

Bill No. 67 of 1955

A BILL TO AMEND THE ALBERTA LIVE STOCK AND
LIVE STOCK PRODUCTS ACT

NOTE

This Bill amends *The Alberta Live Stock and Live Stock Products Act*, being chapter 88 of the Revised Statutes of Alberta, 1942.

In section 2 a new clause is being added to define "patron" as a person who supplies live stock or live stock products to a person who deals therein. This is to facilitate the drafting of the new sections.

Section 4 is amended, firstly, to enable the Lieutenant Governor in Council to make regulations regarding the location of stock yards as well as their equipment, construction, and operation, and secondly, to make the wording of subsection (2) more specific.

Clause (c) of subsection (1) of section 4, which empowers the Lieutenant Governor in Council to authorize the Minister of Agriculture to refuse, in his discretion, any application for a license to deal in live stock or live stock products unless the applicant is bonded, is being replaced by two new sections 4a and 4b. Section 4a provides that the Lieutenant Governor in Council may by regulation require security to be furnished to the Minister by any person who applies for a license. The security is to ensure payment by the licensee to his "patrons", and it may take the form of a bond in favour of the Crown, or a trust deed whereby a bank or treasury branch is constituted trustee of cash or of trustee securities. Provision is made to ensure that information supplied to the Minister to enable him to fix the amount of the security is kept secret.

Section 4b gives power to the Minister to advertise for claims by the licensee's patrons if the licensee defaults in making payment, and to enforce the security for the benefit of those patrons who make valid claims. In the event of the bankruptcy of the licensee the Minister may assign the security to the trustee in bankruptcy for the benefit of the patrons.

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. 67 of 1955

An Act to amend The Alberta Live Stock and Live Stock Products 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 Live Stock and Live Stock Products Act*, being chapter 88 of the Revised Statutes of Alberta, 1942, is hereby amended.

2. Section 2 is amended by adding immediately after clause (d) the following new clause: Section 2 amended

“(dd) ‘patron’ means a person who brings or supplies live stock or live stock products to a person engaged in the business of dealing in live stock or live stock products;”.

3. Section 4 is amended Section 4 amended

(a) as to subsection (1)

(i) by relettering clause (bb) as clause (c),

(ii) by striking out clause (c),

(iii) by adding immediately after the words “with respect to the”, where they occur in clause (e), the word “location,”,

(b) as to subsection (2) by striking out the words “Upon any such regulation taking effect no person who is thereby” and by substituting the words “No person who is”.

4. The following new sections are added immediately after section 4: New sections 4a and 4b

“**4a.** (1) The Lieutenant Governor in Council may, by regulation, require that security be furnished the Minister before any license or renewal of any license under this Act is issued and may empower the Minister to fix the amount of security to be provided by an applicant for any license or any renewal thereof. Security”

“(2) Where security is required by regulations under subsection (1) to be furnished, the security may, in the discretion of the Minister take the form of Form of security”

“(a) a bond in favour of the Crown, with one or more sureties, of which it is a condition that the licensee shall faithfully account to and make settlement with patrons according to the true value of the live stock or live stock products supplied, or

“(b) a trust deed whereby the licensee directs a bank to hold cash or to hold securities of a kind in which a trustee may invest by virtue of subsection (1) or subsection (3) of section 3 of *The Trustee Act*, but not the interest thereon, upon trust to pay the cash, or to realize the securities, and pay the sum realized, as the case may be, to or to the order of the Minister if the Minister informs the bank in writing that the licensee has failed faithfully to account to or make settlement with patrons according to the true value of the live stock or live stock products supplied.

Additional
security

“(3) The Minister may at any time require such additional security as he deems necessary.

Revocation
of license

“(4) If the security is cancelled and new security is not furnished on or before the date upon which the cancellation takes effect, or if the Minister requires additional security and it is not furnished within such time as may be prescribed, the license held by the person in default is automatically revoked.

Fixing of
security

“(5) In order to fix the amount of the security the Minister may require the applicant for the license to submit to him a financial statement showing the extent of the business in live stock or live stock products carried on or intended to be carried on.

“(6) Statements furnished under subsection (5) are for the exclusive use of the Department of Agriculture, and, except insofar as it may be necessary for the purpose of legal proceedings, no person other than a departmental officer shall be permitted to see them.

Notice re
claims

“4b. (1) If the Minister finds that a person to whom a license has been issued has failed faithfully to account to or make settlement with patrons according to the true value of live stock or live stock products supplied, the Minister may publish a notice in *The Alberta Gazette* and in a newspaper circulating in the district in which the business in live stock or live stock products is carried on, requiring patrons who by reason of such failure have claims against the licensee, to furnish the Minister, by a date to be specified, with particulars of their claims verified by statutory declaration or in such other manner as the Minister may require.

“(2) A statutory declaration furnished to the Minister pursuant to subsection (1) shall

“(a) contain or refer to a statement of account showing particulars of the indebtedness, and

“(b) specify the vouchers, if any, by which the statement of account can be substantiated.

“(3) The Minister may at any time call for the vouchers specified in the statutory declaration.

“(4) After the date specified in the notice referred to in subsection (1), the Minister may require the sureties or the bank, as the case may be, to pay such of the claims against the licensee as the Minister finds to be proved, and in default of payment, may take proceedings to enforce the bond or the trust deed for the benefit of patrons. Enforcement of bond

“(5) If the amount of the bond or the amount of the cash or the sum realized on the sale of the securities, as the case may be, is insufficient to pay in full all the claims that the Minister finds to be proved, such claims shall be paid *pro rata*. Payment of claims

“(6) If the licensee becomes a bankrupt the Minister may assign the bond, or where the security is in the form of a trust deed and the trust deed is not void as against the trustee in bankruptcy, may assign the cash or the sum realized on the sale of the securities to the trustee in bankruptcy for the benefit of patrons. Assignment of bond

“(7) In this section and section 4a the expression “bank” includes a treasury branch established under *The Treasury Branches Act*.” “bank”

5. 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 Live
Stock and Live Stock Products Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HALMRAST
