

No. 13

5th Session, 13th Legislature, Alberta
7 Elizabeth II, 1959

BILL 13

A Bill to amend The Infants Act

HON. MR. MANNING

Explanatory Note

This Bill amends The Infants Act, being chapter 158 of the Revised Statutes of Alberta, by adding thereto a new section 16. The new section makes provision for a method of making binding settlements in the case of infants claiming by guardian or next friend for injury to the infant. With respect to such settlements at the present time, there is uncertainty concerning the proper procedure to be adopted.

This Bill comes into force upon assent.

BILL

No. 13 of 1959

An Act to amend The Infants Act

(Assented to _____, 1959)

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

1. *The Infants Act*, being chapter 158 of the Revised Statutes, is amended by adding the following section immediately after section 15:

16. (1) Where an action is maintainable on behalf of an infant in respect of an injury to the infant and the guardian or next friend of the infant acting on behalf of the infant has, either before or after the commencement of an action, agreed on a settlement of the claim or action with the person against whom the claim is made or action brought, the guardian or next friend of the infant or the person against whom the claim or action is made or brought may, on ten days' notice to the opposite party and to the Public Trustee, apply, by notice of motion to a judge of the Supreme Court sitting in Chambers, for an order confirming the settlement.

(2) Where on the application it appears to the judge that the settlement is in the best interests of the infant, the judge may confirm the settlement.

(3) Where a settlement is confirmed, the person against whom the claim is made or action brought is *ipso facto* discharged from all further claims arising out of or in respect of the injury to the infant.

(4) On the application for a confirmation of a settlement, the judge may order that the money from the settlement or a specific portion thereof be paid into the Court or distributed as he deems best in the interests of the infant.

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

No. 13

FIFTH SESSION

THIRTEENTH LEGISLATURE

7 ELIZABETH II

1959

BILL

An Act to amend The Infants Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MANNING
