

No. 21

2nd Session, 13th Legislature, Alberta
4 Elizabeth II, 1956

BILL 21

A Bill respecting the Revised Statutes of Alberta

HON. MR. MANNING

EDMONTON, ALBERTA
Printed by A. SHNITKA, Printer to the Queen's Most Excellent Majesty
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Explanatory Notes

1. and 2. Though this Act repeals and replaces the Revised Statutes Act, 1952, its general purpose is to enable the Legislative Counsel, under the general supervision of the Attorney General, to complete the work done by the Statute Revision Commission under the previous Act and to incorporate in the consolidation and revision Acts passed up to the end of 1955.

3. Sets out the powers of the Legislative Counsel in preparing the consolidation and revision.

BILL

No. 21 of 1956

An Act respecting the Revised Statutes of Alberta

(Assented to , 1956)

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 Revised Statutes 1955 Act*".

2. The Legislative Counsel under the general supervision of the Attorney General shall draft a consolidation and revision of the public statutes of Alberta as they stood at the thirty-first day of December, 1955.

3. In consolidating and revising the public statutes the Legislative Counsel may

- (a) omit a statute or part of a statute that is not of general application or that before the first day of January, 1956, had expired, had been repealed or superseded, or had had its effect,
- (b) omit an enactment repealing or amending a statute but give effect to the repeal or amendment so effected, in so far as the repealing or amending enactment remained effective at the thirty-first day of December, 1955,
- (c) consolidate two or more statutes into one, divide a statute into two or more statutes, and transfer provisions from one statute to another,
- (d) alter the numbering, sequence and the form of statutes and of the different sections and other provisions thereof,
- (e) alter the language of the statutes where necessary or desirable in order to express better the spirit and meaning of the law or to obtain a uniform mode of expression, but not so as to change the sense of any enactment,
- (f) make such minor amendments to the statutes as are considered necessary in order to state more clearly what is deemed to have been the intention of the legislature,
- (g) make such minor amendments as are required to reconcile seemingly inconsistent enactments,
- (h) correct clerical and typographical errors,

4. Prescribes the procedure by which on completion of the consolidation and revision a correct copy thereof may become the statute roll.

5. Provides that the Legislative Counsel may append certain appendices, schedules, and an index to the statute roll.

6. Provides that the statute roll comes into force as the Revised Statutes of Alberta, 1955, on the date proclaimed by the Lieutenant Governor in Council. The clause also sets out the effect that the coming into force has upon existing statute law.

- (i) include private Acts or parts thereof if such Acts or parts affect the rights of the public, and
- (j) amend, add or omit any headings and change the short and long titles to any statute.

4. (1) The Legislative Counsel shall deposit the draft with the Provincial Secretary upon completion, and through the Attorney General report to the Lieutenant Governor in Council that he has done so.

(2) When a correct printed copy of the consolidation and revision is

- (a) signed by the Lieutenant Governor and countersigned by the Provincial Secretary, and
- (b) deposited, on the instructions of the Lieutenant Governor in Council, in the office of the Clerk of the Legislative Assembly,

it becomes the statute roll.

(3) The statute roll shall be deemed to be the original of the statute laws of Alberta contained in the statute roll.

(4) The Lieutenant Governor in Council may cause copies of the statute roll to be printed.

5. The Legislative Counsel may append to the statute roll

- (a) an appendix of Imperial, Canadian and Provincial statutes relating to the constitution, boundaries and natural resources of Alberta,
- (b) a schedule of Acts incorporated in the Revised Statutes of Alberta, 1955, and thereby repealed,
- (c) a schedule of Acts and parts of Acts omitted from but not repealed by the Revised Statutes of Alberta, 1955, which Acts and parts of Acts remain in force subject to the Revised Statutes of Alberta, 1955,
- (d) a schedule of Acts and parts of Acts omitted from and repealed by the Revised Statutes of Alberta, 1955,
- (e) a comprehensive index, and
- (f) such other appendices, schedules and indices as are considered necessary.

6. (1) The Lieutenant Governor in Council may by proclamation declare the day on and from which the statute roll, or such part thereof as he considers fit, comes into force and has effect as law by the designation of "The Revised Statutes of Alberta, 1955".

(2) On and from the day so proclaimed

- (a) the statute roll, or the portion thereof designated by the proclamation, comes into force for all purposes as if it were expressly embodied in and enacted by this Act, and as if it were enacted by this Act that the statute roll or portion thereof should have effect on and from the day so declared,

7. Preserves the validity of things done before the consolidation and revision takes effect and under the authority of the statutes as they were at the time, notwithstanding that those statutes are repealed on the coming into force of the Revised Statutes of Alberta, 1955.

- (b) the Revised Statutes of Alberta, 1942, and the various public and private Acts passed since the coming into force of the Revised Statutes of Alberta, 1942, are repealed to the extent that they are incorporated in the Revised Statutes of Alberta, 1955, or are repugnant thereto, and
- (c) Acts and parts of Acts mentioned in the schedule of Acts and parts of Acts omitted from and repealed by the Revised Statutes of Alberta, 1955, are repealed to the extent shown in the schedule.

7. The repeal of Acts and parts of Acts in accordance with clauses (b) and (c) of subsection (2) of section 6 does not

- (a) revive any Act or provision of law repealed by the repealed enactments,
- (b) prevent the effect of any saving clause in the repealed enactments,
- (c) prevent the application of the repealed enactments or of any Act or provision of law formerly in force to any transaction, matter or thing occurring before the repeal, to which but for the repeal they would apply, or
- (d) defeat, disturb, invalidate or prejudicially affect
 - (i) any penalty, forfeiture or liability, civil or criminal, incurred before the time of the repeal or any proceedings for enforcing it had, done, completed, or pending, at the time of the repeal,
 - (ii) any indictment, information, conviction, order, sentence or prosecution had, done, completed or pending, at the time of the repeal,
 - (iii) any action, suit, judgment, decree, certificate, execution, distress, process, order, rule, or any proceeding, matter or thing whatever respecting it had, pending, existing or in force, at the time of the repeal,
 - (iv) any act, deed, right, title, interest, grant, assurance, descent, will, registration, filing, by-law, rule, order in council, proclamation, regulation, order, contract, lien, charge, status, capacity, immunity, matter or thing had, done, made, acquired, established, or existing, at the time of the repeal,
 - (v) any office, appointment, commission, salary, remuneration, allowance, security, or duty, or any matter or thing appertaining thereto at the time of the repeal, or
 - (vi) any other matter or thing whatever had, done, completed, existing, or pending, at the time of the repeal,

but every such matter and thing remains and continues as if no repeal had taken place and so far as necessary may be continued, prosecuted, enforced,

8. Provides that the Revised Statutes are not to be construed as new laws, but as a consolidation of the old laws, and that, provided the Revised Statutes are the same in effect as the laws they replace, they are retrospective to the dates when such laws came into force.

9. Provides that references in former Acts that are not included in the Revised Statutes but remain in force, to Acts or parts of Acts that have since been included in the Revised Statutes, shall be construed as references to the corresponding Acts or parts of Acts in the Revised Statutes.

10. There will be certain Acts in the Revised Statutes (for example The Securities Act) that will be repealed or amended when a proclamation is issued pursuant to an Act passed before the completion of the revision. Such repealing and amending Acts necessarily referred to the old statutes, and it is necessary, therefore, to provide that they shall be read as referring to the corresponding revised statutes.

11. Makes it clear that the Acts suspended by The Tax Collection Suspension Act, 1952, remain suspended even though included in the Revised Statutes.

and proceeded with under and subject to the Revised Statutes of Alberta, 1955, and other statutes and laws having force in the Province.

8. (1) The Revised Statutes of Alberta, 1955, shall not be held to operate as new laws but they shall be construed and have effect as a consolidation of the law contained in the enactments for which the Revised Statutes of Alberta, 1955, are substituted.

(2) The various provisions of the Revised Statutes of Alberta, 1955, corresponding to and substituted for the enactments previously in force, shall, where they are the same in effect as those of the previous enactments, operate retrospectively as well as prospectively and shall be deemed to have been passed respectively upon the days upon which the corresponding previous enactments came into force.

(3) If upon any point the provisions of the Revised Statutes of Alberta, 1955, are not in effect the same as the previous enactments for which they are substituted, then as respects all transactions, matters and things on and subsequent to the day upon which the Revised Statutes of Alberta, 1955, come into force, the provisions contained in them prevail, but as respects all earlier transactions, matters and things the provisions of the previous enactments prevail.

9. A reference in a former Act remaining in force or in any proclamation, order in council, instrument or document, to an enactment that is repealed by reason of clause (b) of subsection (2) of section 6 shall, after the Revised Statutes of Alberta, 1955, come into force, be held with respect to a later transaction, matter or thing to be a reference to the enactment in the Revised Statutes of Alberta, 1955, having the same effect as the repealed enactment.

10. Where an Act passed before the first day of January, 1956,

(a) repeals or amends an enactment that is repealed by reason of clause (b) of subsection (2) of section 6, and

(b) provides that the Act or part of it is to come into force on a date to be fixed by proclamation of the Lieutenant Governor in Council,

then, if such proclamation fixes a date after the thirty-first day of December, 1955, the provisions of the repealing or amending Act thereby proclaimed to be in force shall be deemed to repeal or amend those parts of the Revised Statutes of Alberta, 1955, that replace and correspond to the enactments originally intended to be repealed or amended by the repealing or amending Act.

11. The inclusion in the Revised Statutes of Alberta, 1955, of Acts and parts of Acts suspended by virtue of *The Tax Collection Suspension Act, 1952*, does not affect such suspension.

12. Marginal notes and references at the foot of sections are not part of the Revised Statutes themselves, and the revision of them is therefore not restricted by this Act.

13. The inclusion of Acts in the Revised Statutes or in a schedule to the Revised Statutes does not necessarily mean that the Acts were in force on the coming into force of the Revised Statutes. Certain Acts in the Revised Statutes will in fact have been repealed before the Revised Statutes come into force.

14. This Act is to be printed as an appendix to the Revised Statutes.

15. Copies of the Revised Statutes purporting to be printed by the Queen's Printer are conclusive proof of the Revised Statutes themselves.

16. Prescribes the methods of citing statutes in the Revised Statutes.

17. The Revised Statutes Act, 1952, is repealed.

18. The Act comes into force on assent.

12. In the Revised Statutes of Alberta, 1955, marginal notes and references to former enactments at the foot of sections, shall be held to be inserted for convenience of reference only and to be no part of the Revised Statutes of Alberta, 1955.

13. The incorporation or listing of an enactment in the Revised Statutes of Alberta, 1955, or in any of the schedules, appendices, and indices referred to in section 5, is not a declaration that the enactment or any part of it was or was not in force immediately before the coming into force of the Revised Statutes of Alberta, 1955.

14. This Act shall be printed in an appendix to the Revised Statutes of Alberta, 1955, and is subject to the same rules of interpretation as the Revised Statutes of Alberta, 1955.

15. Copies of the Revised Statutes of Alberta, 1955, purporting to be printed by the Queen's Printer are conclusive proof of the Revised Statutes of Alberta, 1955.

16. A chapter of the Revised Statutes of Alberta, 1955, may be cited and referred to in any Act or proceeding whatever either by its title as an Act or by using the expression the "Revised Statutes of Alberta, 1955, chapter", or the abbreviation, "R.S.A. 1955, c.", adding the number of the particular chapter appearing in the copies printed by the Queen's Printer.

17. *The Revised Statutes Act, 1952*, being chapter 78 of the Statutes of Alberta, 1952, is hereby repealed.

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

No. 21

SECOND SESSION
THIRTEENTH LEGISLATURE
4 ELIZABETH II
1956

BILL

An Act respecting the Revised
Statutes of Alberta

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MANNING
