

No. 63

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

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## **BILL 63**

A Bill to amend The Liquor Control Act

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HON. MR. AALBORG

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EDMONTON, ALBERTA  
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1957

## Explanatory Note

General. The amendments contained in this Bill arise from the recommendations of the Special Committee of the Alberta Legislature appointed at the last Session of the Legislature to review the provisions of The Liquor Control Act. (In these notes the symbol \* and figure indicates the paragraph of the recommendations of the Special Committee for which the amendment was prepared.) Recommendation \*16—the discontinuance of the present individual permit system—requires many changes to be made throughout the Act and these are dealt with in clauses 3(b), 4, 5, 6(a), 7, 8, 9, 34, 37 (in part), 38, 39, 40, 41, 42, 43, 47(a) and (b) (ii) and 49.

2. \*14. The name “government liquor stores” is being replaced by the name “Alberta liquor stores”.

3. (a) \*13. The purpose of the amendment is to broaden the definition of club member to include a spouse of a member, but to make that part of a club's constitution that grants membership privileges to visitors and guests subject to the approval of the Liquor Control Board.

Clause (q) now reads as follows:

“(q) “member of a club”

“(i) means a person

“(A) who, whether as a charter member or admitted in accordance with the by-laws or rules of a club, has become a member thereof,

“(B) who maintains his membership by the payment of his regular periodic dues in the manner provided by the rules or by-laws, and

“(C) whose name and address are entered on the list of members supplied to the Board at the time of the application for a club licence under this Act or are subsequently supplied if admitted thereafter, and

“(ii) includes any person

“(A) who is for the time being a visitor to a club, or

“(B) who has been registered and admitted according to the rules or by-laws of the club and in conformity with the regulations made pursuant to this Act;”.

(b) \*16. Definition of “permit” removed.

4. \*16. Discontinuance of permits necessitates revision of these sections.

# BILL

No. 63 of 1957

An Act to amend The Liquor Control Act

(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.** *The Liquor Control Act*, being chapter 67 of the Statutes of Alberta, 1953, is hereby amended.

**2.** The expression "government liquor" is struck out wherever it occurs in the Act and the expression "Alberta liquor" is substituted.

**3.** Section 2, subsection (1) is amended

(a) as to clause (q) by striking out subclause (ii) and by substituting the following:

"(ii) includes any person

"(A) who is the spouse of a member,

"(B) who, in accordance with the provisions of the club constitution as approved by the Board, is a visitor accorded members' privileges by virtue of a membership in an affiliated club that grants reciprocal privileges, or

"(C) who has been registered and admitted according to the rules or by-laws of the club constitution as approved by the Board and in conformity with the regulations made pursuant to this Act;"

(b) by striking out clause (t).

**4.** Section 3 is amended by striking out the following words and figures:

"Permits .....	20-29
"Classes of Permits .....	20-25
"Suspension or Cancellation of Permits .....	26-27
"Use of Permits .....	28
"Persons not Entitled to Permits .....	29"

and by substituting the following:

"Permits and Residence .....	20-29
"Classes of Permits .....	20
"Identification Permits .....	21

5. \*16.

6. (a) \*16. Empowers Board to prescribe permits for rationing purposes.

(b) to (d) \*15. The Board is authorized to make regulations regarding licences for employees in licensed premises.

7. \*16. It is recommended that the present type of individual permit be abolished. Section 13, subsections (1), (2) and (3) presently read:

"13. (1) A vendor may sell to a person who is the holder of a subsisting permit such liquor as that person is entitled to purchase under the permit in conformity with the provisions of this Act and the regulations.

"(2) Before the vendor makes delivery of any liquor other than beer sold pursuant to this section, he shall

"(a) receive an order in writing dated and signed by the purchaser setting out the number of his permit and describing the kind and quantity of the liquor ordered, and

"(b) receive the permit of the purchaser and shall endorse thereon the kind and quantity of the liquor sold and the date of sale, and

"(c) receive the purchase price in cash.

"(3) A vendor may sell and deliver beer in accordance with this Act and the regulations

"(a) to a person who is the holder of a subsisting permit entitling him to purchase beer under this Act, and

"(b) to a licensee who is the holder of a subsisting licence under this Act to keep and sell beer."

"Special Permits .....	22
"Fees for Permits .....	23
"Suspension and Cancellation of Permits ....	24-25
"Use of Permits .....	26
"Residence .....	27-28
"Permits Prohibited .....	29"

**5. Section 9 is amended**

- (a) by striking out clause (d) and by substituting the following:  
     “(d) to grant, refuse or cancel special permits and identification permits,”,
- (b) as to clause (j) by striking out the word “permits” and by substituting the words “special permits and identification permits”.

**6. Section 10, subsection (5) is amended**

- (a) as to clause (j)
  - (i) by relettering subclauses (i) and (ii) as subclauses (ii) and (iii) respectively,
  - (ii) by adding immediately before the relettered subclause (ii) the following subclause:  
     “(i) any system of permits or classes of permits to limit and control the purchase of liquor or beer in any period or periods of short supply or national emergency,”,
- (b) by adding at the end of clause (v) the word “and”,
- (c) by adding immediately after clause (v) the following clause:  
     “(w) prescribing licences for all or any class of employee employed in licensed premises, prohibiting the employment of any person in a licensed premise unless he is licensed as required by the Board, and providing for the suspension or cancellation in the discretion of the Board of any licences granted pursuant to the regulations.”.

**7. Section 13 is amended**

- (a) as to subsection (1)
  - (i) by striking out the words “the holder of a subsisting permit” and by substituting the words “not prohibited by law from possessing and consuming liquor”,
  - (ii) by striking out the words “under the permit”,
- (b) as to subsection (2)
  - (i) as to clause (a) by adding immediately after the word “permit” the words “, if any,”,
  - (ii) by striking out clause (b),

8. \*16. Section 19 reads:

"19. Subject to section 144, it is lawful to make and receive a bona fide gift of liquor,  
 "(a) if the donor is in lawful possession of the liquor, and  
 "(b) if the donee is not a person who is prohibited from holding a permit under this Act."

Section 20 \*16. The present subsections (1), (2) and (3) of section 20 read:

"20. (1) There shall be two classes of permits under this Act,  
 "(a) individual permits,  
 "(b) special permits.  
 "(2) Upon application in the prescribed form accompanied by payment of the prescribed fee to the Board or to an official authorized by the Board to issue permits, the Board or such official, if satisfied that the applicant is entitled to a permit for the purchase of liquor under this Act, shall issue a permit of the class applied for to the applicant.  
 "(3) An "individual permit" in the prescribed form entitling the applicant to purchase liquor for beverage, medicinal or culinary purposes in accordance with the terms and provisions of the permit and the provisions of this Act and the regulations may be granted to an individual of the full age of twenty-one years who is not disqualified under this Act."

Section 21 \*16. New.

(c) as to subsection (3) by striking out clause (a) and by substituting the following:

“(a) to a person who is not prohibited by law from possessing and consuming beer, and”.

8. Section 19, clause (b) is amended by striking out the words “holding a permit” and by substituting the words “possessing or consuming liquor”.

9. The headings “**Permits**” and “*Classes of Permits*” and sections 20 to 29 are struck out and the following headings and sections are substituted:

**“Permits and Residence**

*“Classes of Permits*

“20. (1) There shall be two classes of permits under this Act, that is, identification permits and special permits.

“(2) Notwithstanding subsection (1), the Board may institute any system of permits for the rationing of liquor or beer pursuant to its powers under section 10.

*“Identification Permits*

“21. (1) An individual of the full age of twenty-one years who is not prohibited by law from possessing or consuming liquor may apply in accordance with this section to the Board and obtain therefrom an identification permit in the prescribed form and certifying that the applicant is not prohibited by reason of age or otherwise from purchasing liquor.

“(2) The applicant shall submit to the Board with his application

“(a) two recent photographs in passport size of himself,

“(b) a statutory declaration identifying the photographs and verifying such of the facts as are required to be stated in the form prescribed, and

“(c) such birth certificates, armed forces identification or discharge documents, unemployment insurance cards or other documents as may be prescribed from time to time.

“(3) Identification permits issued pursuant to this Act shall contain a photograph and specimen signature of the holder thereof and the permit shall be stamped by the Board so that part of the stamping appears across the photograph and the remainder appears on the permit.

Section 22. The present subsections (4), (5) and (6) of section 20 which read:

"(4) A "special permit" in the prescribed form entitling the applicant to purchase liquor for the purpose named in the special permit and in accordance with the terms and provisions of the special permit and in accordance with the provisions of this Act and the regulations may be granted to

"(a) a druggist, physician, dentist or veterinary, or

"(b) a person engaged within the Province in a mechanical or manufacturing business or in scientific pursuits requiring liquor for use therein.

"(5) A "special permit" in the prescribed form entitling the applicant to purchase wine for sacramental purposes only in accordance with the terms and provisions of the special permit may be granted to a minister of the gospel.

"(6) A "special permit" in the prescribed form entitling the applicant to purchase liquor for the purpose named in the permit and in accordance with the terms and provisions of the permit and of this Act and the regulations may be granted when authorized by the regulations."

Section 23. Present subsection (7) of section 20 which reads:

"(7) The fees payable for a permit or any class of permit shall be such as may from time to time be prescribed by order of the Lieutenant Governor in Council."

Section 24 \*16. Present subsection (8) of section 20 which reads:

"(8) No one who has been convicted of keeping, frequenting or being an inmate of a disorderly house is entitled to a permit or to have the possession of beer or liquor until after the expiration of one year from the date of the conviction."

Section 25 \*16. Subsections (9) and (10) of section 20 which now read:

"(9) Notwithstanding any other provisions of this Act, the Board, in its discretion may

"(a) cancel a subsisting permit, or

"(b) refuse or direct an official authorized to issue permits to refuse to issue a permit to any person.

"(10) No official directed to refuse to issue a permit to a person shall issue a permit to such person."

Section 26 (1) to (3). The present section 22 which reads:

"22. (1) A permit shall be issued in the name of the applicant therefor.

"(2) No permit shall be transferable.

"(3) No holder of a permit shall allow any other person to use it."



*"Special Permits"*

**"22.** (1) A "special permit" in the prescribed form and entitling the applicant to purchase liquor for the purpose named in the special permit and in accordance with the terms and provisions of the special permit and with the provisions of this Act and the regulations may be granted to

"(a) a druggist, physician, dentist or veterinary, or

"(b) a person engaged within the Province in a mechanical or manufacturing business or in scientific pursuits requiring liquor for use therein.

"(2) A "special permit" in the prescribed form and entitling the applicant to purchase wine for sacramental purposes only in accordance with the terms and provisions of the special permit may be granted to a minister of the gospel.

"(3) A "special permit" in the prescribed form and entitling the applicant to purchase liquor for the purpose named in the permit and in accordance with the terms and provisions of the permit and of this Act and the regulations may be granted when authorized by the regulations.

*"Fees for Permits"*

**"23.** The fees payable for a permit or any class of permit shall be such as may be prescribed from time to time by order of the Lieutenant Governor in Council.

*"Suspension and Cancellation of Permits"*

**"24.** No person who has been convicted of keeping, frequenting or being an inmate of a disorderly house is entitled to any permit issued under or pursuant to this Act or to have the possession of beer or liquor until after the expiration of one year from the date of the conviction.

**"25.** (1) Notwithstanding any other provisions of this Act, the Board, in its discretion,

"(a) may cancel a subsisting identification or other permit, or

"(b) may refuse or direct an official authorized to issue identification or other permits to refuse to issue a permit to any person.

"(2) No official directed to refuse to issue an identification, special or other permit to a person shall issue any permit to such person.

*"Use of Permits"*

**"26.** (1) A special or other permit shall be issued in the name of the applicant therefor.

"(2) No special or other permit shall be transferable.

"(3) No holder of a special or other permit shall allow any other person to use it.

**Section 26 (4). Present section 23 which reads:**

"23. No permit shall be delivered to the applicant until he has,  
 "(a) in the presence of some person duly authorized by the Board,  
 or  
 "(b) in the presence of the official to whom the application is made,  
 written his signature thereon, in the manner prescribed by the regulations,  
 for the purpose of his future identification as the holder thereof  
 and the signature has been attested by a member of the Board or  
 other official authorized to issue it."

**Section 27. Present subsection (1) of section 25 which reads:**

"25. (1) Liquor purchased by a person pursuant to a permit held  
 by him or beer purchased by him from a beer licensee may be kept, had,  
 given and consumed only in a residence."

**Section 28. Present subsections (2) and (3) of section 25 which read:**

"(2) If the occupant of a residence or of a part thereof is convicted  
 "(a) of keeping a disorderly house, or  
 "(b) of an offence against any of the provisions of this Act committed  
 "(i) in or in respect of the residence, or  
 "(ii) in respect of any liquor kept in the residence or removed  
 therefrom,

the residence or part of the residence occupied by the person so  
 convicted ceases to be a residence within the meaning of this Act  
 for a period of one year after the date of the conviction and shall  
 for such period be deemed to be a public place for the purposes of  
 this Act.

"(3) Notwithstanding subsection (2), the Board may  
 "(a) when satisfied of a bona fide change of ownership or occupation  
 of the premises, or  
 "(b) when satisfied that it is desirable to do so,  
 declare the premises to be a residence and may grant a certificate  
 to that effect to the owner or occupant of the premises and the  
 premises shall from the date of the granting of the certificate signed  
 by the chairman of the Board be a residence and cease to be a public  
 place within the meaning of this Act."

**Section 29. Present section 29 which reads:**

"29. No permit shall be issued under this Act to  
 "(a) a person to whom the sale of intoxicants is prohibited under  
 the provisions of an Act of Canada or of the Province,  
 "(b) a corporation, association, society or partnership, except a  
 special permit under subsection (6) of section 20."

Because of Recommendation \*16 present sections 24, 26, 27 and  
 28 are entirely removed from the Act.

"(4) No special permit shall be delivered to the applicant until he has,

"(a) in the presence of some person duly authorized by the Board, or

"(b) in the presence of the official to whom the application is made,

written his signature thereon, in the manner prescribed by the regulations, for the purpose of his future identification as the holder thereof and the signature has been attested by a member of the Board or other official authorized to issue it.

#### *"Residence*

"27. Liquor purchased by a person from an Alberta liquor store or beer purchased by him from a beer licensee for consumption elsewhere than on the premises may be kept, had, given and consumed only in a residence.

"28. (1) If the occupant of a residence or of a part thereof is convicted

"(a) of keeping a disorderly house, or

"(b) of an offence against any of the provisions of this Act committed in or in respect of the residence, or in respect of any liquor kept in the residence or removed therefrom,

the residence or part of the residence occupied by the person so convicted ceases to be a residence within the meaning of this Act for a period of one year after the date of the conviction and shall for such period be deemed to be a public place for the purposes of this Act.

"(2) Notwithstanding subsection (1), the Board

"(a) when satisfied of a *bona fide* change of ownership or occupation of the premises, or

"(b) when satisfied that it is desirable to do so,

may declare the premises to be a residence and may grant a certificate to that effect to the owner or occupant of the premises and the premises shall from the date of the granting of the certificate signed by the chairman of the Board be held to be a residence and it ceases to be a public place within the meaning of this Act.

#### *"Permits Prohibited*

"29. No identification or special permit shall be issued under this Act to a person to whom the sale of intoxicants is prohibited under the provisions of an Act of Canada or of the Province."

**10. \*17. Clause (b) of section 31 reads:**

- "31. No club shall be granted a licence to sell beer
- "(b) if it is other than a proprietary club, unless
  - "(i) the club has been in continuous operation as a club for such period as the Board in its discretion may prescribe by regulation,
  - "(ii) the club premises are constructed, equipped, conducted, managed and operated to the satisfaction of the Board and in accordance with this Act and the regulations,
  - "(iii) the club maintains such recreational facilities for the use of its members as in the opinion of the Board are satisfactory and proper,
  - "(iv) the club, not having been previously licensed under this Act,
    - "(A) has filed with the Board at least one year prior to the date of application, notice of its intention to make the application, accompanied by a description of the premises occupied or proposed to be occupied by the club, and
    - "(B) complies with any regulations made from time to time by the Board."

**11. \*18. Section 43 presently reads:**

- "43. A canteen
- "(a) that has been granted a canteen licence for the sale of beer, and
- "(b) that operates a dining room for the regular service of meals, may apply to the Board for a liquor licence."

**12. \*19 and \*20. Section 49 presently reads:**

- "49. (1) An applicant for a hotel beer licence, before filing his application with the Board, shall give notice of his intention to apply for a hotel beer licence by advertisement in the form prescribed,
  - "(a) once a week for four consecutive weeks preceding the application, in a newspaper published in the municipality in which the hotel is situate, or
  - "(b) if no newspaper is published in that municipality, then in a newspaper published in the Province circulating in that municipality.
- "(2) The applicant shall
  - "(a) make application for the hotel beer licence in the form prescribed, and
  - "(b) file the application with the Board accompanied by the prescribed fee, and
  - "(c) describe in the application that part of the hotel in respect of which the applicant desires a hotel beer licence, and
  - "(d) furnish such other matter, information, description, or plan of that part of the hotel in which it is proposed to keep, sell and consume beer under the licence applied for, as may be required by the regulations and by the Board."

**10.** Section 31, clause (b) is amended

- (a) by adding at the end of paragraph (B) of sub-clause (iv) of clause (b) the word "and",
- (b) by adding immediately after paragraph (B) the following paragraph:  
 "(C) has filed with the Board, at least one year before the date of application, proof of the organization of the club, a copy of its existing constitution and by-laws and an affidavit sworn by the duly authorized officers of the club before a notary public that a minimum of two-thirds of the membership of the club have voted in favour of an application for a club licence."

**11.** Section 43 is struck out and the following is substituted:

"**43.** Where a canteen licence for the sale of beer has been granted to a mess of the armed forces or police for commissioned officers or for non-commissioned officers of the rank of sergeant and upwards in the army, or for equivalent ranks in the other armed forces in police units, the mess may apply to the Board for a club liquor licence."

**12.** Section 49 is amended

- (a) as to subsection (1) by striking out the words "notice of his intention to so apply shall be given" and by substituting the words "he shall, unless the premises had been licensed during the immediately preceding twelve months or unless a local option vote held during the immediately preceding twelve months had approved the issue of a licence, give notice of his intention to apply for a hotel beer licence",
- (b) as to subsection (2)
  - (i) by striking out the word "and" where it occurs at the end of clause (c),
  - (ii) by adding at the end of clause (d) the word "and",
  - (iii) by adding immediately after clause (d) the following clause:  
 "(e) file with the Board an affidavit of the applicant sworn before a notary public and stating that no assistance, financial or otherwise, has been given or promised, directly or indirectly, by any brewery, distillery, winery or other producer or supplier of alcoholic beverages or by the representative or agent of any of them and that no such assistance will be accepted and containing such other information as may be prescribed."

**13. \*21. Section 51 presently reads:**

- "51. (1) No hotel beer licence shall be issued or granted
- "(a) unless the hotel contains, in addition to what is required for the use of the licensee, his family and servants, sufficient bedrooms with suitable complement of bedding and furniture, public sitting rooms and other conveniences reasonably suited to the requirements of the public likely to make use of the same,
- "(b) unless
- "(i) the hotel has suitable facilities for the service of meals and meals are served in the hotel under the direct control of the applicant, or
- "(ii) the Board has exempted the hotel from the requirements of this clause, by a notice in writing, for such period as may be stated in the notice,
- "(c) unless the hotel maintains facilities for the serving of such food-stuffs in that part of the premises in which the beer is to be consumed and sold as the Board, by order, may require,
- "(d) unless the hotel is provided with suitable privies, lavatories and toilets which shall at all times be kept clean and ventilated,
- "(e) unless the hotel and the part thereof where beer may be kept, sold and consumed under the hotel beer licence applied for are
- "(i) constructed, equipped and conducted to the satisfaction of the Board, and
- "(ii) constructed and equipped so as not to facilitate a breach of this Act, or the regulations made thereunder, and the hotel premises have been approved of in writing by an inspector appointed or authorized by the Board to inspect the same,
- "(f) unless the hotel is equipped with suitable fire escapes and fire-exit doors which doors are fitted to open outwards and are furnished with approved panic bolts.
- "(2) No hotel beer licence shall be issued or granted if the applicant
- "(a) is not a fit and proper person in the opinion of the Board, or
- "(b) has been convicted within a period of three years immediately preceding the date of his application of keeping, frequenting or being an inmate of a common bawdy house."

**14. \*22. Section 52 presently reads:**

- "52. The number of hotel beer licences in cities, towns and villages shall not in any one year exceed
- "(a) one licence for the first one thousand population or fraction thereof,
- "(b) a second licence for the next five hundred population or fraction thereof up to one thousand five hundred population,
- "(c) a third licence for a population of at least two thousand,
- "(d) a fourth licence for a population of at least three thousand, and
- "(e) one licence for each additional four thousand of population thereafter."

**15. (a) \*23. Subsection (1) of section 53 presently reads:**

- "53. (1) The Board may grant and issue to the applicant a hotel beer licence entitling him
- "(a) to purchase beer from a vendor, and
- "(b) to sell the beer so purchased to persons, not disqualified under this Act,
- "(i) in that part of the hotel set out in the licence,
- "(ii) by the glass or open bottle for consumption therein, and
- "(iii) by the closed bottle in sealed cartons containing six or twelve bottles, only for consumption elsewhere,
- in accordance with the terms and conditions of the hotel beer licence and the provisions of this Act and the regulations."

**(b) \*24.**

**13.** Section 51 is amended by adding immediately after subsection (2) the following subsection:

“(3) No person other than a Canadian citizen shall be an applicant for a hotel beer licence or a manager of the licensed premises of a hotel.”.

**14.** Section 52 is amended

- (a) by renumbering the present section as subsection (1),
- (b) by adding immediately after the renumbered subsection (1) the following subsection:

“(2) Notwithstanding subsection (1), where the Board is satisfied that special circumstances exist in any area, the Board may refuse to issue a licence or may grant one or more licences in that area, without regard to the population limits.”.

**15.** Section 53 is amended

- (a) as to subsection (1), clause (b), subclause (iii) by striking out the words “in sealed cartons containing six or twelve bottles” and by substituting the word “and”,
- (b) by adding immediately after subsection (2) the following subsection:
 

“(3) In respect of any hotel beer licence, the Board may by order fix the maximum seating capacity, which shall not exceed one hundred and twenty-five seats, authorized for any room or place in which beer is sold by the glass or open bottle.”.

**16. \*25.**

**17. \*26.**

**18. \*27.**

**19. \*8. Section 59 presently reads:**

“59. No holder of a hotel beer licence shall, in a part of the premises in respect of which the licence is issued,

“(a) keep or maintain, or

“(b) permit the keeping or maintaining of,  
a bar or counter over or at which any alcoholic or non-alcoholic beverage is sold for consumption on the premises.”

**20. \*28.**



**16.** Section 56 is amended by adding immediately after subsection (2) the following subsection:

“(2a) With each application for renewal of a hotel beer licence, the applicant shall furnish to the Board an audited financial statement including a statement of profit and loss for the preceding calendar or fiscal year of the hotel business conducted by the applicant, including the operations of the licensed premises, the hotel, and the hotel dining room and coffee shop, if any.”.

**17.** The following new section is added immediately after section 57:

“**57a.** (1) Where a hotel beer licence does not remain in force for the whole of the licence year by reason of the hotel being destroyed by fire or being sold or for any other reason, the Board may in its discretion return to the licensee the whole or any part of the licence fee paid for that year.

“(2) No part of the application fee for a hotel beer licence shall be returned with a rebate under this section.

“(3) No return of licence fee shall be made where the Board has directed the cancellation of the hotel beer licence.”.

**18.** The following new section is added immediately after section 58:

“**58a.** No holder of a hotel beer licence shall make any structural additions or alterations, or permit the same to be made, to the hotel building or make or permit any alterations of any nature to the licensed portion of the hotel premises without first submitting to the Board plans and specifications of the addition or alteration and obtaining the approval of the Board thereto in writing.”.

**19.** Section 59 is struck out and the following is substituted:

“**59.** (1) Unless authorized by the Board under subsection (2), no holder of a hotel beer licence shall, in any part of the premises in respect of which the licence is issued, keep or maintain, or permit the keeping or maintaining of, a bar or counter over or at which any alcoholic or non-alcoholic beverage is sold for consumption on the premises.

“(2) Where in the opinion of the Board a bar or counter with or without stools would be practical, the Board may authorize a holder of a hotel beer licence to keep and maintain with or without stools and in such manner as the Board may require a bar or counter at which beer may be consumed.”.

**20.** The following new section is added immediately after section 62:

“**62a.** (1) Subject to subsection (3) of section 165, a hotel beer licensee shall at all times have in stock and available for sale all brands of Alberta bottled beer.

**21.** \*29.

**22.** \*30.

**23.** \*31.

“(2) A sign notifying patrons that all brands of Alberta bottled beer are in stock and available for purchase shall be conspicuously exposed at all times in that part of the hotel specified in the hotel beer licence as the part of the hotel wherein beer may be kept, sold and consumed.

“(3) A hotel beer licensee shall sell to any person permitted by law to possess and consume beer any brand of Alberta bottled beer requested by that person and the licensee shall be responsible for ensuring that he has on hand adequate stock to meet any such request.”.

**21.** The following new section is added immediately after section 63:

“**63a.** (1) No person shall enter into, nor is any person bound by, a management contract, contract of employment or other similar agreement, whether written or verbal, that provides for the management of or employment in a hotel or any part thereof with respect to which a hotel beer licence has been issued, if the contract or agreement contains a term or provision whereby the remuneration, salary, commission or other moneys payable for management services or other services is to vary or may vary with the volume of sales of beer or other alcoholic beverages.

“(2) No person shall offer or give and no manager or employee of a hotel shall accept or receive any money, gift, reward or remuneration, directly or indirectly, for promoting, inducing or furthering the sale or consumption of alcoholic beverages contrary to the intent of subsection (1).”.

**22.** The following new section is added immediately after section 64:

“**64a.** (1) The holder of a hotel beer licence and any employee of a licensee may in his discretion refuse to sell or serve beer to any person and no reason for so doing need be given to the person refused beer.

“(2) When the holder of a hotel beer licence or any employee thereof has refused to sell or serve beer to any person, he shall upon request of the Board, give his reasons for so doing with full particulars of the circumstances to the Board.”.

**23.** Section 65 is amended

- (a) by renumbering the present section as subsection (1),

**24. \*32.** Subsection (1) of section 66 presently reads:

"66. (1) An applicant for a club beer or hotel beer licence shall pay to the Board the sum of ten dollars when the application is filed."

**25.** Section 80 reads as follows:

"80. A brewer who contravenes any of the provisions of section 48, or of subsection (2) of section 76, or of section 77 is guilty of an offence and liable on summary conviction to a fine of not more than five hundred dollars and costs."

The reference to section 48 is incorrect; the reference should be to section 78 which requires a brewer to provide accommodation for the Board's agent at the brewery.

**26. \*48.**

- (b) by adding immediately after the renumbered subsection (1) the following subsection:

“(2) No sale of beer for consumption off the premises shall be made by an hotel beer licensee after such hour at night as may be prescribed and all purchases of beer for consumption off the licensed premises of the hotel shall be removed from such licensed premises before such hour at night as may be prescribed.”.

**24.** Section 66 is amended by striking out subsection (1) and by substituting the following:

**“66.** (1) An applicant for a club beer licence or hotel beer licence shall pay to the Board with the application

“(a) a fee of twenty-five dollars if the club or hotel in respect of which the application is being made was not licensed during the immediately preceding twelve months, or

“(b) a fee of ten dollars if the club or hotel in respect of which the application is being made was licensed during the immediately preceding twelve months.”.

**25.** Section 80 is amended by striking out the figures “48” and by substituting the figures “78”.

**26.** The following heading and sections are added immediately after section 88:

**“Prohibition of Relationship Between Manufacturers and Retail Licensees**

**“88a.** In sections 88a to 88t,

“(a) “manufacturer” includes

“(i) a brewer, distiller or wine-maker,

“(ii) a person who is a director, officer, employee or agent of or who acts directly or indirectly under the control or orders of a brewer, distiller or wine-maker,

“(iii) a firm or corporation

“(A) over the business or operations of which a brewer, distiller or wine-maker has or can put into force effective control, or

“(B) in which a brewer, distiller or wine-maker has any financial interest,

whether through ownership of stock, interlocking directorship, partnership agreement or other agreement of any kind or by reason of



having loaned or advanced money with or without security or in any other manner or for any other reason,

“(iv) a person who is so associated or connected with or financially interested in a brewery, distillery or winery as to be likely to promote the sale of the liquor it manufactures;

“(b) “licensee” includes

“(i) the holder of a hotel beer licence,

“(ii) the holder of a club licence,

“(iii) the holder of a canteen licence,

“(iv) any person engaged in owning, maintaining or operating the business of any retail licensee;

“(c) “financial interest” includes any interest, direct or indirect, or contingent

“(i) whether as owner or part owner or owner of an interest, beneficial owner, owner of stock, or owner through trusteeship, investor or otherwise,

“(ii) in management whether by management agreement, partnership agreement or other agreement of any kind, or

“(iii) by reason of having loaned or advanced or caused to be loaned or advanced money, money’s worth or any thing of value with or without security.

“88b. No manufacturer or person financially interested directly or indirectly in the business of a manufacturer whether resident in the Province or non-resident shall have any direct or indirect financial interest in the business of any licensee.

“88c. No manufacturer shall own or have a financial interest in any of the property upon which a licensee conducts his business or in any leasehold or other tenure of the said property or in any chattels used in connection with the business of a licensee.

“88d. No licensee shall carry on his business upon property in which any manufacturer has a direct or indirect financial interest.

“88e. No manufacturer shall directly or indirectly or under any arrangement whatsoever loan, advance or give money, money’s worth or any thing of value to any licensee or employee or agent of a licensee.

88f. No licensee or employee or agent of a licensee shall directly or indirectly under any arrangement whatsoever borrow or receive from any manufacturer any advance or gift of money, money’s worth or any thing of value.

“88g. No manufacturer is eligible to become a licensee or to receive or hold a licence to sell liquor at retail.





**"88h.** No manufacturer shall sell liquor at retail.

**"88i.** No manufacturer shall directly or indirectly supply, provide, give, rent, lend or sell any furniture, furnishings, refrigeration equipment, dispensing equipment, fixtures, decorations, paintings, signs, supplies or other chattels or equipment to any licensee.

**"88j.** No manufacturer shall have a financial interest in the business, furniture, furnishings, refrigeration equipment, dispensing equipment, decorations, paintings, signs or other chattels or equipment being purchased or otherwise acquired or used by any licensee.

**"88k.** No manufacturer shall give a secret rebate or make a secret concession to any person who is a licensee or to the employee or agent of any licensee and no such person shall request or accept any such secret rebate or concession.

**"88l.** (1) No manufacturer shall directly or indirectly give or furnish money, money's worth or any thing of value to any licensee or to any employee or agent of a licensee whether or not it is given or furnished for the purpose or with the intent of soliciting, acquiring or obtaining the help or assistance of any such person to encourage or promote either the purchase or the sale of liquor sold or manufactured by the manufacturer who gives or furnishes such money, money's worth, or thing of value.

**"(2)** No licensee, employee or agent shall accept or acquire any money, money's worth or any thing of value from a manufacturer contrary to the provisions of this section.

**"88m.** No manufacturer shall have a financial interest in any firm, corporation, partnership or business that is engaged in supplying to licensees furniture, furnishings, refrigeration equipment, dispensing equipment, fixtures, decorations, paintings, signs, supplies or other chattels or equipment.

**"88n.** (1) No manufacturer shall enter into or be a party to any covenant or agreement, whether oral or written or express or implied, with a licensee whereby the licensee covenants to sell the liquor made or produced by the manufacturer.

**"(2)** Any such covenant, whether verbal or written or express or implied or whether contained in any agreement for sale, lease or mortgage of licensed premises or the land upon which licensed premises are situate or of the chattels in licensed premises is void and no licensee shall observe or comply with any such covenant.

**"88o.** Every application for a licence as a retail licensee shall be accompanied by a statutory declaration by the applicant, or if the applicant is a corporation by an officer of the corporation, stating

**"(a)** that no brewer, distiller or wine-maker or director, officer, employee or agent thereof or person as-



sociated therewith has any direct, indirect or contingent interest in the ownership or management of the business to be licensed or in its property whether freehold or leasehold or in its chattels and equipment and that no such person has a financial interest of any description nor has any such person assisted the applicant financially in any way, except as stated in the declaration,

“(b) that the applicant has not accepted any money, money’s worth, thing of value, rebate, discount, bonus, concession, consideration or promise of consideration whatsoever from any brewer, distiller, wine-maker or any person who is a director, officer, employee or agent thereof or who is associated or connected therewith except as stated in the declaration,

“(c) that the applicant has not made any verbal, written, express or implied agreement to sell any kind, class or brand of liquor except as stated in the declaration,

and giving such other information as the Board may from time to time require.

“**88p.** An application for a licence or for a renewal of a licence as a brewer or distiller shall be accompanied by a statutory declaration by the brewer or distiller or if the brewer or distiller is a corporation by an officer of the corporation stating

“(a) that the brewer or distiller and its directors, officers, employees, agents, subsidiaries and associates have no direct, indirect or contingent financial interest in the business, property, whether freehold or leasehold, goods, chattels or equipment of any retail licensee or otherwise contrary to the spirit or intention of this Part except as otherwise stated in the declaration,

“(b) that the brewer or distiller has not directly, indirectly or through its directors, officers, employees, servants, agents, subsidiaries or associates given or caused to be given any money, money’s worth, thing of value, rebate, discount, bonus, concession, consideration or promise of consideration to any licensee or to any person who is the owner, operator or employee of a licensee except as otherwise stated in the declaration,

“(c) that the applicant does not directly or indirectly have any verbal, written, express or implied agreement whereby any licensee undertakes to sell or promote the sale of any kind, class or brand of liquor except as otherwise stated in the declaration,

and giving such other information as the Board may from time to time require.

“**88q.** (1) Any retail licensee who purchases or otherwise acquires the use of equipment, fixtures or other chat-



tels of the nature of counters, back bars, refrigeration equipment, dispensing equipment, chairs, tables or other articles that are used or to be used in connection with the licensed premises shall retain the invoice and all other correspondence, papers and documents in his possession and relating thereto.

“(2) The Board at any time may inspect or require the production of any such invoice, correspondence, papers or documents and the retail licensee upon request by the Board at any time shall furnish to the Board a complete description of the articles, the name of the vendor or supplier, the terms of purchase or acquisition, the purchase price of each article and particulars of transportation costs and services rendered in connection with the installation of the articles, together with any further information or particulars which the Board in its discretion may from time to time require.

“**88r.** Where the Board considers that a financial interest exists or may exist that, in the opinion of the Board is contrary to the intent of sections 88a to 88g, the Board may require the manufacturer or the licensee or both to satisfy the Board by producing information and particulars relating to their business, or to the business of either of them as the Board in its discretion deems advisable.

“**88s.** Where a financial interest exists that in the opinion of the Board is contrary to the intent of sections 88a to 88g, or where the Board is of the opinion that such a financial interest may exist and the parties have failed to satisfy the Board to the contrary, the Board in its discretion may suspend the licence of either the manufacturer or one or more of the licensees involved or both or may decline to grant or renew any such licence, except as provided in section 88t.

“**88t.** (1) Where a financial interest exists that is contrary to the intent of sections 88a to 88g, and that existed or was entered into on or before the thirty-first day of March, 1957,

“(a) the manufacturer and the licensee shall each report the same to the Board forthwith together with full particulars of the nature and extent of the financial interest and such other information relating thereto as may be required by the Board, and

“(b) the Board shall not before the thirty-first day of March, 1959, suspend or decline to grant or renew any licence by reason only of the existence of any financial interest so reported.

“(2) Where the disposition or liquidation of a prohibited financial interest that existed before the thirty-first day of March, 1957, is negotiated, but the prohibited financial interest will continue to exist after the thirty-first day of March, 1959, because the consideration will not be fully paid or the terms and conditions finally performed until after that date, then



- “(a) the parties involved at any time or from time to time may submit their agreement or proposed agreement to the Board for approval, and
  - “(b) the Board in its discretion may approve or disapprove of any such agreement or proposed agreement.
- “(3) Where a manufacturer has a number of prohibited financial interests,
- “(a) the manufacturer at any time or from time to time may formulate and submit to the Board a proposal for the orderly sale, disposition or liquidation of all of its prohibited financial interests,
  - “(b) the Board shall satisfy itself that the proposal provides for the disposition of the prohibited financial interests as rapidly as is reasonably possible having regard to the nature, number and value of such interests, the market therefor, and any other factors that the Board considers relevant, and the Board in its discretion may approve or disapprove the proposal, and
  - “(c) as each sale, liquidation or disposition of a prohibited financial interest included in a proposal is negotiated, the provisions of subsection (2) apply to the specific agreement so negotiated.
- “(4) The Board shall not by reason only of a prohibited financial interest suspend or decline to grant or renew the licence of a party involved therein if the interest is covered by
- “(a) an agreement or proposed agreement that has been submitted to and approved by the Board under subsection (2), or
  - “(b) a proposal by a manufacturer for the orderly sale, disposition or liquidation of all of its prohibited financial interests, that has been submitted to and approved by the Board under subsection (3),
- and in either case the agreement or proposal is being carried out to the satisfaction of the Board.
- “(5) After the thirty-first day of March, 1959, the Board in its discretion may suspend or decline to grant or renew the licence or licences of any party involved in a prohibited financial interest
- “(a) if the interest is not covered either by an agreement or proposed agreement approved by the Board under subsection (2) or by a proposal by a manufacturer approved by the Board under subsection (3), or
  - “(b) if any agreement or proposed agreement approved under subsection (2) or any proposal approved under subsection (3) is not being carried out to the satisfaction of the Board,

**27.** This section refers to The Election Act but uses the short title of the earlier Act, viz., The Alberta Election Act.

**28. \*33.** Section 122 presently reads:

122. In a plebiscite

“(a) an affirmative vote shall be made by placing the figure 1 in the upper right hand space opposite the words “For Beer Licences”,

“(b) a negative vote shall be made by placing the figure 1 in the lower right hand space opposite the words “Against Beer Licences”.”

**29.** See Note to clause 27.

**30.** See Note to clause 27.

**31.** Subsection (2) of section 135 reads:

“(2) Notwithstanding any provision of this Act, no government liquor store shall be established and no beer licence, club licence, or other licence to sell beer shall be granted or issued in

“(a) Municipal District of Cochrane No. 6,

“(b) Municipal District of Sugar City No. 5, or

“(c) a city, town, hamlet or incorporated village situate, lying or being within any of the said districts.”

The municipal districts here specified have been incorporated within other municipalities so that the reference is not now correct. Hence this amendment for clarity.

**32. \*34.**



and in particular the Board in its discretion may suspend either the licence of the manufacturer or of one or more of the licensees in which the manufacturer has a prohibited financial interest, or both.”.

**27.** Section 119 is amended by striking out the word “*Alberta*”.

**28.** Section 122, clauses (a) and (b) are amended by striking out the word and figure “figure 1” and by substituting the word and letter “mark X”.

**29.** Section 132 is amended by striking out the word “*Alberta*” wherever it occurs.

**30.** Section 134, subsection (1) is amended by striking out the word “*Alberta*”.

**31.** Section 135, subsection (2) is amended by striking out clauses (a), (b) and (c) and by substituting the following:

- “(a) that part of the County of Warner or the Municipal District of Cardston No. 6 that was in 1953 the Municipal District of Sugar City No. 5 or the Municipal District of Cochrane No. 6, or
- “(b) a city, town, village or hamlet situate, lying or being within an area specified in clause (a).”.

**32.** Section 137 is amended

- (a) by renumbering the present section as subsection (1),
- (b) by adding immediately after the renumbered subsection (1) the following subsection:

“(2) Notwithstanding anything contained in this Act, the Board may, in its discretion, authorize the holder of a special permit to resell any liquor or beer purchased under the special permit

- “(a) if in the opinion of the Board authorization to sell the liquor or beer appears advisable, and
- “(b) if no profit is likely to be made out of the resale of the liquor by the holder of the special permit, or by the organization represented by him or by any individual connected in any way with the serving of the liquor or beer purchased under the special permit,

and upon the issuing of any such authorization the permittee may resell the liquor or beer in accordance with the terms of the authorization.”.

**33. \*35.** Subsection (1) of section 147 presently reads:

"147. (1) No beer licensee, club licensee or canteen licensee and no servant, agent or employee of any such licensee when selling or serving beer by the glass or open bottle to a person for consumption on the premises shall

"(a) sell or serve to a person for consumption by him more than two glasses or one open bottle of beer at a time,

"(b) sell or serve beer to a person a second or subsequent time until the beer previously sold or served to that person for consumption by him has been entirely consumed and the bottle or glasses have been removed."

**34. \*16.** Subsection (1) of section 150 now reads:

"150. (1) No person shall consume liquor within the Province, unless the liquor has been acquired under the authority of a permit issued under this Act, and unless the package in which the liquor is contained and from which it is taken for consumption has, while containing that liquor, been sealed with the official seal prescribed under this Act and the regulations."

**35. \*36.**

**36. \*37.**

**37. \*38, 39 and 16.** Section 155 presently reads:

"155. (1) No permit shall be issued to a person under the age of twenty-one years.

• "(2) A person under the age of twenty-one years

"(a) who makes application for a permit, or

"(b) who enters, remains or is on the licensed premises of a hotel beer licensee,

is guilty of an offence and liable on summary conviction

"(c) for a first offence to a fine of not less than twenty-five dollars nor more than fifty dollars, and

"(d) for a second or subsequent offence to a fine of not less than fifty dollars nor more than two hundred dollars."

**33.** Section 147, subsection (1) is amended by striking out clause (b) and by substituting the following:

“(b) shall sell or serve beer to a person a second or subsequent time so that there will be at any one time more than two glasses or one open bottle of beer being held by that person for consumption on the premises.”.

**34.** Section 150, subsection (1) is amended by striking out the words “under the authority of a permit issued under” and by substituting the words “in accordance with the requirements of”.

**35.** Section 153 is amended

(a) by renumbering the present section as subsection (1),

(b) by adding immediately after the renumbered subsection (1) the following subsection:

“(2) A person who contravenes the provisions of subsection (1) is guilty of an offence and liable on summary conviction

“(a) for a first offence to a fine of not more than twenty-five dollars,

“(b) for a second offence to a fine of not less than twenty-five dollars and not more than fifty dollars, and

“(c) for a third or subsequent offence to a fine of not less than fifty dollars and a suspension for a period of not less than six months of any licences held by him,

and upon default of payment of a fine to imprisonment for a term not exceeding three months.”.

**36.** Section 154 is amended by adding immediately after subsection (3) the following subsection:

“(4) Where a person who appears to be under twenty-one years of age requests to purchase liquor or beer from a licensee under this Act, or where such a person requests to be given any liquor or beer, the licensee or any other person to whom the request is made may before acceding to the request, demand that proof of age satisfactory to him be produced by the person making the request, and in any such case an identification permit issued to the person making the request by the Board shall be taken to be satisfactory proof of age.”.

**37.** Section 155 is struck out and the following is substituted:

“**155.** A person under the age of twenty-one years who

“(a) enters, remains or is on the licensed premises of a hotel beer licensee, or

**38. \*16.** This section loses its purpose with the discontinuance of the individual permit system. It reads as follows:

"156. No person shall procure or supply or assist directly or indirectly, in procuring or supplying liquor for or to a person whose permit is suspended or has been cancelled except

"(a) liquor administered by a physician or dentist, or

"(b) liquor sold upon a prescription in accordance with the provisions of this Act, or

"(c) beer sold on premises licensed for the sale of beer under the provisions of this Act."

**39. \*16 and 40.** This section presently reads:

"158. (1) No permit shall be issued to an interdicted person.

"(2) An interdicted person who

"(a) makes application for a permit, or

"(b) enters or is found upon

"(i) the premises of a government liquor store, or

"(ii) the premises for which a beer licence has been granted, is guilty of an offence."

**40. \*16.** Section 159 presently reads:

"159. No person whose permit has been cancelled shall, within a period of twelve months after the date of the cancellation make application for another permit under this Act."

**41. \*16.** Section 160 presently reads:

"160. (1) No person shall purchase or attempt to purchase liquor under a permit which is suspended or which has been cancelled or of which he is not the holder.

"(2) No person shall apply in any name except his own for the issue to him of a permit authorizing the purchase of liquor or beer."

**42. \*16.** This section presently reads as follows:

"161. (1) If a permit issued to a person is suspended or is cancelled, it shall not be lawful for that person

"(a) in the interval between the suspension and revival of the permit, or

"(b) in the interval during which he is disqualified from holding a permit under this Act,

as the case may be, to have any liquor in his possession, except liquor that he is by this Act authorized to have in his possession for medicinal purposes and beer for immediate consumption by him on premises that are licensed for the sale of beer to be consumed on such premises.

"(2) The Board, by order, may declare that a person named in the order is not qualified to have liquor in his possession except as mentioned in subsection (3) for such period not exceeding twelve months as may be specified in the order.

"(3) Upon the sending of a copy of the order by registered mail to any such person at his last known post office address, it shall not be lawful for him to have in his possession any liquor, except liquor that he is by this Act authorized to have in his possession for medicinal purposes and beer for immediate consumption by him on premises that are licensed for the sale of beer to be consumed on such premises."

The discontinuance of the individual permit system removes the need for this provision.

“(b) purchases or attempts to purchase beer from a hotel beer licensee,  
is guilty of an offence and liable upon summary conviction for a first offence to a fine of not more than seventy-five dollars and for a second or subsequent offence to a fine of not less than seventy-five dollars or more than two hundred dollars.”.

**38.** Section 156 is repealed.

**39.** Section 158 is struck out and the following is substituted:

“**158.** An interdicted person who enters or is found upon the premises of an Alberta liquor store, or any premises for which a beer licence has been granted, is guilty of an offence and is liable on summary conviction for a first offence to a fine of not more than twenty-five dollars and for a second or subsequent offence to a fine of not less than twenty-five dollars or more than fifty dollars.”.

**40.** Section 159 is amended by adding immediately after the word “whose” the words “special permit, identification permit or other”.

**41.** Section 160 is amended by adding immediately before the word “permit” where it occurs in subsections (1) and (2) the word “special”.

**42.** Section 161 is repealed.

**43. \*16.** Subsections (1) and (2) of section 163 presently read:

"163. (1) A holder of an individual permit may have in his possession and consume in a residence, or in a private compartment or bedroom occupied by him in a train, only such liquor or beer as has been lawfully acquired pursuant to the provisions of this Act.

"(2) A person is in illegal possession of liquor

"(a) who has liquor in his possession within the Province when he is not the holder of a permit, unless

"(i) this Act authorizes him to be in possession of such liquor without a permit, or

"(ii) the liquor was purchased by him on a permit which has since expired under the provisions of section 21, or

"(b) who has liquor in his possession in any place within the Province other than a place where he is authorized to be in possession of liquor pursuant to the provisions of this Act."

**44. A modification of \*41.**

**43.** Section 163 is amended

- (a) as to subsection (1) by striking out the words "A holder of an individual permit" and by substituting the words "A person who is not prohibited by law from possessing or consuming liquor or beer,"
- (b) as to subsection (2) by striking out clause (a) and by substituting the following:
  - "(a) who has in his possession within the Province liquor that has not been purchased or obtained otherwise than as permitted by this Act, or".

**44.** Section 165 is amended by adding immediately after subsection (3) the following subsections:

"(4) The Board may from time to time invite the persons manufacturing or brewing beer or malt liquor for sale within the Province and any companies being subsidiaries of or connected or associated with any persons manufacturing or brewing beer or malt liquor for sale within the Province to appoint representatives to confer with the Board for the purpose of formulating regulations governing the advertising of products that use or may use any trade marks, trade names, or designs that are similar to or suggestive of the trade marks, trade names or designs of persons manufacturing or brewing beer or malt liquor, or that use or may use the name of any such persons.

"(5) After such conferences with representatives appointed pursuant to subsection (4) as the Board deems necessary, the Board may, with the approval of the Lieutenant Governor in Council make regulations governing the advertising of products that use or may use any trade marks, trade names or designs, that are similar to or suggestive of the trade marks, trade names or designs of persons manufacturing or brewing beer or malt liquor, or that use or may use the name of any such persons.

"(6) A regulation made under this section has the same force and effect as a regulation made under section 10 and may be revoked in the same manner as a regulation under that section."

45. \*42.

46. \*6.

47. (a) \*16.

(b) (i) \*50.

(b) (ii) \*16.

Section 168 presently reads:

"168. (1) Upon complaint made in writing upon oath to a police magistrate that a person resident or sojourning within the Province, by the excessive drinking of liquor

"(a) misspends, wastes or lessens his estate, or

"(b) endangers or interrupts the peace and happiness of his family, or

"(c) injures his health, or

"(d) endangers the welfare, life or health of a person to whom he owes a duty,

the police magistrate may summons such person to appear before him and he may, after due hearing, make an order of interdiction directing the cancellation of any permit held by that person and prohibiting the sale of liquor to him until further order, and the magistrate shall cause the order to be forthwith filed with the Board.

"(2) Where a judge or justice convicts a person

"(a) of driving a motor vehicle while intoxicated and an accident is involved, or

"(b) of being

"(i) intoxicated in a public place, or

"(ii) drunk and disorderly,

and that person has been previously convicted of one or more of these offences within the preceding twelve months,

the judge or justice may make an order of interdiction directing the cancellation of any permit held by that person and prohibiting the sale of liquor to him until further order and the judge or justice shall cause the order to be forthwith filed with the Board.

"(3) Where a judge or justice convicts a person of the offence referred to in clause (a) of subsection (2), in addition to making an order of interdiction,

"(a) the judge or justice may suspend the driver's licence of the person convicted for a period not exceeding one year,

"(b) if the conviction is a second conviction for the offence, the judge or justice shall suspend the driver's licence of the person convicted for a period of one year."



**45.** Section 167 is amended

- (a) by renumbering the present section as subsection (1),
- (b) by adding immediately after the renumbered subsection (1) the following subsection:
  - “(2) This section does not apply to a product that contains no liquor if the label or brand thereon does not in fact mislead or tend to mislead the public.”.

**46.** The following new section is added immediately after section 167:

“**167a.** The proof strength of any liquor or beer distributed or sold in Alberta shall be shown on the bottle or a label attached thereto.”.

**47.** Section 168 is amended

- (a) as to subsection (1) by striking out the word “permit” and by substituting the words “identification or other permit, if any,”,
- (b) as to subsection (2)
  - (i) by striking out the words “and an accident is involved” where they occur in clause (a),
  - (ii) by striking out the word “permit” and by substituting the words “identification or other permit, if any,”.

~~48.~~ \*50.

~~49.~~ \*16. Section 172 presently reads:

- "172. Upon receipt of the order of interdiction the Board shall
- "(a) cancel any permit held by the interdicted person, and
- "(b) notify the interdicted person and all vendors and such other persons, as the regulations may require to be notified, of the cancellation of the permit and of the order of interdiction prohibiting the sale of liquor to the interdicted person."

~~50.~~ \*45. Subsection (2) of section 176 presently reads:

- "(2) If the person convicted of an offence referred to in subsection (1) is a corporation, it is liable
- "(a) for a first offence to a fine of not less than two hundred dollars nor more than one thousand dollars, and
- "(b) for a second or subsequent offence to a fine of not less than one thousand dollars nor more than three thousand dollars."

~~51.~~ \*43. Section 186 presently reads:

- "186. (1) In a case in which
  - "(a) a justice makes an order for the forfeiture of liquor under any of the provisions of this Act, and
  - "(b) a claimant to liquor under the provisions of section 185 fails to establish his claim and right thereto,
- the liquor in question and the packages in which the liquor is kept shall forthwith be delivered to the Board.
- "(2) The Board shall
  - "(a) thereupon determine the market value of all forfeited liquor which is found to be suitable for sale in the government liquor stores, and
  - "(b) pay the amount so determined to the Provincial Treasurer after deducting therefrom the expenses necessarily incurred by the Board for transporting the forfeited liquor to the government liquor warehouses.
  - "(3) The liquor suitable for sale shall be taken into stock by the Board and sold under the provisions of this Act.
  - "(4) All forfeited liquor which is found to be unsuitable for sale in government liquor stores shall be destroyed under competent supervision in such manner as may from time to time be directed by the Attorney General."

**48.** The following new section is added immediately after section 168:

**"168a.** (1) Notwithstanding section 168, any person may make a voluntary application to a magistrate to have an order of interdiction made against himself and the magistrate if satisfied that the applicant understands the consequences of such an order and is sincere in his application may make such an order.

"(2) An order made under this section has the same force and effect as an order made under section 168 except that it may not be revoked within one year from the making thereof, and no appeal lies in respect thereof under section 174."

**49.** Section 172, clause (b) is amended by adding immediately after the words "cancellation of the permit" the words ", if any,".

**50.** Section 176, subsection (2), clause (a) is amended by striking out the words "less than two hundred dollars nor".

**51.** Section 186 is struck out and the following is substituted:

**"186.** (1) Where a justice makes an order for the forfeiture of liquor under any of the provisions of this Act and a claimant to liquor under section 185 fails to establish his claim and right thereto, the liquor in question and the packages in which the liquor is kept shall be destroyed in accordance with subsection (2).

"(2) The liquor forfeited and the packages in which it is kept

"(a) shall be destroyed in the presence of the justice by the Royal Canadian Mounted Police in such manner as may be directed from time to time by the Attorney General, and a report thereof signed by the justice forwarded to the Board if the liquor was seized by an officer or constable of the Royal Canadian Mounted Police, or

"(b) if the liquor was seized by an officer or constable other than an officer or constable of the Royal Canadian Mounted Police, shall be delivered to either the Edmonton or Calgary warehouse of the nearest Alberta liquor store, and shall there be destroyed in the manner prescribed and a report of the destruction forwarded to the Board."

**52. \*44. Section 209 presently reads:**

"209. The Board shall make all payments necessary for the administration of this Act,

"(a) including the payment of the salaries of the members of the Board and its staff, and

"(b) including all expenditures incurred in establishing and maintaining government liquor stores and in the administration of this Act, and

"(c) including the payment of the expenses of transporting, maintaining all prisoners convicted of an offence under this Act, whether the conviction took place within a municipality or elsewhere."

**52.** Section 209 is amended

- (a) by striking out the word “and” at the end of clause (b),
- (b) by striking out clause (c).

**53.** (1) This Act comes into force on the first day of April 1957.

(2) Upon the coming into force of the Revised Statutes of Alberta, 1955, the amendments made by this Act apply *mutatis mutandis* to *The Liquor Control Act*, being chapter 179 of the Revised Statutes of Alberta, 1955.

THIRD SESSION  
THIRTEENTH LEGISLATURE  
5 ELIZABETH II  
1957

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**BILL**

An Act to amend The Liquor Control  
Act

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. AALBORG

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