

No. 111

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

BILL 111

A Bill to amend The Public Highways Act

HON. MR. TAYLOR

EDMONTON, ALBERTA
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1957

Explanatory Note

2. Increased penalties are provided by this amendment for permitting or causing irrigation water to escape into a highway ditch or upon a highway. Subsection (2) presently reads:

“(2) A person who contravenes the provisions of subsection (1) is guilty of an offence and liable on summary conviction to a fine of not less than twenty-five dollars nor more than two hundred dollars, or in default of payment to imprisonment for a term of not less than ten days nor more than thirty days.”.

3. This amendment results from consideration given to section 22g (1) of The Public Highways Act as enacted by chapter 67 of 1951, by the Law Amendment Committee at previous sessions of the Legislature. Section 42, subsection (1) now reads:

“42. (1) No person who is the owner or occupant of land abutting on a highway shall for any purpose whatsoever construct or cause to be constructed within one hundred feet at right angles from the nearest boundary of the highway a ditch or drain upon his land, unless he has first obtained the written approval of the Minister to the construction of the ditch or drain.”.

BILL

No. 111 of 1957

An Act to amend The Public Highways Act

(Assented to _____, 1957)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Public Highways Act*, being chapter 257 of the Revised Statutes of Alberta, 1955, is hereby amended.

2. Section 41 is amended by striking out subsection (2) and by substituting the following:

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

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

“(b) for a second offence to a fine of not less than two hundred dollars, and

“(c) for a third or subsequent offence to a fine of not less than five hundred dollars,

and in default of payment to imprisonment for a term of not less than ten days or more than thirty days.”.

3. Section 42 is amended by striking out subsection (1) and by substituting the following:

“**42.** (1) No owner or occupant of land abutting on a highway shall construct, maintain or operate, or cause to be constructed, maintained or operated, upon his land and within one hundred feet of the nearest boundary of the highway, any canal, lateral ditch or supply ditch or distributory ditch for any purpose whatsoever unless the owner or occupant has first obtained the approval of the Minister to the construction, maintenance or operation of the canal, lateral ditch, supply ditch or distributory ditch.

(1a) The approval may be given in writing by the Minister or may be given in writing on behalf of the Minister by any engineer of the Department performing departmental duties in the vicinity of the land.

“(1b) Subsection (1) does not apply to any field lateral used solely for distributing water over land.”.

4. This Act comes into force on the day upon which the Revised Statutes of Alberta, 1955, come into force.

No. 111

THIRD SESSION
THIRTEENTH LEGISLATURE
5 ELIZABETH II
1957

BILL

An Act to amend The Public
Highways Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. TAYLOR
