

Bill No. 33 of 1955

A BILL TO AMEND THE ALBERTA EVIDENCE ACT

NOTE

This Bill amends *The Alberta Evidence Act*, being chapter 106 of the Revised Statutes of Alberta, 1942.

A new section, being section 31a, is added to provide that proclamations and orders of the Governor and Lieutenant Governor, and their publication in the official gazettes, shall be judicially noticed, and shall not therefore require to be proved in any judicial proceedings.

Section 34 is struck out and a new section consisting of three subsections is substituted. Subsection (1) provides that a copy of an entry in a book of account kept in a department, commission, board, or other branch of the Dominion or Provincial Government shall be received as *prima facie* evidence of the entry, if the appropriate official proves the copy by an oath or affidavit. The necessity of producing the book of account in court is therefore avoided. This subsection, except for the addition of the words "commission, board, or other branch," is substantially the same as section 34 as it now stands.

Subsection (2) extends the same principle to cases in which it is necessary to prove that a licence or other document has or has not been granted to a person, or has been suspended or cancelled. An affidavit of the appropriate official containing certain specified facts is to be *prima facie* evidence of the matter, and it will not be necessary for any records to be produced in court or for the official to attend in person.

Subsection (3) provides that where an official makes an affidavit for the purposes of this section a statement in the affidavit itself is to be sufficient evidence of his official capacity.

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. 33 of 1955

An Act to amend The Alberta Evidence 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 Alberta Evidence Act*, being chapter 106 of the Revised Statutes of Alberta, 1942, is hereby amended.

New section 31a **2.** The following new section is added immediately after section 31:

Judicial
notice

"31a. Notwithstanding any other provision of this Act, every proclamation and every order made or issued by the Governor General or the Governor General in Council or by the Lieutenant Governor or the Lieutenant Governor in Council, and every publication thereof in *The Canada Gazette* or *The Alberta Gazette* shall be judicially noticed."

Section 34
amended

3. Section 34 is struck out and the following is substituted;

Copies of
entries in
depart-
mental
books

"34. (1) A copy of an entry in any book of account kept in any department, commission, board, or other branch of the Government of Canada or of the Province is admissible in evidence as *prima facie* proof of such entry, and of the matters, transactions and accounts therein recorded, if it is proved by the oath or affidavit of an officer of the branch concerned that

"(a) the book was, at the time of the making of the entry, one of the ordinary books kept in the branch,

"(b) the entry was apparently, and as the deponent believes, made in the usual and ordinary course of business of the branch, and

"(c) the copy is a true copy of the entry.

Evidence re
licences, etc.

"(2) Where by any Act or regulation thereunder provision is made for the issue by a department, commission, board, or other branch of the Government of Canada or of the Province of a licence required for the doing or having of any act or thing, or provision is made for the issue of any other document, the affidavit of an official of the branch concerned stating that

"(a) he has charge of the appropriate records,

"(b) he has made a careful examination and search of those records, and

“(c) in any given case

“(i) a licence or other document has been issued,

“(ii) he has been unable to find that a licence or other document has been issued, or

“(iii) though a licence or other document had been issued it has since been suspended or cancelled, is admissible in evidence as *prima facie* proof that the licence or other document has or has not been issued, or has been suspended or cancelled, as the case may be.

“(3) Where evidence is offered by affidavit pursuant to this section it is not necessary to prove the official character of the person making the affidavit if that information is set out in the body of the affidavit.”.

4. 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

BILL

An Act to amend The Alberta
Evidence Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MAYNARD
