

No. 94

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

BILL 94

A Bill to amend The Liquor Control Act, 1958, and
The Liquor Licensing Act

HON. MR. COLBORNE

Explanatory Note

2. The requirement of clause (d) as it now exists is becoming impossible of fulfilment as more liquor boards discontinue using seals and stamps. Section 42, clause (d) as relevant reads as follows:

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

(d) liquor not in excess of one bottle or beer not in excess of twelve pints 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."

3. Provision for the regulation and control of representatives of distillers, brewers and wine-makers.

4. As official seals may not be prescribed in future for liquor containers, the amendment is intended to give recognition to that possibility. Section 77 presently reads:

"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 such official seal as may be prescribed."

BILL

No. 94 of 1959

An Act to amend The Liquor Control Act, 1958, and
The Liquor Licensing 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:

PART I

Liquor Control

1. *The Liquor Control Act, 1958*, being chapter 37 of the Statutes of Alberta, 1958, is amended as set out in Part I.

2. Section 42 of the said Act is amended by striking out clause (d) and by substituting the following:

(d) liquor not in excess of one bottle or beer not in excess of twelve pints purchased outside Alberta from a liquor board, commission or similar body in any province or territory of Canada, other than Alberta, by such person or by a person from whom he received it as a *bona fide* gift.

3. The said Act is amended by adding the following sub-heading and new section immediately after section 72:

Registered Representatives

72a. (1) No person shall directly or indirectly hold himself out or act as an agent, representative or salesman of a brewer, distiller or wine-maker unless he is registered with the Board as a representative of such brewer, distiller or wine-maker.

(2) The Board may make such regulations as it deems necessary to control and regulate the business activities of registered representatives and may prescribe the numbers of such representatives to be registered with the Board.

(3) Clauses (a) to (c) of subsection (1) of section 90 do not apply in respect of the prescribed business activities of registered representatives.

4. Section 77 of the said Act is amended by striking out the words "with such official seal" and by substituting the words "by such seal or other means".

5. See note to clause 3. Section 78, subsection (1) presently reads:

"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 such official seal as may be prescribed."

6. While minors are prohibited from purchasing liquor at a liquor store (section 82(1)), they are not at present prohibited from entering or remaining in such stores.

7. Subsection (2) of section 83 presently reads:

"(2) No liquor shall be sold to a person who is apparently under the age of twenty-one years unless that person is in fact twenty-one years of age or over."

8. The words being added are intended from the sense of this clause (see subclause (ii) thereof) but were omitted in the revision. Section 90 (1) (f) reads, as relevant:

"90. (1) No person within the Province shall

 (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
"

10. Section 49 (b) (iv) (A) and (B) presently read:

"49. No club shall be granted a licence to sell beer

 (b) if it is other than a proprietary club, unless

 (iv) if not previously licensed under the former Act or this Act, the club
 (A) has filed with the Board at least one year prior to the date of application, notice of its intention to make the application, accompanied by a description of the premises occupied or proposed to be occupied by the club,
 (B) has filed with the Board, at least one year before the date of application, proof of the organization of the club, a copy of its existing constitution and by-laws and an affidavit sworn by the duly authorized officers of the club before a notary public that a minimum of two-thirds of the membership of the club have voted in favour of an application for a club licence, and"

11. Section 71, subsection (3) presently reads:

"(3) The Board may, in the case of any particular licensed premises, order that the premises specified in the order be permitted to open for the sale of liquor that may lawfully be sold therein only during such periods as may be specified in the order."

5. Section 78, subsection (1) of the said Act is amended by striking out all the words following clause (c) and by substituting the following:

“no liquor shall be had or kept by any person unless the package, not including a decanter or other receptacle containing the liquor for immediate consumption, in which the liquor is contained had, while containing that liquor, been sealed by such seal or other means as may be prescribed.”

6. Section 82 of the said Act is amended by adding immediately after subsection (2) the following:

(3) No person under the age of twenty-one years shall enter, be in, or remain in a liquor store unless accompanied by a parent or guardian.

7. Section 83, subsection (2) of the said Act is amended by adding immediately after the word “sold” the words “or supplied”.

8. Section 90, subsection (1), clause (f) of the said Act is amended by adding at the end of subclause (i) the words “of or concerning liquor”.

PART II

Liquor Licensing

9. *The Liquor Licensing Act*, being chapter 38 of the Statutes of Alberta, 1958, is amended as set out in Part II.

10. Section 49 of the said Act is amended

- (a) by renumbering the section as subsection (1),
- (b) by adding immediately after the renumbered subsection (1) the following subsection:
 - (2) The requirements of paragraphs (A) and (B) of subclause (iv) of clause (b) of subsection (1) may be waived by the Board in any case where in the opinion of the Board special circumstances exist.

11. Section 71 of the said Act is amended by striking out subsection (3) and by substituting the following:

(3) The Board may require any particular licensed premises to remain closed for the sale of liquor during such periods as may be specified in the order and may permit particular licensed premises, other than the premises of a beer vendor licensee, beverage room licensee, dining lounge licensee or lounge licensee, to remain open for the sale of liquor during such hours as may be prescribed in the order notwithstanding clause (a) of subsection (1).

12. Section 76 (1) is somewhat obscure in meaning because of the connotation attached to "premises" by reason of the non-licensed dining facilities provided with the facilities of the licensed area or areas. Section 76, subsection (1) presently reads:

"76. (1) The Board shall not issue a dining lounge licence unless it is satisfied that

- (a) the sale of liquor in the premises operated by the licensee under the licence will be incidental to the service of meals therein and not the main source of revenue derived from the operation of the licensed premises, and
- (b) where a lounge licence is issued to the holder of a dining lounge licence, the combined revenue derived from the sale of liquor in both lounge and dining room will not be the main revenue derived from the operation of the combined premises."

13. This amendment is to clarify the intention that one local option area could encompass areas of more than one municipality. Section 88, subsection (1) presently reads:

"88. (1) Subject to the approval of the Lieutenant Governor in Council and subject to section 89, the Board may designate any municipality or any area thereof as a local option area for the purpose of the issuance of beer licences and liquor licences under this Act."

14. (a) This question is unnecessary and if applied literally would result in an anomaly. Section 95, subsection (1), clause (d) presently reads:

"(d) If you are in favour of the sale of liquor for consumption with meals are you also in favour of the sale of liquor (including beer and wine) for consumption with or without meals under a lounge licence?"

(b) With the removal of clause (d) in section 95 (1) the need for specifying when the question under clause (c) is to be asked disappears. Section 95, subsections (2) and (3) presently read:

"(2) The question set out in clause (d) of subsection (1) shall only be submitted to the electors when the question set out in clause (b) of subsection (1) is to be submitted.

(3) The question set out in clause (c) of subsection (1) shall only be submitted to the electors when at the time it is submitted the Board has authority under this Act to issue dining lounge licences in the local option area."

12. Section 76, subsection (1) of the said Act is amended

- (a) as to clause (a) by striking out the word “licensed”,
- (b) as to clause (b) by striking out the words “combined premises” and by substituting the words “combined dining facilities and licensed premises of the operator thereof”.

13. Section 88, subsection (1) of the said Act is amended by striking out the word “municipality” and by substituting the words “one or more municipalities”.

14. Section 95 of the said Act is amended

- (a) as to subsection (1) by striking out clause (d),

- (b) by striking out subsections (2) and (3).

15. (1) This Act comes into force on the day upon which it is assented to.

(2) Section 13 is applicable to local option areas designated after the commencement of this Act.

No. 94

FIFTH SESSION

THIRTEENTH LEGISLATURE

7 ELIZABETH II

1959

BILL

An Act to amend The Liquor Control
Act, 1958, and The Liquor
Licensing Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. COLBORNE
