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BILL 78

A Bill respecting Liquor and the Selling thereof under
Government Control

HON. MR. COLBORNE

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LIQUOR CONTROL ACT

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Explanatory Note

General. This Bill will repeal and replace The Liquor Control Act, being chapter 179 of The Revised Statutes of Alberta, 1955. It will re-enact and revise the provisions now found in Part I and some parts of Part II, Part IV, Parts V and VI of the present Act. The purpose of this new Act is to revise and consolidate those provisions of the Act to be re-enacted hereby and to make provision for the general administrative control of the present permits, licences and of the new outlet licences. It will be complementary to a proposed new Act to be entitled The Liquor Licensing Act which will make provision for canteen licences, club licences, the present hotel beer licences and the new outlet licences with detailed particulars and also to the local option plebiscite provisions. (The references in these notes are to the present The Liquor Control Act.)

2. (1) 1. Section 2 (a) with reference to alcoholic content omitted. See definition of "malt liquor" hereunder.

2. Section 2 (c).

3. New.

4. Section 2 (g).

5. New.

6. Section 2 (h).

7. New.

8. New.

BILL

No. 78 of 1958

An Act respecting Liquor and the Selling thereof under
Government Control

(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. This Act may be cited as "*The Liquor Control Act, 1958*".

Interpretation

2. (1) In this Act,

1. "beer" means any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt, hops or of any other similar product in drinkable water;
2. "Board" means The Alberta Liquor Control Board;
3. "brewer's licence" means a licence issued under section 62 and "brewer licensee" means the person named in any such subsisting licence;
4. "dentist" means a member of the Alberta Dental Association who is registered under *The Dental Association Act*, and not in default in respect of any fees payable by him by virtue of the said Act;
5. "distiller's licence" means a licence issued under subsection (2) of section 69 and "distiller licensee" means the person named in any such subsisting licence;
6. "druggist" means a member of the Alberta Pharmaceutical Association who is registered as a pharmaceutical chemist under *The Alberta Pharmaceutical Association Act*, and entitled to assume and use the title of "chemist" and "druggist" under the said Act;
7. "former Act" means the provisions of *The Liquor Control Act*, being chapter 179 of The Revised Statutes of Alberta, 1955, and repealed by this Act;
8. "holiday" means New Year's Day, Good Friday, Thanksgiving Day, Victoria Day, Dominion Day, Labour Day, Remembrance Day and Christmas Day, the twenty-sixth day of December or when that

9. Section 2 (1).

10. Section 2 (m).

11. New; except where expression "licence" is otherwise described.

12. New.

13. Section 2 (o), but subclause (iv) is new.

14. New.

15. Section 2 (p).

16. Section 2 (s) revised.

17. New.

18. Section 2 (u) in part.

19. Section 2 (v).

20. Section 2 (w).

date falls on a Sunday, the twenty-seventh day of December;

9. "interdicted person" means a person to whom the sale of liquor is prohibited by an order under this Act;
10. "judge" means a justice of the Supreme Court of Alberta or a judge of a district court of Alberta;
11. "licence" means a licence issued under this Act;
12. "licensed premises" means the premises in respect of which a licence has been issued and is in force under *The Liquor Licensing Act* and includes the part of a train in respect of which a licence is issued under that Act;
13. "liquor" includes
 - (i) any alcoholic, spirituous, vinous, fermented, malt or other intoxicating liquor or combination of liquors,
 - (ii) any mixed liquor, a part of which is spirituous, vinous, fermented or otherwise intoxicating,
 - (iii) all drinks or drinkable liquids and all preparations or mixtures that are capable of human consumption and intoxicating, and
 - (iv) beer;
14. "liquor store" means an Alberta liquor store established by the Board under this Act;
15. "malt liquor" means beer containing more than four and one-half per cent of alcohol by weight;
16. "package" means a bottle, vessel or receptacle containing liquor or a container wholly or partly enclosing a bottle, vessel or receptacle used for holding liquor;
17. "permit" means a written authority issued under this Act for the purchase and keeping or consumption, as the case may be, of liquor pursuant to this Act and where the context can apply, includes an identification permit, and "permittee" means the person named as permittee in a subsisting permit other than an identification permit;
18. "physician" means a duly qualified medical practitioner;
19. "prescribed" means prescribed by regulations made pursuant to this Act;
20. "prescription" means a memorandum
 - (i) in the form prescribed by the regulations made under the authority of this Act,
 - (ii) signed by a physician, and
 - (iii) given by him to a patient for the obtaining of liquor pursuant to this Act for use for medicinal purposes;

21. Section 2 (x).

22. Present definition of "residence".

23. Section 2 (aa).

24. Section 2 (bb).

25. Section 2 (cc) revised.

26. Section 2 (dd).

21. "public place" includes
- (i) a place or building to which the public has or is permitted to have access,
 - (ii) a place of public resort, and
 - (iii) any conveyance in a public place;
22. "residence" means
- (i) a building or part of a building that is *bona fide* and actually occupied and used by the owner, lessee or tenant, solely as a private dwelling or as a private guest room in a hotel, lodging house, or boarding house or in a club,
 - (ii) a building or part of a building, or a trailer, tent, or vessel, that is *bona fide* and actually occupied and used by the owner, lessee or tenant, solely as a private summer dwelling or as a private dwelling or living place used during vacation periods or as a private hunting or shooting lodge, or
 - (iii) a building or part of a building that is for the time being designated by the Board in writing as a residence,
- together with the lands appurtenant thereto, if any, that are essential or appropriate for the convenient use, occupation and enjoyment thereof as a private dwelling;
23. "sale" and "sell" include
- (i) exchange, barter and traffic, and
 - (ii) the selling or supplying or distributing, by any means whatsoever, of liquor or of any liquid known or described as beer or near-beer or by any name whatever commonly used to describe malt or brewed liquor
 - (A) by any partnership or by any society, association or club, whether incorporated or unincorporated, and whether heretofore or hereafter formed or incorporated, or
 - (B) to any partnership, society, association or club or to any member thereof;
24. "spirits" means any material or substance, whether in liquid or other form, containing any proportion by weight or volume of ethyl alcohol obtained from fermented beer, wash, wort or from petroleum, or any other substance, whether obtained in a distillery by distillation or any other process;
25. "vendor" means an official appointed under section 14 to conduct the sale of liquor at a liquor store;
26. "veterinary" means a member of the Alberta Veterinary Medical Association who is registered

27. Section 2 (ee).

(2) Section 2 (2).

3. Section 215.

4. Section 4(1), without reference to “one or two” members.

5. (1) Section 6 (a) and 7 (1); vice-chairman provision is new.

(2) Section 7 (2), but supervision reference is new.

(3) New.

(4) Section 8 (2).

(5) New.

under the provisions of *The Veterinary Surgeons Act* as a veterinary surgeon;

27. "wine" means an alcoholic beverage obtained by the fermentation of the natural sugar contents of fruits or of other agricultural products containing sugar.

(2) For the purposes of clause 13 of subsection (1), any liquid preparation or mixture that contains more than two and one-half per cent of proof spirits shall be conclusively deemed to be intoxicating.

Application of Act

3. (1) The purpose and intent of this Act is to prohibit, except under government control as specifically provided by this Act, transactions in liquor taking place wholly within the Province, and each section and provision of this Act shall be construed accordingly.

(2) The provisions of this Act dealing with the importation, sale and disposition of liquor within the Province, through the instrumentality of a board and otherwise, provide the means by which such government control is made effective, and nothing in this Act shall be construed as forbidding, affecting or regulating a transaction that is not subject to the legislative authority of the Province.

The Alberta Liquor Control Board

Organization

4. There shall be a board to be known as The Alberta Liquor Control Board, consisting of three members, with the powers and duties herein specified.

5. (1) The members of the Board shall be appointed by the Lieutenant Governor in Council, who shall also designate one of the members to be the chairman and another the vice-chairman of the Board.

(2) The chairman shall have the supervision of the employees of the Board and shall devote his whole time and attention to the business of the Board, and shall follow no other occupation whatsoever.

(3) The other members shall devote such portion of their time to their duties hereunder as directed by order of the Lieutenant Governor in Council.

(4) The Lieutenant Governor in Council may, from time to time, fill any vacancy occurring in the Board, but no vacancy on the Board impairs the right of the remaining member or members to act until the vacancy is filled.

(5) Where any member of the Board is absent from the Province or, in the opinion of the Lieutenant Governor in Council, is by reason of illness or any other cause incapable of performing his duties, the Lieutenant Governor in

(6) New.

(7) Section 7 (3).

(8) Section 7 (4); reference to Edmonton is new.

(9) Section 7 (5) without clause (b) thereof.

(10) Section 7 (6) modified.

6. Sections 8 (1) and 6 (c).

7. In part present section 6 (b) and new.

8. Section 5.

9. Section 4 (2) in shortened form.

10. (1) 1. Section 9 (a).

2. Section 9 (b); "transportation" is new.

3. Section 9 (c).

Council may by order appoint a person to act in the place and stead of the absent or incapacitated member during such period as may be required.

(6) During the period for which he is appointed, the person appointed under subsection (5) may discharge the duties and has all the rights and powers of a member of the Board.

(7) Where there is at any time only one member on the Board, he shall be deemed to be the chairman thereof.

(8) When there is only one member on the Board, the Lieutenant Governor in Council may appoint an officer or employee of the Board to take the place of that member when the member is absent from Edmonton for any cause.

(9) The person appointed under subsection (8) shall, in the absence of the member of the Board, perform all the duties and have all the powers of the Board under this Act or the regulations.

(10) Where there is only one member on the Board and it appears that an official of the Board has acted for and in place of the chairman, it shall be conclusively presumed that he has so acted in the absence of the one member on the Board.

6. Each member of the Board shall hold office during the pleasure of the Lieutenant Governor in Council, and the salaries of the members of the Board shall be fixed by the Lieutenant Governor in Council.

7. Two members of the Board constitute a quorum unless the Lieutenant Governor in Council otherwise specifies.

8. The principal office of the Board shall be in the city of Edmonton.

Duties and Powers

9. The administration of this Act, including the general control, management and supervision of all liquor stores, is hereby vested in the Board.

10.(1) The Board shall have the following powers:

1. to buy, import and have in its possession for sale and sell, liquor, in the manner set forth in this Act;
2. to control the possession, sale, transportation, and delivery of liquor in the manner set forth in this Act;
3. subject to section 11 to determine the places in the Province in which liquor stores shall be established throughout the Province, and the situation of the store or stores in any such place;

4. Section 9 (d) reworded.
5. Section 9 (l) reworded.
6. Section 9 (e) in part.
7. Section 9 (e) in part.
8. Section 9 (f).
9. Section 9 (h).
10. Section (9) (i).
11. Section 9 (k).
12. Section 10 (5) (a) in part.
13. Section 10 (5) (a) in part.
14. Section 10 (5) (c).
15. Section 10 (5) (d).
16. Section 10 (5) (a) in part.
17. Section 10 (5) (s) in part.

4. to issue, refuse, cancel or suspend permits for the purchase of liquor;
5. to issue, refuse, cancel or suspend licences to sell liquor under this Act or under *The Liquor Licensing Act* in accordance with the provisions thereof;
6. to lease any building or land required for the operation of this Act;
7. to buy or lease all plant furnishings and equipment it may consider necessary and useful in carrying into effect the objects and purposes of this Act;
8. with the approval of the Lieutenant Governor in Council, to purchase such lands or buildings or to construct such buildings as are required for the operation of this Act, and with such approval to sell or otherwise dispose of the land or buildings so acquired;
9. to appoint the officers, inspectors, other than inspectors mentioned in subsection (3), clerks and other employees required for the operation or carrying out of this Act, including the issue of permits, to dismiss them or any of them, fix their salaries and remuneration, assign them their titles, define their respective duties and powers, and to regulate their conduct while in the performance of their duties;
10. to engage the services of experts and persons engaged in the practice of a profession, if deemed expedient;
11. to determine the nature, form and capacity of all packages in which liquor is kept or sold under this Act, and the manner in which they are to be closed, fastened or sealed;
12. to make provision for the creation and maintenance of warehouses for liquor, and to control the keeping in, and delivery to and from any such warehouses;
13. to prescribe the equipment and management of liquor stores and warehouses in which liquor is kept or sold, and to prescribe the books and records to be kept therein;
14. to control the purchase of liquor and the furnishing of liquor to liquor stores established under this Act;
15. to determine the classes, varieties, and brands of liquor to be kept for sale at any liquor store;
16. to control the conduct, management and equipment of any premises upon which liquor may be sold under this Act;
17. to specify and describe the place and manner in which liquor may be lawfully kept and stored, and to supervise the distribution of supplies;

18. Section 10 (5) (t) rewritten.

19. Section 10 (5) (j) reworded, but reference to national emergency and short supply omitted.

20. New.

21. Section 10 (5) (k).

22. New.

23. Section 10 (5) (i).

24. New.

25. Section 10 (5) (q) extended.

18. subject to this Act, to specify, regulate and supervise the hours and days when, and the manner, methods and means by which, liquor shall be delivered under this Act, and the days and hours when, and the manner, method and means by which, liquor under this Act may be lawfully conveyed or carried, and, subject to this Act to fix the charges for delivery of liquor;
19. to prescribe where not provided by this Act the kinds and quantities of liquor that may be purchased by any person, including the quantity that may be purchased at any one time or within any specified period of time, and the alcoholic content of any such liquor;
20. to prescribe the type or kind of glass or container that shall be used in any licensed premises to contain liquor sold by the glass, and the marking, if any, that must appear thereon;
21. to prescribe the form of records of purchase of liquor by the holders of licences, under this Act or *The Liquor Licensing Act*, or permits of any class, and the reports to be made thereon to the Board, and to provide for inspection of the records so kept;
22. to prescribe forms to be used for the purposes of this Act or of the regulations and the terms and conditions in permits and in licences issued under this Act or under *The Liquor Licensing Act*;
23. to prescribe the nature of the proof to be furnished, and the conditions to be observed in the issuing of duplicate permits in lieu of those lost or destroyed;
24. to prescribe the books of account to be kept by the Board showing the expenditures of the Board in the administration of this Act and in the purchase, sale and delivery of liquor hereunder, and the receipts of the Board from the sale of liquor in any liquor store or from the issue of any licences, under this Act or *The Liquor Licensing Act*, and the issue of permits and the collection of fees;
25. to prescribe, subject to this Act and *The Liquor Licensing Act*, and where not otherwise provided in this Act or that Act, the conditions, qualifications and procedure necessary for the obtaining of licences under this Act or *The Liquor Licensing Act* and the books and records to be kept and the returns to be made by the licensees and operators of licensed premises and the number of licensed premises of any class of licence in any municipality, to provide for the inspection and supervision of licensed premises and to regulate and control the conditions under which liquor is to be sold or consumed in such premises;

26. Section 10 (5) (f) and section 11 (2).

27. Section 10 (5) (g).

28. Section 10 (5) (e) in part.

29. Section 10 (5) (n) revised.

30. New.

31. New.

32. Section 9 (m).

(2) New.

(3) Section 205.

26. to fix the various prices at which liquor of all kinds may be sold by the Board, and to provide for the issuing and distribution of price lists showing the prices to be paid for each class, variety or brand of liquor kept for sale under this Act;
 27. to prescribe an official seal and official labels, and to determine the manner in which the seal or label shall be attached to every package of liquor sold or sealed under this Act or *The Liquor Licensing Act* including the prescribing of different official seals or different official labels for different classes, varieties and brands of liquor;
 28. to prescribe, subject to this Act, the days and hours at which liquor stores or any of them shall be kept open for the sale of liquor;
 29. subject to the approval of the Lieutenant Governor in Council, to fix the fee for any licence or permit, for which no fee is prescribed by this Act or *The Liquor Licensing Act*, and to fix the fee for anything done, or permitted to be done, under this Act or *The Liquor Licensing Act*, or the regulations thereunder and for which no fee is otherwise provided herein or therein;
 30. to inquire into, and investigate, the sale of any product containing alcohol and that is capable of being consumed in liquid or solid form by any person, either dissolved or undissolved or diluted or undiluted, and for that purpose to hold hearings and make reports as to what, if any, measures should be taken to prohibit or control the sale of any such product;
 31. to inquire into any matter that relates to, or arises under the operation of this Act or *The Liquor Licensing Act* including, without restricting the generality of the foregoing, the operations of brewers, distillers, and other persons holding licences under this Act or *The Liquor Licensing Act*;
 32. without in any way limiting or being limited by the foregoing, to do all such things as are deemed necessary or advisable by the Board for the purpose of carrying into effect this Act or *The Liquor Licensing Act* or the regulations thereunder.
- (2) When exercising the powers mentioned in clause 30 or 31 of subsection (1), the Board has all the powers of a commission appointed under *The Public Inquiries Act*.
- (3) The Attorney General may appoint one or more inspectors or prosecuting officers who, under his direction, shall perform such duties as the Attorney General requires and who shall be paid such salaries, fees and expenses as the Attorney General may fix.

11. Section 11 (1), but exception is new.

12. New.

13. (1) Section 214 (1).

(2) Section 214 (2).

(3) Section 214 (3) reworded.

14. (1) Section 12 in substance.

(2) New.

15. (1) Section 10 (1) extended.

(2) New.

16. Section 10 (6).

Liquor Stores

11. Subject to this Act, the Board shall establish, maintain and operate at the cities of Edmonton and Calgary and at such other places throughout the Province as are considered advisable, stores to be known as "Alberta Liquor Stores" for the sale of liquor in accordance with this Act.

12. Neither this Act nor any other Act or law compels the Board to sell or deliver liquor to any person.

13. (1) Every order for the purchase of liquor by the Board shall be authorized by the signature of the chairman or vice-chairman of the Board, and no such order is valid or binding unless so authorized.

(2) A duplicate of every order shall be kept at the principal office of the Board.

(3) For the purpose of record, all cancellations of orders for the purchase of liquor by the Board shall be executed in such manner, and a duplicate thereof kept, as provided in subsection (2) for purchase orders.

14. (1) The sale of liquor at a liquor store shall be conducted by an official appointed under this Act, hereinafter referred to as a "vendor", who, under the directions of the Board, shall be responsible for the carrying out of this Act and the regulations so far as they relate to the conduct of the liquor store and the sale of liquor thereat.

(2) A purchase of liquor from a vendor is a purchase from the Board and a sale of liquor by a vendor is a sale by the Board, if the purchase and sale are in accordance with this Act and the regulations.

Regulations

15. (1) The Board may, with the approval of the Lieutenant Governor in Council, make such regulations, not inconsistent with this Act or *The Liquor Licensing Act*, as to it seems necessary for carrying out this Act and for the efficient administration thereof.

(2) Where the Board makes regulations, if they are regulations within the meaning of *The Regulations Act*, they shall be filed and published as in that Act required and, subject to *The Regulations Act*, thereupon become effective and have the same force and effect as if included in this Act.

16. Where it is provided in this Act or *The Liquor Licensing Act*, that any act, matter or thing may be done, if permitted or authorized by the regulations, or may be done in accordance with the regulations, or as provided by the regulations, or as prescribed, the Board may make regulations respecting the act, matter or thing.

17. (1) Section 165 (4).

(2) Section 165 (5).

(3) Section 165 (6).

18. Section 210 (1) but permit fees not required to be paid directly to Provincial Treasurer.

19. (1) Section 211 (1).

(2) Section 211 (2).

20. (1) Section 206 (1).

(2) Section 206 (2).

21. Substituted for present section 208.

17. (1) The Board may from time to time invite the persons manufacturing or brewing beer for sale within the Province and any companies being subsidiaries of or connected or associated with any persons manufacturing or brewing beer 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 that use or may use the name of any such persons.

(2) After such conferences with representatives appointed pursuant to subsection (1) 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 that use or may use the name of any such persons.

(3) A regulation made under this section has the same force and effect as a regulation under section 15 and may be repealed in the same manner as a regulation under that section.

Property, Financing, Accounting

18. All money received from the sale of liquor at liquor stores or from licence and permit fees, or otherwise arising in the administration of this Act, or from fees under *The Liquor Licensing Act*, shall be paid to the Board.

19. (1) The accounts of the Board shall be made up to the thirty-first day of March in each year and at such other times as may be determined by the Lieutenant Governor in Council.

(2) In each case the Board shall prepare a balance sheet and statement of profit and loss and submit the same to the Provincial Auditor for his certification.

20. (1) All property, whether real or personal, all moneys acquired, administered, possessed, or received by the Board and all profits earned in the administration of this Act, are the property of the Government of Alberta.

(2) All expenses, debts and liabilities incurred by the Board in connection with the administration of this Act shall be paid by the Board from the moneys received by the Board under that administration.

21. (1) The government, on the authority of the Lieutenant Governor in Council, may borrow moneys on behalf of the Board and make arrangements with any banks for loans or money overdrafts being made available

22. Section 209, but provision now refers to inspectors.

23. New but cf. present section 9 (f) (ii).

24. Section 207, but reference to “vendor” changed to “liquor store” and reference to “Minister charged with administration of Act” changed to “Provincial Treasurer” or “Attorney General”, as circumstances require. (See Attorney General Act). (“Minister to administer Act” as now referred to in present Act conflicts with clause 5 of this Bill and present section 4 (2)).

to the Board to provide adequate working capital and to meet all other expenses for the purposes of this Act.

(2) The government may as security for any loans or overdrafts issue treasury bills or notes bearing interest.

(3) Every amount so obtained by way of loan or overdraft shall, until repaid, together with the interest thereon, be a charge against the General Revenue Fund of the Province.

(4) A treasury bill or note issued hereunder may be renewed and re-issued.

22. The Board shall make all payments necessary for the administration of this Act, including the payment of the salaries of the members of the Board, the inspectors and the staff of the Board, and all expenditures incurred in establishing and maintaining liquor stores and in the administration of this Act.

23. Any building purchased by the Board may be remodelled, furnished and equipped by the government or by the Board as the Lieutenant Governor in Council determines.

24. (1) The Board

(a) shall from time to time make reports to the Attorney General with respect to such matters in connection with the administration or enforcement of this Act as he may require, and

(b) shall annually make to the Lieutenant Governor in Council, through the Provincial Treasurer, a report for the twelve months ending on the thirty-first day of March in the year in which the report is made.

(2) The annual report shall contain

(a) a statement of the nature and amount of the business transacted by each liquor store during the year,

(b) a statement of assets and liabilities of the Board, including a profit and loss account and such other accounts and matters as may be necessary to show the result of the operations of the Board for the year,

(c) general information and remarks with regard to the working of the law within the Province, and

(d) such other information as may be requested by the Provincial Treasurer or Attorney General, or the Lieutenant Governor in Council.

(3) Each annual report made under this section shall be forthwith laid before the Legislative Assembly if the Assembly is then in session, and if not then in session, shall be laid before the Legislative Assembly within fifteen days after the opening of the next session.

25. (1) Section 212, but reference to repeal omitted as unnecessary.

(2) Section 213.

(3) New.

26. Section 216, but members of Board added to list.

27. (1) Sections 25, 35, 47, 54 (c), 72, 85, now give the power of suspension and cancellation, and see section 9 (d). This provision combines the powers in one section but makes it relate only to permits and licences under this Act.

(2) New.

28. New.

(4) The books and records of the Board shall at all times be subject to examination and audit by the Provincial Auditor and by such other persons as the Lieutenant Governor in Council may authorize.

25. (1) From the profits arising under this Act, as certified by the Provincial Auditor, there shall be taken such sums as may be determined by the Lieutenant Governor in Council for the creation of a reserve fund to repay moneys borrowed under section 21 and to meet any loss that may be incurred in connection with the administration of this Act.

(2) The net profits, remaining from time to time, after providing the sums required for purposes of the reserve fund, shall be a part of the General Revenue Fund and be appropriated to the public service of the Province.

(3) The net profits of the Board shall be paid over to the Provincial Treasurer at such times and in such manner as the Provincial Treasurer may direct.

Licences and Permits

General

26. Every member of the Board, every vendor and every official authorized by the Board to issue licences or permits under this Act, may administer any oath and take and receive any evidence or declaration required under this Act or the regulations.

27. (1) The Board may for any cause that it deems sufficient and with or without a hearing, suspend or cancel any licence or permit issued under this Act, in the manner prescribed by the regulations and all rights of the person named in the licence or permit conferred by or under this Act shall be cancelled or suspended, as the case may be.

(2) A suspension of a licence or permit by the Board shall be for an indefinite period of time, unless the order of suspension otherwise provides, and the indeterminate suspension shall only be terminated by further order of the Board.

28. On receipt of a notice of the suspension or cancellation of his permit, the holder of the suspended or cancelled permit, shall, if so required in the notice, forthwith deliver to the Board all liquor then in his possession or under his control, to be purchased by the Board in its discretion at a price to be fixed by it, if the liquor was lawfully acquired by the permittee, otherwise to be forfeited to the Crown in right of Alberta to be destroyed or otherwise disposed of under the direction of the Attorney General, and in the event of the failure of the holder of the permit to deliver the liquor as directed by the Board he is thereafter in possession of that liquor contrary to the provisions of this Act.

29. (1) Sections 36, 56 (1), 70, 86 in part.

(2) New.

30. New.

29. (1) Subject as herein provided, a licence and a permit becomes effective on the date stated therein and expires, unless sooner cancelled or suspended, at the end of the thirty-first day of March of the fiscal year of the Board in or in respect of which it is issued, except

- (a) a permit issued for a social occasion or other specified occasion or for a limited and specified number of purchases, and
- (b) a licence or permit that according to its terms expires sooner.

(2) A licence or permit may be issued on or before the thirty-first day of March in any year for the fiscal year of the Board beginning on the first day of April next following.

Orders, Notices, Etc.

30. (1) Written notices, orders, directions, licences, permits, or permissions, by or from the Board may, unless otherwise expressly provided, be signed by the chairman or by any member of the Board or by any person authorized to do so by the chairman.

(2) Notice of cancellation or suspension of a permit by the Board shall be given by a written notice signed by the chairman or any member of the Board and mailed in an envelope, which shall be postpaid, registered and addressed to the permittee at the address given in the permit, and the cancellation or suspension takes effect at the day and hour specified by the Board in the notice.

(3) Notice of the cancellation or suspension of a licence by the Board shall be given by a written notice signed by the chairman or any member of the Board and mailed in an envelope, which shall be postpaid, registered and addressed to the licensee at the address given in the licence, and the cancellation or suspension takes effect at the day and hour specified by the Board in the notice.

(4) A notice of suspension shall state the period of time during which a licence or permit is to remain suspended, or whether the suspension is indeterminate.

(5) Other notices and documents referred to in subsection (1) may be given or served by being mailed in an envelope, which shall be postpaid, registered and addressed to the person for whom the notice or document is intended, and such notice or document takes effect at the day and hour specified by the Board in the notice or document.

(6) In all cases a record shall be kept by the Board of the time of the mailing and, until the contrary is proved, a notice or document shall be deemed to have been mailed to the person for whom it is intended at the time shown in the record, *prima facie* proof whereof may be given by a certificate of the chairman or any member of the Board as hereinafter provided.

31. (1) Section 28 (1) in substance and in part but clause (a) referring to illegal sale provisions is new and clause (c) is new; the designation "prohibited place" is new.

(2) Balance of section 28 (2) with new terminology.

(3) Section 28 (2) in part with new terminology.

(4) Balance of section 28 (2) but effective date is date of delivery of certificate not of the "granting" thereof.

32. In part section 217 but reference to actions in the name of the Board new.

33. Balance of Section 217 extended to apply in respect of The Liquor Licensing Act.

34. New.

Prohibited Place

31. (1) Where an occupant of a residence or of a part thereof is convicted

- (a) of an offence against section 73,
- (b) under the *Criminal Code*, of keeping a common bawdy house, a common betting house or a common gaming house, or
- (c) of an offence under the *Excise Act* (Canada) relating to the unlawful possession, manufacture, sale or other dealing with liquor,

the residence or part thereof, as the case may be, 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 becomes a prohibited place.

(2) A prohibited place is a public place for the purposes of this Act.

(3) Where the Board is satisfied that there has been an actual and *bona fide* change of ownership or occupation of the prohibited place or is satisfied that it is otherwise just and desirable to do so, the Board may by order declare that the prohibited place shall cease to be a prohibited place, and issue a certificate signed by the chairman declaring that the premises are no longer a prohibited place.

(4) From the date of the delivery of the certificate referred to in subsection (3), the premises cease to be a prohibited place.

Miscellaneous

32. No action or proceedings shall be taken against any member or members of the Board or in the name or names of the members of the Board for anything done or omitted to be done in or arising out of the performance of his or their duties under this Act or *The Liquor Licensing Act*.

33. Each action, order or decision of the Board with regard to any matter or thing in respect of which any power, authority or discretion is conferred on the Board under this Act or *The Liquor Licensing Act* or the regulations thereunder is final and shall not be questioned, reviewed or restrained by injunction, prohibition or *mandamus* or other process or proceeding in any court or be removed by *certiorari* or otherwise in any court.

34. With the consent of the Attorney General, the Board may be sued and may institute or defend proceedings in any court of law or otherwise in the name of The Alberta Liquor Control Board as fully and effectually to all intents and purposes as though the Board were incorporated under such name or title, and no proceedings shall abate by reason of any change in the membership of the Board by death, resignation or otherwise, but the proceedings may be continued as though the changes had not occurred.

35. Section 105.

36. (1) Section 106.

(2) Section 107 but clause (b) is new.

(3) and (4) Section 108.

35. (1) Nothing in this Act shall be deemed to prevent a brewer, distiller or other person duly licensed under the provisions of a statute of Canada for the manufacture of liquor from having or keeping liquor in a place and in the manner authorized by or under any such statute.

(2) Nothing in this Act shall be deemed to prevent the sale of liquor by a person to the Board, and the purchase, importation and sale of liquor by the Board for the purposes of and in accordance with this Act.

36. (1) Nothing in this Act shall, by reason only of the fact that they contain alcohol, be deemed to prevent the manufacture, sale, purchase or consumption of

(a) an extract, essence or tincture or other preparation containing alcohol and prepared according to a formula of

- (i) the British Pharmacopoeia,
 - (ii) the United States Pharmacopoeia, or
 - (iii) a formula approved of by the Board,
- or

(b) a proprietary or patent medicine prepared according to a formula approved of by the Board and in respect of which a licence has been granted to sell the same under the *Proprietary or Patent Medicine Act* (Canada).

(2) If of the opinion that a proprietary or patent medicine, extract, essence, tincture or preparation that contains alcohol, or any other preparation of a solid, semi-solid or liquid nature that contains alcohol, and that, or an extract from which, can be used as a beverage or as the ingredient of a beverage, the Board, with the approval of the Lieutenant Governor in Council,

(a) may prohibit the sale thereof by retail within the Province, or may prohibit the possession of the same for sale by retail within the Province, except by a liquor store or by persons duly licensed by the Board to keep and sell the same by retail in accordance with this Act and the regulations, or

(b) may prohibit the sale thereof within the Province.

(3) The Board shall notify the manufacturer or vendor of the proprietary or patent medicine, extract, essence, tincture or preparation of a prohibition made under subsection (2) and from and after the date of the notification a person within the Province selling or keeping for sale any such proprietary or patent medicine, extract, essence, tincture or preparation prohibited as aforesaid is guilty of an offence.

(4) The publication of a notice of the prohibition in *The Alberta Gazette* is conclusive proof of any notification required under subsection (3).

37. Section 13 revised to adapt provisions to proposed enactments.

38. Section 14 but “vendor” changed to “Board”.

39. (1) Section 17 (1).

(2) New.

(3) Section 17 (2).

(4) Section 17 (3) revised to refer to proposed enactment.

Sale of Liquor

37. (1) The Board may sell to a person who is not prohibited by law from possessing and consuming liquor such liquor as that person is entitled to purchase in conformity with the provisions of this Act and the regulations.

(2) Before a vendor makes delivery of any liquor sold pursuant to this section, he shall receive a dated order in writing signed by the purchaser setting out the number of his permit, if any, and describing the kind and quantity of the liquor ordered and receive the purchase price in cash.

(3) The Board may sell and deliver liquor in accordance with this Act and the regulations

(a) to a person who is not prohibited by law from possessing and consuming liquor, and

(b) to a person who is named in a subsisting licence under *The Liquor Licensing Act* to keep and sell liquor.

(4) Notwithstanding subsection (3), no delivery of liquor sold under the provisions of this section shall take place until the purchaser has paid for the liquor in the manner prescribed in the regulations.

38. The Board may sell liquor to a person upon the prescription of a physician given pursuant to this Act, but no more than one sale and one delivery shall be made on any one prescription.

39. (1) No liquor store shall be open for the sale of liquor

(a) after the hour fixed by the Board as the hour for closing a store,

(b) on any day being a holiday designated by the regulations as a day upon which liquor stores are to remain closed,

(c) on a day on which polling takes place at a Dominion or Provincial election held in the electoral division in which the store is situate,

(d) on a day on which polling takes place at a municipal election held in a municipality if the store is located in a polling district therein in which polling is taking place, and

(e) during such other periods and on such other days as the Board directs.

(2) Clauses (c) and (d) of subsection (1) do not apply to a day on which voting takes place at an advance poll or a special poll.

(3) No sale or delivery of liquor shall be made on or from the premises of a liquor store during the time which it is required to be closed for the sale of liquor.

(4) Notwithstanding subsection (3), a vendor may sell and deliver liquor to a person who is the holder of a subsist-

40. (1) Section 18 (1).

(2) Section 18 (2) revised to adapt its provisions to new outlets.

(3) Section 18 (3).

(4) Section 18 (4), but liquor now designated in the clause.

(5) Section 18 (5).

41. Section 19.

ing licence issued pursuant to *The Liquor Licensing Act* on any day not being a Sunday upon which the person licensed is permitted by that Act to have open his licensed premises.

Conveyance of Liquor

40. (1) It is lawful to carry or convey liquor to a liquor store and to and from a warehouse or depot established by the Board for the purposes of this Act.

(2) A common carrier or other person may, when permitted to do so by this Act and the regulations and in accordance therewith, carry or convey

- (a) liquor sold by a vendor from a liquor store,
- (b) liquor, when lawfully sold by a brewer or distiller from the premises wherein the liquor was manufactured, or
- (c) liquor to or from premises where the liquor may be lawfully kept and sold,

to a place to which it may be lawfully delivered under this Act or *The Liquor Licensing Act* and the regulations thereunder.

(3) No common carrier or any other person shall open or break or allow the opening or breaking of a package or vessel containing liquor, or drink or use or allow the drinking or use of any liquor therefrom, while the liquor is being so carried or conveyed.

(4) Whether or not the package or vessel containing liquor is opened or the seal on any such package or vessel is broken, a *bona fide* traveller may carry or transport in the Province any liquor that he may lawfully have and consume in a residence, if the package or vessel containing the liquor is carried or transported in the traveller's luggage with his clothing and other necessities of travel.

(5) When liquor is contained in an unopened package or vessel, and the seal, if any, on the package or vessel is unbroken, a person, permitted by law to possess and consume liquor within the Province, who for a lawful purpose

- (a) purchased the liquor lawfully within the Province,
- (b) brought the liquor lawfully into the Province, or
- (c) received the liquor as a *bona fide* gift,

may carry or convey that liquor to his residence or to any residence in which he is permitted by this Act to possess, have and consume liquor.

Gifts of Liquor

41. Subject to section 92, a person may make or 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 possessing or consuming liquor under this Act.

42. Taken in part from sections 139 (2) (d), 150 (2) (c), 151 (2) (e), but clause (d) new.

43. Section 20. (See clause 10, subclause 19.)

44. Section 21.

Lawful Possession

42. A person who is not prohibited by law from having or consuming liquor may have and consume in a residence or in a private compartment or bedroom occupied by him in a train, but not in a public place except when authorized under a permit,

- (a) any liquor that has lawfully been acquired by him under this Act from the Board,
- (b) any beer that has lawfully been acquired by him under *The Liquor Licensing Act* from a beer vendor licensee under that Act,
- (c) liquor not in excess of one bottle purchased outside Canada by him or by the person from whom he received it as a *bona fide* gift, if the receptacle or container in which the liquor is contained has while containing that liquor been stamped or marked by a Canadian customs officer, or
- (d) liquor not in excess of one bottle purchased outside Alberta by him or by the person from whom he received it as a *bona fide* gift, if the receptacle or container in which the liquor is contained has while containing that liquor been stamped, marked or sealed by a liquor board, commission or similar body in any province or territory of Canada.

Permits

43. (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.

Individual Permits

44. (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.

45. (1) Section 22 (1), but (c) is in substance present section 22 (2) and (d) is new (but see Section 60).

(2) Section 22 (3).

46. Section 137 (2) revised.

47. Section 25.

48. Section 26 in part.

(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.

Special Permits

45. (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,
- (b) a person engaged within the Province in a mechanical or manufacturing business or in scientific pursuits requiring liquor for use therein,
- (c) a minister of the gospel entitling him to purchase wine for sacramental purposes only, or
- (d) a person in charge of an institution regularly conducted as a hospital or sanatorium for the care of persons in ill health or of a home devoted exclusively to the care of aged people, or to his agent.

(2) 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.

46. If authorized by the Board and if it is so stated in the special permit, the holder of a special permit may sell to guests in the premises specified in the permit the liquor lawfully purchased by him under the permit, for consumption by them only in those premises, if the price to be charged to the purchaser thereof is approved by the Board and stated in the permit and is sufficient only to return to the permittee the cost of the liquor so purchased and a further amount sufficient only to pay for the cost of transporting and serving the liquor.

47. (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.

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

49. Balance of section 26.

50. Section 29.

51. Section 89 (1) and (2) combined.

52. (1) Section 90.

(2) Section 91.

(3) Section 92.

53. New.

54. Section 94.

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

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

49. 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 as prescribed by the regulations, 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 as prescribed by the regulations.

50. 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.

Druggists

51. A druggist may have in his possession alcohol purchased by him under a special permit pursuant to this Act, but the alcohol shall be used solely in connection with the business of the druggist in compounding medicines or as a solvent or preservative.

52. (1) In a municipality where there is no liquor store, a druggist may keep for sale and may sell for strictly medicinal purposes liquor purchased by him under a special permit pursuant to this Act.

(2) No sale of liquor shall be made by a druggist holding the special permit referred to in this section except upon a *bona fide* prescription signed by a physician and no more than one sale and one delivery shall be made on any one prescription.

(3) No druggist holding the special permit referred to in this section shall have on hand at any one time a quantity of liquor greater than fifty-three ounces.

53. A druggist is guilty of an offence who sells any liquor in evasion or violation of section 52.

Physicians

54. A physician who deems liquor necessary for the health of a patient of his whom he has seen or visited professionally may

- (a) give to the patient a prescription therefor in the prescribed form signed by the physician, or
- (b) administer the liquor to the patient, for which purpose the physician shall administer only such liquor

55. Section 96.

56. Section 97.

57. New.

58. (1) Section 99.

(2) Section 100.

59. Section 101.

60. (1) Section 102.

as was purchased by him under special permit pursuant to the Act, and may charge for the liquor so administered.

55. A physician is guilty of an offence

- (a) who gives a prescription or administers any liquor in evasion or violation of this Act, or
- (b) who gives to or writes for a person a prescription for or including liquor for the purpose of enabling or assisting a person
 - (i) to evade any of the provisions of this Act, or
 - (ii) to obtain liquor to be used as a beverage, or to be sold or disposed of in a manner in violation of the provisions of this Act.

Dentists

56. (1) A dentist who deems it necessary that a patient being then under treatment by him should be supplied with liquor as a stimulant or restorative may administer to the patient the liquor so needed and for that purpose shall administer liquor purchased by him under special permit pursuant to this Act and may charge for the liquor so administered.

(2) No liquor shall be administered by a dentist except to a *bona fide* patient in case of actual need.

57. A dentist is guilty of an offence who administers any liquor in evasion or violation of section 56.

Veterinarians

58. (1) A veterinarian who deems it necessary in the course of his practice may administer or cause to be administered liquor to an animal, and for that purpose the veterinary shall administer or cause to be administered liquor purchased by him under special permit pursuant to this Act and may charge for the liquor so administered, or caused to be administered.

(2) No veterinary shall himself consume, nor shall he give to or permit another person to consume as a beverage any liquor purchased under a special permit.

59. A veterinary is guilty of an offence who evades or violates or suffers or permits an evasion of section 58.

Hospitals and Institutions

60. (1) A person in charge of an institution regularly conducted as

- (a) a hospital or sanatorium for the care of persons in ill health, or
- (b) a home devoted exclusively to the care of aged people,

(2) Section 103.

61. Section 104.

62. (1) Present section 69 in part in substance.

(2) Balance of present section 69 revised.

(3) Section 81.

63. Section 74.

64. (1) Present section 73 (1).

(2) Section 73 (2).

(3) Section 75 (1).

may, if he holds a special permit under this Act for that purpose, administer liquor purchased by him under his special permit to a patient or inmate of the institution who is in need of the same, either by way of external application or otherwise for emergency medicinal purposes and may charge for the liquor so administered.

(2) No liquor shall be administered by a person under this section except to *bona fide* patients or inmates of the institution of which he is in charge and in cases of actual need.

61. A person in charge of an institution is guilty of an offence who administers liquor in evasion or violation of section 60.

Licences

Brewers' Licences

62. (1) On application being made therefor in the prescribed form and on payment of a fee of fifteen hundred dollars and on compliance with this Act and the regulations, the Board may issue in accordance with this Act and the regulations a brewer's licence to a brewer duly licensed as such by the Government of Canada who manufactures beer in the Province.

(2) A brewer's licence authorizes the licensee to sell beer manufactured by the licensee to the Board and to deliver the beer to the Board at any place in Alberta when and as authorized by the Board to do so.

(3) No brewery shall be constructed and equipped so as to facilitate a breach of this Act or the regulations.

63. The Board at any time it deems proper may in writing appoint a person or persons to examine all books, documents, vouchers and other papers kept or in the possession of a brewer in the Province and relating to his business as a brewer.

64. (1) The Board at any time and from time to time by notice in writing may require a brewer to deliver to the Board, within three days after the day upon which the notice is received or within such further time as may be fixed by the Board, a return in such form and setting out such details and particulars as may be prescribed by the Board.

(2) A brewer who makes default in delivering to the Board a return that he is required by the Board to make pursuant to subsection (1) is guilty of an offence and liable on summary conviction to a fine of twenty dollars for each day during which the default continues.

(3) A brewer shall

(a) on demand and at his office produce to a person appointed pursuant to section 63 to examine the books of the brewer all such books, documents,

(4) Section 75 (2).

(5) Section 75 (3).

65. (1) Section 76 (1).

(2) Section 76 (2).

(3) Section 78.

66. Section 79.

67. Section 77.

vouchers and other papers as are referred to in that section,

- (b) afford such person or persons every reasonable facility for making any such examination, and
 - (c) permit such person or persons to make copies or extracts of any such books, vouchers, documents and other papers.
- (4) A person who
- (a) refuses to permit a person appointed by the Board under section 63 to examine any such books, vouchers, documents and papers, or
 - (b) hinders or impedes any such authorized person in making an authorized examination or in the making of any copies or extracts that he is permitted to make by this section,

is guilty of an offence and liable on summary conviction to a fine of one hundred dollars for each offence.

(5) A brewer who omits or neglects to make a return that he is required to make pursuant to any regulation of the Board within the time thereby fixed for the making of that return is guilty of an offence and liable on summary conviction to a fine of one hundred dollars for each offence.

65. (1) The Board in writing may designate as agents of the Board such employees of the Board as it deems necessary and advisable and may assign to a person so designated the duty of acting as agent of the Board at any brewery or breweries designated by the Board and prescribe the duties of the agent.

(2) A person so designated shall be permitted access to any part of the premises of a brewery to which he is assigned at all times during which the brewery is being operated.

(3) A brewer shall provide for the use of the person designated as the agent at his brewery, such accommodation on the brewery premises and facilities for making and keeping books and records as may be required by the Board.

66. An agent of the Board

- (a) has in respect of a brewery for which he is an agent, all the powers conferred upon a person appointed by the Board under section 63, and
- (b) shall be deemed to be a person appointed by the Board under section 63.

67. A brewer brewing beer within the Province

- (a) shall notify the Board or its agent in writing of the hours during which shipments of beer are ordinarily made, and
- (b) shall not make any such shipment at any other hour unless upon twenty-four hours' notice in writing to the Board or its agent of the intention to make such shipment.

68. (1) Section 82 (1) in substance.

(2) Section 82 (2) in substance.

(3) Section 82 (3) in substance.

(4) Section 82 (4) in substance.

69. (1) Section 83 (1).

(2) Section 83 (2) in substance.

(3) Section 83 (3) in substance.

70. Section 87 in substance.

71. (1) Section 84 (1) in substance.

(2) Section 84 (2) in substance.

72. Section 88 in part.

68. (1) A brewer licensee shall, as he may be required by the Board, furnish samples of beer that he intends to sell within the Province.

(2) The Board may require of a brewer licensee samples of any beer then being sold by him within the Province, in stock by the brewer licensee, or that is in the course of manufacture by him for sale within the Province.

(3) The brewer licensee shall forthwith furnish the samples to the Board.

(4) A brewer licensee failing to furnish samples of beer when required by the Board to furnish samples thereof is guilty of an offence and liable on summary conviction to a fine of not more than one hundred dollars.

Distillers' Licences

69. (1) No person shall operate a distillery within the Province unless he is licensed to do so by the Board.

(2) On application being made therefor in the prescribed form and on payment of the prescribed fee and on compliance with this Act and the regulations, the Board may issue in accordance with this Act and the regulations, a distiller's licence to a person who is licensed as a distiller by the Government of Canada.

(3) A distiller's licence authorizes the licensee to manufacture liquor within the Province, to sell liquor to the Board and to sell liquor to such persons as the Board may authorize by permit in writing.

70. No distiller licensee shall, within the Province, produce or sell any liquor except in compliance with the regulations and standards prescribed by the Board.

71. (1) Upon the application of a distiller licensee, the Board may, subject to such conditions and restrictions as the Board deems advisable to prescribe, grant a permit in writing to the distiller licensee authorizing him to import wines and spirits.

(2) The wines and spirits shall be purchased only from such persons as are authorized to sell the same, and shall be used for the sole purpose of blending with and flavouring the liquor manufactured by the distiller licensee to whom the permit is granted.

72. The Board may require a distiller to make returns, to permit examination of his books, to permit examination of his distillery and all lands, buildings and other premises used in connection therewith, and to furnish samples, in the same manner and to the same extent as provided in the case of a brewer.

73. Section 137 in substance without subsection (2) (see clause 46 above).

(The following clauses relating to illegal possession, illegal purchase, illegal consumption, and having liquor in unauthorized places have all been revised to simplify and clarify the prohibitions and where necessary to refer to the new licensing Act. (See clauses 74 to 78.)

74. Section 139 (1) revised.

75. Section 145 revised.

76. Section 152 (1) revised.

77. Section 150 revised.

78. (1) Section 151 (1) revised.

Prohibitions

73. Except as provided by this Act or *The Liquor Licensing Act* or the regulations under this Act or that Act, no person shall by himself, his clerk, servant or agent, expose or keep for sale, or directly or indirectly or upon any pretence, or upon any device, sell or offer to sell liquor, or in consideration of the purchase or transfer of any property, give liquor to any person.

74. Except as provided by this Act or the regulations, no person shall have or keep any liquor that has not been purchased from the Board or from a druggist authorized to sell the same, except beer purchased from a beer vendor licensee under *The Liquor Licensing Act*.

75. Except as provided by this Act or *The Liquor Licensing Act*, or the regulations under this Act or that Act, no person shall by himself, his clerk, servant or agent attempt to purchase, or directly or indirectly, or upon any pretence or upon any device, purchase or in consideration of the sale or transfer of any property, or for any other consideration, or at the time of the transfer of any property, take or accept any liquor from any other person.

76. Except as expressly provided by this Act or *The Liquor Licensing Act* or the regulations under this Act or that Act, no person shall consume liquor in any place other than a residence,

77. Except as provided by this Act or *The Liquor Licensing Act* or the regulations under this Act or that Act, no person shall consume liquor unless the liquor has been acquired and its possession authorized under and in accordance with the provisions of this Act or the regulations, or is had or kept with the permission of the Board, 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 therefor by this Act or the regulations.

78. (1) Except in the case of

- (a) liquor imported by the government or by the Board,
- (b) sacramental or other wines used for religious purposes, or

(c) liquor had or kept under section 35,
no liquor shall be had or kept by any person in Alberta unless the package, not including a decanter or other receptacle containing the liquor for immediate consumption, in which the liquor is contained is, while containing that liquor, sealed with the official seal prescribed by this Act or the regulations.

(2) Section 151 (3).

(3) Section 151 (4).

79. (1) New.

(2) Section 138 revised.

80. Section 141.

81. Section 142.

82. New.

83. Section 154 (1) revised.

(2) An inspector or constable who finds liquor which in his opinion is had or kept by a person in violation of the provisions of this section may forthwith seize and remove the same and the packages in which the liquor is kept without laying any information or obtaining a warrant.

(3) Upon conviction of a person for a violation of this section the liquor and all packages containing it, in addition to any other penalty prescribed by this Act, shall be forfeited to the Crown in right of the Province.

79. (1) No licensee of licensed premises and no employee thereof, or any other person, shall for any purpose whatsoever mix or permit or cause to be mixed with any liquor kept for sale, sold or supplied by him as a beverage, any drug or any form of methylic alcohol or any crude, unrectified or impure form of ethylic alcohol or any other deleterious substance or liquid.

(2) No person shall have for sale or keep for sale or sell any beer to which has been added any substance other than beer.

80. No brewer, distiller or manufacturer of liquor shall by himself, his clerk, servant or agent give to any person any liquor, except as may be permitted by and in accordance with this Act and with the regulations.

81. No vendor and no person acting as the clerk or servant of or in any capacity for a vendor shall sell liquor in any other place or at any other time or otherwise than as authorized by this Act and the regulations.

82. (1) No person under the age of twenty-one years shall apply for, attempt to purchase or purchase or otherwise obtain liquor.

(2) Except where expressly permitted under *The Liquor Licensing Act* no person under the age of twenty-one years shall enter, be in or remain in any licensed premises.

83. (1) No person shall knowingly sell or supply liquor to a person under the age of twenty-one years.

(2) No liquor shall be sold to a person who is apparently under the age of twenty-one years and in any prosecution for a contravention of this section, the justice shall determine from the appearance of such person and other relevant circumstances whether he is apparently under the age of twenty-one years.

(3) This section does not apply to the supplying of liquor to a person under the age of twenty-one years for beverage or medicinal purposes by the parent or guardian of such person, or to the administering of liquor to such person by a physician or dentist for medicinal purposes or as provided by this Act or the regulations.

84. Section 157 (1).

85. (1) Section 159.

(2) Section 160 in part.

(3) Balance of section 160.

86. Section 163 (2) (b) in substance and revised.

87. Section 152 (2).

88. In part section 63 and 153 (1) combined and revised.

89. Section 164 in part.

90. Section 165 (1), (2) and (3).

84. No person shall procure or sell or give to an interdicted person any liquor, nor directly or indirectly assist in procuring or supplying any liquor to an interdicted person except liquor

- (a) supplied to an interdicted person upon the prescription of a physician, or
- (b) administered to him by a physician or dentist pursuant to this Act.

85. (1) No person whose special permit, identification permit or other 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.

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

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

86. No person shall have liquor in his possession within the Province other than in a place where he is authorized to be in possession of liquor pursuant to the provisions of this Act or *The Liquor Licensing Act*.

87. No person shall be in an intoxicated condition in a public place.

88. No licensee of licensed premises and no employee thereof shall

- (a) suffer or permit any drunkenness or any violent, quarrelsome, riotous or disorderly conduct to take place on the licensed premises,
- (b) suffer or permit a person apparently under the influence of liquor to consume liquor on the licensed premises, or
- (c) sell or supply liquor to a person apparently under the influence of liquor.

89. No owner, operator or manager of a night club, cafe, restaurant, dance hall, place of entertainment or premises other than licensed premises or a residence, and no employee thereof on the premises, shall knowingly suffer or permit a person to have in his possession upon or consume upon the premises any liquor except in accordance with the provisions of a special permit.

90. (1) No person within the Province shall

- (a) canvass for, receive, take or solicit orders for the purchase or sale of any liquors,
- (b) act as agent or intermediary for the sale or purchase of any liquors,
- (c) hold himself out as an agent or intermediary for the sale or purchase of any liquors,
- (d) exhibit or display or permit to be exhibited or displayed a sign or poster containing the words "bar", "bar-room", "saloon", or other words of like import prohibited by order of the Board,

91. Section 167.

92. Section 144.

- (e) exhibit or display or permit to be exhibited or displayed an advertisement or notice of or concerning liquor
 - (i) by an electric or illuminated sign, contrivance, or device, or
 - (ii) on a boarding, signboard, billboard or other like place in public view,
 or by any of the means aforesaid, advertise any liquor, or
 - (f) exhibit, publish or display or permit to be exhibited, published or displayed
 - (i) any other advertisement or form of advertisement,
 - (ii) any other announcement, publication or price list of or concerning liquor, or
 - (iii) where or from whom the same may be had, obtained or purchased,
 unless permitted to do so by this Act or the regulations, and then only in accordance with this Act or the regulations.
- (2) Clause (e) of subsection (1) does not apply to an advertisement respecting beer on a brewery or premises where beer may be lawfully stored or kept by a brewer under this Act
- (a) if such advertisement has first been permitted in writing by the Board, and
 - (b) if it is exhibited or displayed subject to the directions of the Board.
- (3) This section does not apply
- (a) to the Board, nor to an act of the Board, nor to a liquor store, nor
 - (b) to the receipt or transmission of a telegram or letter by a telegraph agent or operator or post office employee in the ordinary course of his employment as agent, operator or employee.

91. (1) A person not expressly authorized by this Act or *The Liquor Licensing Act* to deal in liquor within the Province shall not keep for sale, offer for sale or sell anything that is labelled or branded with the name of any kind of liquor, whether the same contains liquor or not.

(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.

92. (1) No member or employee of the Board shall be directly or indirectly interested or engaged in any other business or undertaking dealing in liquor,

- (a) whether as owner, part owner, partner, member of a syndicate, shareholder, agent or employee, and
- (b) whether for his own benefit or in a fiduciary capacity for some other person.

93. (1) Section 175.

(2) Section 176 (1).

(3) Section 176 (2).

(4) Section 176 (3).

(2) No member or employee of the Board or any employee of the government shall solicit or receive directly or indirectly any commission, remuneration or gift whatsoever from a person or corporation having sold, selling or offering liquor for sale to the government or the Board pursuant to this Act.

(3) No person selling or offering for sale to or purchasing liquor from the government or the Board shall either directly or indirectly

(a) offer to pay a commission, profit or remuneration, or

(b) make a gift,

to a member or employee of the Board or to an employee of the government or to anyone on behalf of the member or employee.

(4) A person who violates a provision of this section is guilty of an offence and liable on summary conviction to imprisonment for not more than twelve months.

Offences and Penalties

93. (1) A person who violates any provision of this Act or the regulations is guilty of an offence under this Act, whether otherwise so declared or not.

(2) A person guilty of an offence against this Act for which no penalty has been specifically provided is liable on summary conviction

(a) for a first offence to a fine of not more than two hundred dollars and in default of immediate payment to imprisonment for not more than two months,

(b) for a second offence, to imprisonment for not more than four months with or without hard labour or to a fine of not more than five hundred dollars and in default of immediate payment, to imprisonment for not more than four months, and

(c) for a third or subsequent offence, to imprisonment for not more than six months without the option of a fine.

(3) If the person convicted of an offence referred to in subsection (2) is a corporation, it is liable

(a) for a first offence to a fine of not 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.

(4) In each case where a justice is by this Act empowered to impose a fine, he may in his discretion, order the defendant to pay the costs in addition to a fine.

94. (1) Section 140 (1) but reference to illegal possession omitted.

(2) Section 140 (2).

(3) Section 140 (3).

(4) Section 143.

(5) Section 154 (2).

(6) New.

(7) Section 155 in substance.

94. (1) A person who violates a provision of section 73, or subsection (1) of section 79 is guilty of an offence and liable on summary conviction for a first offence, in the discretion of the justice,

(a) to a fine of not less than three hundred dollars nor more than one thousand dollars and costs and in default of payment thereof, to imprisonment for a period of not less than three months nor more than six months, or

(b) to imprisonment for a term of not more than six months without the option of a fine.

(2) A person who after a previous conviction for an offence under any of the provisions of this Act is convicted of an offence under section 73 or subsection (1) of section 79 is guilty of an offence and liable on summary conviction to imprisonment for a period of not less than three months nor more than six months without the option of a fine.

(3) If the offender convicted of an offence referred to in subsection (1) is a corporation it is liable to a penalty of not less than one thousand dollars nor more than three thousand dollars.

(4) A person who violates a provision of section 81 is guilty of an offence and liable on summary conviction

(a) for a first offence to imprisonment for not more than six months, and

(b) for a second or subsequent offence to imprisonment for not more than twelve months.

(5) A person who violates a provision of subsection (1) of section 83 is guilty of an offence and liable on summary conviction

(a) for a first offence to imprisonment for not less than one month nor more than three months, and

(b) for a second or subsequent offence to imprisonment for not less than four months nor more than twelve months.

(6) A person who violates a provision of section 74 or section 75 or section 78 or subsection (2) of section 79 is guilty of an offence and liable on summary conviction to a fine of not less than one hundred dollars and in default of payment thereof to imprisonment for a period of not less than one month or more than two months, or to imprisonment for a period of not more than three months without the option of a fine.

(7) A person who violates a provision of section 82 is guilty of an offence and liable on 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 or to imprisonment for not more than ten days or both.

95. Section 158.

96. Section 177.

97. (1) Section 80 but fine increased to maximum of \$1000.00.
(2) In substance section 83 in part but fine increased as in (1) above.

98. Section 178.

99. Section 179.

95. An interdicted person who enters or is found upon the premises of a liquor store, or any premises for which a licence under this Act or *The Liquor Licensing Act* 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.

96. (1) When a corporation is convicted of an offence under this Act and the conviction adjudges a fine to be paid by the corporation, the justice by his conviction, after adjudging payment of the fine and costs, may order that in default of payment, forthwith or within a limited time, the fine and costs be levied by distress and sale of the goods and chattels of the corporation within the Province.

(2) In any such case, and in addition to the other remedies provided hereby, a copy of the conviction or order, certified by a justice or by the officer in whose custody the same is by law required to be kept, may be filed in the office of the clerk of the Supreme Court of Alberta, and the conviction or order shall thereupon become a judgment of that court.

(3) Nothing in this section shall be construed as in any way affecting, limiting or restricting any proceedings which otherwise may be taken or had for the recovery of fines or penalties.

97. (1) A brewer who violates any of the provisions of subsection (2) or (3) of section 65 or of section 67 is guilty of an offence and liable on summary conviction to a fine of not more than one thousand dollars.

(2) A distiller who omits, neglects or refuses to comply with a requirement of the Board under section 72 is guilty of an offence and liable on summary conviction to a fine of not more than one thousand dollars.

98. (1) Where an offence under this Act is committed by a corporation, the officer or agent of the corporation in charge of the premises in which the offence is committed

- (a) shall *prima facie* be deemed to be a party to the offence so committed, and
- (b) is personally liable to the penalties prescribed for the offence as a principal offender.

(2) Nothing in this section relieves the corporation or the person who actually committed the offence from liability therefor.

99. (1) Upon proof of the fact that an offence under this Act has been committed

- (a) by a person in the employ of the occupant of a house, shop, room or other premises in which the offence is committed, or

100. Section 168.

(b) by a person who is suffered by the occupant to be or remain in or upon such house, shop, room or premises or to act in any way for the occupant, the occupant shall *prima facie* be deemed to be a party to the offence so committed and is liable to the penalties prescribed for the offence as a principal offender, notwithstanding the fact that the offence was committed by a person who is not proved to have committed the offence under or by the direction of the occupant.

(2) Nothing in this section relieves the person actually committing the offence from liability therefor.

Interdiction

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

- (a) misspends, wastes or lessens his estate,
- (b) endangers or interrupts the peace and happiness of his family,
- (c) injures his health, or
- (d) endangers the welfare, life or health of a person to whom he owes a duty,

the 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 identification or other permit, if any, 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, 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 identification or other permit, if any, 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.

101. Section 168a.

102. Section 169.

103. Section 170.

104. Section 171.

105. Section 172.

101. (1) Notwithstanding section 100, 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 100 except that it may not be revoked within one year from the making thereof, and no appeal lies in respect thereof under section 107.

102. (1) No interdicted person shall keep or have any liquor in his possession or under his control, or consume any liquor, or be in an intoxicated condition.

(2) An interdicted person who contravenes a provision of subsection (1) is guilty of an offence and liable on summary conviction

- (a) for a first offence to a fine not exceeding two hundred dollars,
- (b) for a second offence to imprisonment for a term not exceeding three months,
- (c) for a third or subsequent offence to imprisonment for a term not exceeding six months.

(3) The justice making a conviction under this section, in and by the conviction, may declare the liquor, if any, in the possession or control of the interdicted person and all packages in which the liquor is contained forfeited to the Crown in right of the Province.

103. On the making of the order of interdiction, the interdicted person may forthwith deliver to the Board all liquor then in his possession or under his control to be kept for him by the Board until the order of interdiction is revoked or set aside, or to be purchased by the Board at a price to be fixed by the Board.

104. Unless sooner revoked an order of interdiction ceases to have any force or effect upon the expiration of the period of five years from the day of the making of the order.

105. 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, if any, and of the order of interdiction prohibiting the sale of liquor to the interdicted person.

106. Section 173, but enlarged to permit convicting judges and justices to make use of the provision.

107. Section 174.

108. Section 180.

106. (1) The judge, magistrate or justice, as the case may be, by whom an order of interdiction is made, upon being satisfied that the justice of the case so requires, may revoke the order of interdiction by an order filed with the Board.

(2) Upon the filing of the order of revocation the interdicted person shall be restored to all his rights under this Act, and the Board shall accordingly forthwith notify all vendors and such other persons as the regulations may require to be notified.

(3) If the judge, magistrate or justice, as the case may be, by whom an order of interdiction is made thereafter dies or resigns or is permanently absent from the Province or for any other reason is incapable of acting as a judge, magistrate or justice, any judge, magistrate or justice, as the case may be, may revoke an order of interdiction made by that judge, magistrate or justice.

107. (1) Upon the application to the judge of any district court by a person in respect of whom an order of interdiction has been made under this Act, and upon it being made to appear to the satisfaction of the judge that the circumstances of the case did not warrant the making of the order of interdiction or upon proof that the interdicted person has refrained from drunkenness for at least twelve months immediately preceding the application, the judge, by order, may set aside the order of interdiction filed with the Board.

(2) Where an order is set aside, the interdicted person shall be restored to all his rights under this Act and the Board shall accordingly forthwith notify all vendors and such other persons as the regulations may require to be notified.

(3) At least ten clear days before an application is made to a judge under subsection (1), the applicant shall give notice thereof to the Board in writing served upon the Board and to such other persons as the judge of the district court may direct.

Search and Seizure

108. (1) Upon information on oath by an inspector appointed under this Act or by a constable that he suspects or believes that liquor is unlawfully kept or had, or kept or had for unlawful purposes, in any building or premises, a justice by warrant under his hand may authorize and empower the inspector or constable or any other person named therein to enter and search the building or premises and each part thereof, and for that purpose to break open any door, lock or fastening of the building or premises or any part thereof or any closet, cupboard, box or other receptacle therein that might contain liquor.

(2) It shall not be necessary for an inspector or constable to set out in the information any reason or grounds for his suspicion or belief.

109. Section 181.

110. Section 182.

111. Section 183.

(3) A constable who is authorized in writing for the purpose by the Attorney General, if the constable believes that liquor is unlawfully kept or had, or kept or had for unlawful purposes, in any building or premises, may without warrant, enter and search the building or premises and each part thereof and for that purpose may break open any door, lock or fastening of the building or premises or any part thereof, or any closet, cupboard, box or other receptacle therein which might contain liquor.

(4) The authority referred to in subsection (3) shall be a general one and shall be effective until revoked.

(5) A person being in the building or premises or having charge thereof is guilty of an offence

- (a) who refuses or fails to admit an inspector or constable demanding to enter pursuant to this section in the execution of his duty, or
- (b) who obstructs or attempts to obstruct the entry of the inspector or constable or any such search by him.

109. A police officer or constable may arrest without warrant a person whom he finds committing an offence under this Act.

110. An inspector appointed under this Act or a constable may without warrant search, if need be by force, for liquor unlawfully kept or had or kept or had for unlawful purposes

- (a) in a vehicle, motor car, automobile, vessel, boat, canoe or conveyance of any description,
- (b) on the person of anyone found in a vehicle, motor car, automobile, vessel, boat, canoe or conveyance of any description, or
- (c) on the lands in the vicinity of which a vehicle, motor car, automobile, vessel, boat, canoe or conveyance of any description, is searched.

111. (1) Where the inspector or constable in making or attempting to make a search under or pursuant to the authority conferred by section 108 or 110 finds in a building or place or on any person any liquor that in his opinion is unlawfully kept or had, or kept or had for unlawful purposes, contrary to any of the provisions of this Act or *The Liquor Licensing Act*, he may

- (a) forthwith seize and remove it and the packages in which it is kept, and
- (b) seize and remove any book, paper or thing found in the building or place that in his opinion will afford evidence as to the commission of an offence.

(2) Upon the conviction of the occupant of the house or place or any other person for keeping the liquor contrary to any of the provisions of this Act or *The Liquor Licensing Act* in such building or place, the justice making the con-

112. Section 184.

113. Section 185 in substance.

viction, in and by the conviction, shall declare the liquor and packages or any part thereof to be forfeited to the Crown in right of the Province.

112. (1) Where the inspector or constable in making or attempting to make a search under or pursuant to the authority conferred by section 110 finds in a vehicle, motor car, automobile, vessel, boat, canoe or conveyance of any description, liquor that in his opinion is unlawfully kept or had, or kept or had for unlawful purposes, contrary to any of the provisions of this Act, he may forthwith seize the liquor and the packages in which it is contained and the vehicle, motor car, automobile, vessel, boat, canoe or conveyance in which the liquor is found.

(2) Upon the conviction of the occupant or person in charge of the vehicle, motor car, automobile, vessel, boat, canoe or conveyance or of any other person for having or keeping the liquor contrary to any of the provisions of this Act in such conveyance, the justice making the conviction, in and by the conviction, may declare

(a) the liquor or any part thereof so seized and the packages in which it is contained, and in addition,

(b) the vehicle, motor car, automobile, vessel, boat, canoe or conveyance so seized,

to be forfeited to the Crown in right of the Province.

113. (1) Where liquor is found by an inspector or constable on any premises or in a place in such quantities as to satisfy the inspector or constable that the liquor is being had or kept contrary to any of the provisions of this Act or *The Liquor Licensing Act*, the inspector or constable may forthwith seize and remove, by force if necessary, any liquor so found and the packages in which the liquor was had or kept.

(2) Where liquor has been seized by an inspector or constable under any of the provisions of this Act under such circumstances that the inspector or constable is satisfied that the liquor was had or kept contrary to any of the provisions of this Act or *The Liquor Licensing Act*, he shall, under the provisions of this section retain it and the packages in which it was had or kept.

(3) If within thirty days from the date of its seizure no person, by notice in writing filed with the Board, claims to be the owner of the liquor, the liquor and all packages containing it are forfeited to the Crown in right of the Province and shall forthwith be delivered to the Board.

(4) If within the said thirty days a claimant appears, it shall be incumbent upon the claimant, after three days' notice in writing filed with the Board within the said thirty days, stating the time and place fixed by the justice for the hearing, to prove his claim and his right under the provisions of this Act to the possession of the liquor and packages to the satisfaction of a justice.

114. Section 186.

115. Section 187.

116. Section 188.

(5) On failure by the claimant to prove and establish his claim and right to the satisfaction of the justice, the liquor and packages are forfeited to the Crown in right of the Province.

114. (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 113 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 or the nearest liquor store, and shall there be destroyed in the manner prescribed and a report of the destruction forwarded to the Board.

115. Where liquor is seized by a constable, he shall forthwith make or cause to be made to the Board a report in writing of the particulars of the seizure.

116. (1) For the purpose of obtaining information concerning any matter relating to the administration or enforcement of this Act or *The Liquor Licensing Act*,

- (a) the Attorney General, or
- (b) a person appointed by him in writing for the purpose,

may inspect the freight and express books and records and all waybills, bills of lading, receipts and documents in the possession of a railway company, express company or other common carrier doing business within the Province, containing any information or record relating to any goods shipped or carried or consigned or received for shipment or carriage within the Province.

(2) A railway company, express company or common carrier and an officer or employee of such company or common carrier who neglects or refuses to produce and submit for inspection any such book, record or document when requested to do so by the Attorney General or by a person appointed by him is guilty of an offence.

117. Section 189.

118. Section 190.

119. Section 191.

Prosecution and Evidence

- 117.** (1) In describing the offence respecting
- (a) the sale or keeping for sale or other disposal of liquor, or
 - (b) the having, keeping, giving, purchasing or the consuming of liquor,

in any information, summons, conviction, warrant or proceeding under this Act, it is sufficient to state the sale or keeping for sale or disposal, having, keeping, giving, purchasing or consuming of liquor simply without stating the name or kind of the liquor or the price thereof.

- (2) It is not necessary to state
- (a) the person to whom it was sold or disposed of,
 - (b) by whom it was taken or consumed,
 - (c) from whom it was purchased or received, or
 - (d) the quantity of liquor so sold, kept for sale, disposed of, had, kept, given, purchased or consumed, except in the case of offences where the quantity is essential and then it is sufficient to allege the sale or disposal of more or less than such quantity.

118. (1) The description of an offence under this Act or *The Liquor Licensing Act* in the words of this Act, or in any words of like effect, is sufficient in law.

(2) An exception, exemption, provision, excuse or qualification, wherever it occurs in this Act or *The Liquor Licensing Act*, may be proved by the defendant but need not be specified or be negatived in the information.

(3) If it is so specified or negatived in the information, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant.

119. (1) In a prosecution under this Act or *The Liquor Licensing Act* for the sale or keeping for sale or other disposal of liquor or the having, keeping, giving, purchasing or consuming of liquor, it is not necessary that a witness should depose to

- (a) the precise description or quantity of the liquor sold, disposed of, kept, had, given, purchased or consumed,
- (b) the precise consideration, if any, received therefor, or
- (c) the fact of the sale or other disposal having taken place with his participation or to his own personal or certain knowledge.

(2) The justice trying the case, as soon as it appears to him that the circumstances in evidence sufficiently established the offence complained of, shall put the defendant on his defence, and in default of his rebuttal of the evidence to the satisfaction of the justice, convict him accordingly.

120. Section 192.

121. Section 193.

122. Section 194.

123. Section 195.

124. Section 196.

120. (1) In proving the unlawful sale, disposal, gift or purchase, gratuitous or otherwise, or consumption of liquor, it is not necessary in a prosecution to show that

- (a) any money actually passed, or
- (b) any liquor was actually consumed,

if the justice hearing the case is satisfied that a transaction in the nature of an unlawful sale, disposal, gift or purchase actually took place or that any unlawful consumption of liquor was about to take place.

(2) Proof of consumption or intended consumption of liquor on premises on which the consumption is prohibited, is evidence as against the occupant of the premises that the liquor was sold or given to or purchased by the person consuming or being about to consume or carry away the same.

121. In a prosecution under this Act, production by a police officer, policeman, constable, inspector or peace officer of a certificate or report signed or purporting to be signed by a Dominion or Provincial analyst with regard to the analysis or ingredients of any liquor or other fluid or any preparation, compound or substance is conclusive evidence of the fact stated therein and of the authority of the person giving or making the same without any proof of appointment or signature.

122. In a prosecution under this Act, production by a police officer, policeman, constable, inspector or peace officer of a certificate or report signed and sworn, or reporting to be signed and sworn, by a member of the Board is conclusive evidence of the fact or facts stated in the certificate or report and of the authority of the person giving or making the same without any proof of his appointment or signature.

123. The justice trying a case in the absence of proof to the contrary may infer that liquor is intoxicating from the fact that a witness describes it as intoxicating or describes it by a name which is commonly applied to an intoxicating liquor.

124. Upon the hearing of a charge of selling or purchasing liquor or of unlawfully having or keeping liquor contrary to any of the provisions of this Act, the justice trying the case may draw inferences of fact

- (a) from the kind and quantity of liquor found in the possession of the person accused or in any building, premises, vehicle, motor car, automobile, vessel, boat, canoe, conveyance or place occupied or controlled by that person,
- (b) from the frequency with which liquor is received thereat or therein or is removed therefrom, and
- (c) from the circumstances under which it is kept or dealt with.

125. Section 197.

126. Section 198.

127. Section 199.

125. If, on the prosecution of a person charged with committing an offence under this Act, in the selling or keeping for sale or giving or keeping or having or purchasing or receiving of liquor, *prima facie* proof is given that such person had in his possession or charge or control any liquor in respect of or concerning which he is being prosecuted, then unless the person proves that he did not commit the offence with which he is charged, he may be convicted of the offence.

126. (1) The burden of proving the right to have or keep or sell or give or purchase or consume liquor is on the person accused of improperly or unlawfully having or keeping or selling or giving or purchasing or consuming the liquor.

(2) The burden of proving that a prescription or administration of liquor is *bona fide* and for medicinal purposes only is upon the person who prescribes or administers the liquor or causes it to be administered.

(3) The justice trying the case may draw inferences of fact

- (a) from the frequency with which similar prescriptions are given,
- (b) from the amount of liquor prescribed or administered, and
- (c) from the circumstances under which it is prescribed or administered.

127. (1) The proceedings upon any information for an offence under any of the provisions of this Act, in a case where a previous conviction or convictions are charged shall be as follows:

- (a) the justice shall in the first instance inquire concerning the subsequent offence only and if the accused is found guilty thereof he shall then, and not before, be asked whether he was so previously convicted as alleged in the information and if he answers that he was so previously convicted he shall be sentenced accordingly, but if he denies that he was so previously convicted or does not answer the question, the justice shall then inquire concerning the previous conviction;
- (b) the previous convictions may be proved *prima facie* by the production of a certificate purporting to be under the hand of the convicting justice or the Attorney General or the clerk of the court to whose office the conviction has been returned, without proof of signature or official character;
- (c) in the event of a conviction for a second or subsequent offence becoming void or defective after the making thereof by reason of a previous conviction being set aside, quashed or otherwise rendered void, the justice by whom the second or subsequent conviction was made

128. Section 200.

- (i) shall summon the person convicted to appear at a time and place to be named,
 - (ii) shall thereupon upon proof of the due service of the summons if the person fails to appear or on his appearance, amend the second or subsequent conviction, and
 - (iii) shall adjudge such penalty or punishment as might have been adjudged had the previous conviction never existed,
and the amended conviction shall thereupon be held valid to all intents and purposes as if it had been made in the first instance;
- (d) subject to the provisions of subsection (2) of section 94, if a person who has been convicted of a violation of a provision of this Act is afterwards convicted of a violation of any other provision of this Act, the later conviction shall be deemed a conviction for a second offence within the meaning of this Act and shall be dealt with and punished accordingly, although the two convictions may have been under different sections of the Act.

(2) Charges of several offences under this Act committed by the same person may be included in one and the same information if the information and the summons or warrant issued thereon contain specifically the time and place of each offence.

(3) One conviction for several offences may be made under this Act and a separate penalty or punishment may be imposed for each although the offences may have been committed on the same day, but the increased penalty or punishment hereinbefore imposed shall only be incurred or awarded in the case of offences committed on different days and after information laid for a first offence.

128. (1) In all prosecutions, actions or proceedings under the provisions of this Act against a corporation, each summons, warrant, order, writ or other proceeding, in addition to any other manner of service that may be provided or authorized by law, may be served on the corporation

- (a) by delivering it to an officer, attorney or agent of the corporation within the Province, or
 - (b) by leaving it at any place within the Province where the corporation carries on any business.
- (2) Service on a corporation in any other way is sufficient if the court or justice
- (a) by or before whom the summons, warrant, order, writ or other proceeding was issued or is returnable, or
 - (b) by or before whom any proceeding subsequent to service is to be had or taken,

129. Section 201.

130. Section 202.

131. Section 203.

is of the opinion that the service has been such as to bring the summons, warrant, order, writ or other proceeding to the notice of the corporation.

(3) In any prosecution, action or proceeding under this Act in which it is alleged that a corporation is or has been guilty of an offence under this Act, the fact of the incorporation of that corporation shall be presumed without it being proved by the prosecutor, unless satisfactory proof is produced to the contrary.

129. (1) No conviction, order or warrant for enforcing the same or other process shall, upon any application by way of *certiorari* or for *habeas corpus* or upon any appeal, be held insufficient or invalid,

(a) for an irregularity, informality or insufficiency therein, or

(b) by reason of a defect of form or substance therein, if the court or judge hearing the application or appeal is satisfied by a perusal of the depositions that there is evidence on which the justice might reasonably conclude that an offence under a provision of this Act has been committed.

(2) In particular, the words "a defect in form or substance" include any excess or defect in the punishment imposed or order made but such inclusion does not affect the generality of the said words.

130. (1) The court or judge hearing any such application or appeal upon being satisfied as aforesaid may

(a) confirm, reverse or modify the decision that is the subject of the application or appeal,

(b) amend the conviction or other process, or

(c) make such other conviction or order in the matter as he thinks just,

and, by such order, may exercise any power that might have been exercised at the trial and may make an order with regard to costs.

(2) The conviction or order or the amended conviction has the same effect and may be enforced in the same manner as if it had been made at the trial or by process of the court hearing the application or appeal.

Appeals

131. (1) An appeal shall lie from a conviction or order made in the prosecution of an offence under any provision of this Act.

(2) The practice and procedure on an appeal from any such conviction or order and all the proceedings thereon shall be governed by and in accordance with the provisions of Part XXIV of the *Criminal Code* relating to appeals.

132. Section 204.

133. Section 218.

134. Section 219, but applied to fines under the proposed new Act.

132. (1) Notwithstanding section 131, and except where the appeal is against sentence only, no appeal shall lie from a conviction for a violation or contravention of any of the provisions of this Act unless the party appealing, within the time limited for giving notice of appeal, makes an affidavit before a justice that he did not by himself or by his agent, servant or employee or any other person with his knowledge or consent, commit the offence charged in the information.

(2) The affidavit shall negative the charge in the terms used in the conviction and shall further negative the commission of the offence by the agent, servant or employee of the accused or any other person with his knowledge or consent.

(3) The affidavit shall be transmitted with the conviction to the court to which the appeal is given.

(4) Where the party appealing is a corporation, the affidavit may be made by an officer or director of the corporation having a personal knowledge of the facts.

(5) The appellant shall also at the time of filing his notice of appeal, deposit with the clerk of the court appealed to, along with the notice, the sum of fifty dollars as security for the costs of the appeal.

(6) This section does not apply when the appeal is from a dismissal or order of dismissal of an information.

Disposition of Penalties

133. Unless otherwise provided, all fines levied under this Act shall be paid into the General Revenue Fund of the Province.

134. (1) In the case of offences under this Act or *The Liquor Licensing Act* occurring in a municipality and prosecuted to a conviction by the police or an official of the municipality in which the offence was committed, a separate account of all the fines received by reason of such offences shall be kept, together with the name and office of the prosecutor.

(2) The separate account shall be kept

(a) by such person or persons as the Attorney General may direct,

(b) if no such direction is given, by the clerk of the court of the convicting justice, and

(c) if there is no clerk and no direction, by the convicting justice.

(3) A statement of the separate account shall be forwarded by the secretary-treasurer of each municipality to the Attorney General on the first day of June and on the first day of December in each year and at such other time or times as the Attorney General shall direct.

135. Repealing and saving clause.

136. Commencing date 1st of May to coincide with proposed complementary enactments.

(4) Upon receipt of the statement, the Attorney General upon being satisfied

(a) by the certificate of the justice imposing the fines,
or

(b) by such further or other evidence as he may require,

that the fines mentioned in the statement were for the offences in this section described, shall forward a copy to the Provincial Treasurer.

(5) Upon receipt of a copy of the statement and of the amount of the fines, the Provincial Treasurer shall pay to each of the said municipalities all the moneys derived from the fines set out in the statement.

Repeal

135. (1) *The Liquor Control Act*, being chapter 179 of The Revised Statutes of Alberta, 1955, is hereby repealed.

(2) Notwithstanding the repeal of *The Liquor Control Act*, special permits and brewers' and distillers' licences issued pursuant to that Act before the commencement of this Act continue in full force and effect, unless sooner cancelled pursuant to this Act, until midnight on the thirty-first day of March, 1959, except special permits and licences containing expiration terms, which shall expire in accordance with the terms therein contained.

136. This Act comes into force on the first day of May, 1958.

No. 78

FOURTH SESSION

THIRTEENTH LEGISLATURE

6 ELIZABETH II

1958

BILL

An Act respecting Liquor and the
Selling thereof under Government
Control

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. COLBORNE
