

No. 63

4th Session, 13th Legislature, Alberta
6 Elizabeth II, 1958

BILL 63

An Act to amend The Societies Act

HON. MR. HOOKE

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Edmonton, Alberta, 1958

Explanatory Note

2. Clause (b) of section 10 provides for the publication of the certificate of incorporation and a statement of the objects in two issues of *The Alberta Gazette*. It is proposed by this amendment to make publication in one issue sufficient.

3. Section 14 requires extraordinary resolutions to be filed in duplicate with the Registrar. This provision is a repetition of the provisions of section 30 and is therefore removed.

4. With the repeal of sections 22 and 23 (see clause 5) an unnecessary reference is removed from the heading.

5. Sections 22 and 23 read as follows:

"22. (1) When under the rules of a society, money of the society becomes payable to or for the use or benefit of a member thereof, the money is free from all claims by creditors of that member.

"(2) When on the death of a member of a society an amount of money becomes payable under the rules of the society, the money

"(a) shall be paid by the treasurer or other officer of the society to the persons entitled under the rules of the society, or shall be applied by the society as may be provided by the rules, and

"(b) is, to the extent of two thousand dollars, free from all claims by a personal representative or creditor of the deceased.

"23. (1) Where an amount of money

"(a) is paid under section 22 in good faith to a person who appears to the treasurer or other officer to be entitled to receive it, or

"(b) is applied in good faith for the purposes provided by the rules, no action shall be brought against the society or the treasurer or other officer in respect of that money.

"(2) Where it appears that the money has been paid under section 22 to the wrong person, the person entitled to the money may recover the amount with interest from the person who has wrongfully received it."

Associations with objects in the nature of insurance cannot be incorporated under this statute and these sections are therefore unnecessary.

6. Section 29 presently reads:

"29. A society

"(a) shall file with the annual statement referred to in section 28 a list of its directors, with their addresses and occupations, and

"(b) shall, upon request of the Registrar at any time, furnish him with particulars of its directors."

The Registrar usually deals with the secretary of a society who is not always a director.

7. A new section is added to remove any doubt as to whether or not a society can be restored to good standing.

BILL

No. 63 of 1958

An Act to amend The Societies Act

(Assented to _____, 1958)

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

1. *The Societies Act*, being chapter 315 of *The Revised Statutes of Alberta, 1955*, is hereby amended.

2. Section 10, clause (b) is amended by striking out the words "two issues of".

3. Section 14 is repealed.

4. The heading immediately preceding section 21 is amended by striking out the word "—Funds".

5. Sections 22 and 23 are repealed.

6. Section 29, clauses (a) and (b) are amended by adding immediately preceding the word "directors" the words "officers and".

7. The following new section is added immediately after section 36:

“36a. The provisions of *The Companies Act* relating to the restoration to the register of a company apply, *mutatis mutandis*, to the restoration of a society under this Act.”.

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

FOURTH SESSION
THIRTEENTH LEGISLATURE
6 ELIZABETH II
1958

BILL

An Act to amend The Societies Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HOOKE
