together, the mentally defective person shall be deemed to be a resident of that city, town, village, municipal district, county or improvement district in which his parents are residents as determined by the appropriate municipal Act relating to indigent persons, or

"(b) when the parents of a mentally defective person are not residing together, the mentally defective person shall be deemed to be a resident of that city, town, village, municipal district, county or improvement district in which

"(i) the parent having the actual custody of the mentally defective person, or

"(ii) the legal guardian having the actual custody of the mentally defective person,

is a resident as determined by the appropriate municipal Act relating to indigent persons."

(2) Clause (b) of subsection (1) applies only in respect of mentally defective persons brought before a justice or admitted to an institution for mentally defective persons after the commencement of this Act.

3. This Act comes into force on the day upon which it is assented to.

Coming  
into force

THIRD SESSION  
TWELFTH LEGISLATURE  
4 ELIZABETH II  
1955

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**BILL**

An Act to amend The Mental  
Defectives Act

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Received and read the

First time.....

Second time.....

Third time.....

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HON. DR. CROSS

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