

No. 11

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3rd Session, 13th Legislature, Alberta  
5 Elizabeth II, 1957

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## **BILL 11**

A Bill to Provide for the Central Filing and Publication  
of Regulations

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HON. MR. MANNING

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EDMONTON, ALBERTA  
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1957

## **Explanatory Note**

General. In 1943 the Conference of Commissioners on Uniformity of Legislation in Canada adopted a model draft uniform Regulations Act, which with slight modification was enacted by Ontario and Manitoba in 1944 and 1945, respectively. In 1950 the Parliament of Canada enacted provisions similar in effect. The latest province to enact the uniform draft Act was Newfoundland in 1956.

This Bill will introduce the uniform draft Act into Alberta with slight modification. At the present time the regulations adopted or approved under provincial statutes by the Lieutenant Governor in Council or by any board, commission or association appointed by Act of the Legislature or by the Lieutenant Governor in Council, and of a legislative nature may be found in the various Alberta Gazettes from 1905 to date, or in the copies thereof published by the Departments concerned. There are now regulations in force which are extremely difficult to locate. This Bill will initiate a system whereby regulations will be made available to the public with less inconvenience and will permit volumes of regulations to be compiled by those interested in regulations, as well as permitting easier reference and indexing of regulations.

1. This clause sets out the short title of the Act.

2. Subsection (1) contains meaning of terms used.

Subsection (2) prescribes that certain regulations shall be deemed to be "regulations of a legislative nature" which are the regulations, defined in clause (f) of subsection (1), to which this Act applies.

# BILL

No. 11 of 1957

An Act to Provide for the Central Filing and Publication  
of Regulations

(Assented to \_\_\_\_\_, 1957)

**H**ER 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 Regulations Act*".

## Interpretation

2. (1) In this Act,

- (a) "file" means file with the registrar in the manner prescribed in section 3;
- (b) "local authority" means a city, town, village, municipal district, county, a special area constituted under *The Special Areas Act*, a school division and a school district;
- (c) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council;
- (d) "publish" means publish in the manner prescribed in section 4;
- (e) "registrar" means the Registrar of Regulations appointed under this Act;
- (f) "regulation" means any regulation, rule, order or by-law, of a legislative nature made or approved under the authority of an Act of the Legislature, including those made by any board, commission, association, or similar body whether incorporated or unincorporated all the members of which, or all the members of the board of management or board of directors of which, are appointed by an Act of the Legislature or by the Lieutenant Governor in Council, but does not include any regulation, rule, order, by-law or resolution made by a local authority or, except as hereinbefore otherwise provided, by a corporation incorporated under the laws of the Province.

(2) Where a regulation, rule, order, or by-law is made or approved, pursuant to an Act of the Legislature, by the Lieutenant Governor in Council, a member of the Executive Council, or any board, commission, association,

Subsection (3) excepts from the Act proclamations bringing into force, suspending or repealing any Act of the Legislature.

Subsection (4) excepts by-laws of corporations created by Private Act from the provisions of this Act.

3. Deals with the filing of regulations hereunder and its effect.

4. Requires that regulations filed under this Act shall be published within one month in The Alberta Gazette unless the time for publishing is extended by an order of the Minister or the publication thereof is dispensed with by order of the Lieutenant Governor in Council for any of the reasons specified. The order, or notice thereof, shall be published in The Alberta Gazette. A regulation that is not published, where it is not exempted by order of the Lieutenant Governor in Council, will not be effective against a person who has no actual notice thereof.

or similar body, of the kind mentioned in clause (f) of subsection (1), if it prescribes, fixes or designates,

- (a) a district, area, person, animal or other thing, or
- (b) a period of time,

within, to, during, or in respect of, which the Act or any provision thereof does or does not apply, in whole or in part, generally or in a restricted manner, or within, to, during, or in respect of, which the Act provides that a thing specified in the Act may or may not be done, or shall or shall not be done, the regulation, rule, order, or by-law, shall be deemed to be a regulation as defined in clause (f) of subsection (1).

(3) Subsection (1) does not apply to an order of the Lieutenant Governor in Council directing the issue of a proclamation bringing into force, or suspending or repealing, an Act of the Legislature or any provision thereof.

(4) A regulation, rule, order, by-law, or resolution made by a corporation incorporated by a private Act of the Legislature, or by the board of directors or board of management of such corporation, is not a regulation within the meaning of clause (f) of subsection (1).

#### **Filing of Regulations**

**3.** (1) Every regulation or a certified copy thereof shall be filed in duplicate with the registrar.

(2) Unless a later day is provided, a regulation, other than one referred to in section 10, comes into force on the day it is filed with the registrar and in no case does such a regulation come into force before the day of filing.

(3) Unless expressly provided to the contrary in another Act, a regulation that is not filed as herein provided has no effect.

(4) Where, before the filing thereof, a regulation has been amended by any subsequent regulation, the filing of the first mentioned regulation with the amendment so made embodied therein or added thereto shall be deemed compliance with this section in respect of all those regulations.

**4.** (1) Subject to subsections (2) and (3), the registrar shall, within one month of the filing of the regulation, publish the regulation in *The Alberta Gazette*.

(2) The Minister may, by order, extend the time for publication of a regulation, and if the regulation is subsequently published a copy of the order or a notice of the order shall be published with the regulation.

(3) Where a regulation, in the opinion of the Lieutenant Governor in Council,

- (a) has been available in printed form to all persons who are likely to be interested therein, and

5. Relates to the manner of proving the filing and the date thereof.

6. The registrar under this Act is empowered to decide whether a regulation, rule, order or by-law is a regulation under this Act, and to report monthly on those he has decided are not. The Lieutenant Governor in Council may decide otherwise whereupon the regulation, rule, order or by-law will become a regulation under this Act. Also, the registrar may later decide that it is such a regulation but a reversal of his decision requires the approval of the Lieutenant Governor in Council.

(b) is of such length as to render publication thereof in *The Alberta Gazette* unnecessary or undesirable, the Lieutenant Governor in Council, by order, may dispense with the publication thereof, and the regulation upon registration is as valid against all persons as if it had been published.

(4) Where, by order of the Minister or of the Lieutenant Governor in Council, the time for publication of a regulation is extended or publication thereof is dispensed with, the registrar shall publish the order or a notice of the order in *The Alberta Gazette* within one month after the making thereof.

(5) Unless expressly provided to the contrary in another Act, and subject to subsection (3) and to section 10, a regulation that is not published is not valid as against a person who has not had actual notice thereof.

5. (1) Production of a regulation proved in the manner provided by *The Alberta Evidence Act* is *prima facie* proof of the filing of the regulation in accordance with this Act.

(2) Production of a certificate by the registrar that the regulation was filed on a specified date is *prima facie* proof that it was filed on that date.

6. (1) Subject to subsections (2), (3) and (4) the registrar may decide whether any regulation, rule, order, or by-law, that has been presented to him for filing is a regulation within the meaning of this Act.

(2) Whenever required by the Minister, and at least once in each month, the registrar shall submit to the Lieutenant Governor in Council a report setting forth every regulation, rule, order, and by-law, that, pursuant to subsection (1), he has decided is not a regulation within the meaning of this Act and to which no reference is made in any preceding report submitted by him under this subsection.

(3) Unless otherwise required by the Lieutenant Governor in Council, submission by the registrar of a brief summary or description of the terms of a regulation, rule, order, or by-law, shall be deemed a sufficient compliance with subsection (2).

(4) The Lieutenant Governor in Council may approve the report or may order that any regulation, rule, order, or by-law to which reference is made therein shall be deemed to be a regulation within the meaning of this Act, and in that case it shall be deemed to have been subject to the provisions of this Act from the time when it was made or passed.

(5) Where the registrar has decided that a regulation, rule, order, or by-law is not a regulation within the meaning of this Act, and the Lieutenant Governor in Council on his so reporting has approved the report, the registrar with the approval of the Lieutenant Governor in Council

**7.** Prescribes the numbering and citation of regulations and the references thereto.

**8.** Relates to the office of Registrar of Regulations.

**9.** Empowers the Lieutenant Governor in Council to make regulations for the purposes specified.



may nevertheless reverse his decision and decide that the regulation, rule, order, or by-law is a regulation within the meaning of this Act and in that case it shall be deemed to have been subject to the provisions of this Act from the time it was made or passed.

**7.** (1) Regulations shall be numbered in the order in which they are filed and a new series shall be commenced in each calendar year.

(2) Regulations when filed may be cited as "Alberta Regulations" or "Alta. Reg." followed by the number thereof, a vertical stroke and the last two figures of the calendar year of the filing of the regulation.

(3) A reference in any Act or regulation to a line, word, or other portion, of or in any section, subsection, clause, subclause or paragraph, of or in a regulation shall be deemed to be a reference to the same as it appears in the regulation

- (a) as published in *The Alberta Gazette* as herein required, or
- (b) in the case of a regulation publication of which has been dispensed with under subsection (3) of section 4, as published in the printed form in which it has been made available as mentioned in subsection (3) of section 4.

**8.** (1) There shall be a Registrar of Regulations who shall be

- (a) appointed by the Lieutenant Governor in Council,
- (b) under the control and direction of the Minister, and
- (c) responsible for the recording, numbering and indexing of all regulations filed with him and for the publication thereof in accordance with this Act.

(2) The Lieutenant Governor in Council may appoint a Deputy Registrar of Regulations who, in the absence of the registrar or at the request or with the approval of the registrar or of the Minister, may exercise the powers and shall discharge the duties of the registrar.

**9.** (1) The Lieutenant Governor in Council may make regulations

- (a) prescribing the powers and duties of the registrar,
- (b) prescribing the form and arrangement of regulations,
- (c) prescribing a system of filing or registration and of indexing regulations,
- (d) providing for the publication of consolidations of regulations filed pursuant to this Act, at such intervals or times as he deems advisable, and for the publication of supplements to the consolidations,
- (e) providing for the inspection of regulations, and

**10.** Requires that a regulation in force when this Act comes into force be filed before the end of the year. If not filed before then, it will cease to have any force after the end of the year 1957.

**11.** Self-explanatory.

(f) generally for the carrying out of the provisions of this Act.

(2) Publication of a regulation in any consolidation or supplement thereto shall be deemed to be publication within the meaning of this Act.

**10.** (1) Every regulation in effect when this Act comes into force shall be filed with the registrar on or before the thirty-first day of December, 1957, and except as herein otherwise provided, the provisions of this Act apply, *mutatis mutandis*, thereto.

(2) A regulation to which reference is made in subsection (1), if not filed as required in this section, ceases to have any effect after the thirty-first day of December, 1957.

(3) Where a regulation to which reference is made in subsection (1) is filed before the thirty-first day of December, 1957, it continues to have, until and including the thirty-first day of December, 1957, the same force and effect it would have had if this Act had not been passed, notwithstanding that it has not been published as required herein.

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

THIRD SESSION  
THIRTEENTH LEGISLATURE  
5 ELIZABETH II  
1957

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**BILL**

An Act to Provide for the Central  
Filing and Publication of Regulations

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. MANNING

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