

No. 101

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

BILL 101

A Bill to Provide for the Attachment of Salaries of
Civil Servants

HON. MR. HINMAN

Explanatory Note

General. This Bill will replace The Civil Service Salary Garnishee Act by a new Act, effective the 1st day of July, 1959. The procedure will permit a judgment debtor to attach the salary or wages of a civil servant in the hands of the Provincial Treasurer or a board or commission of the Crown. Thereafter garnishee proceedings will be similar to such proceedings against any other class of employee in the Province, subject to the express provisions of this Bill.

2. Attachment of wages.

3. Rules of Court apply.

4. Service of garnishee summons.

5. (1) Wages accrue day to day.

(2) Civil service rules not affected otherwise.

6. Exemptions.

7. Repeal of R.S.A. 1955, c. 45.

BILL

No. 101 of 1959

An Act to Provide for the Attachment of Salaries of Civil Servants

(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. This Act may be cited as "*The Civil Service Garnishee Act*".

2. A person who obtains a judgment or order for the payment or recovery of money against a person employed in a department of or by a board or commission of the public service may, for the purpose of enforcing the judgment or order, attach the wages or salary due or accruing due to the employee.

3. Except as otherwise provided by this Act the provisions respecting garnishment contained in The Consolidated Rules of the Supreme Court apply *mutatis mutandis* to the attachment of wages or salary under this Act.

4. (1) Where the judgment debtor is employed in a department or paid from a departmental vote the garnishee summons shall be served upon the Provincial Treasurer.

(2) Where the judgment debtor is employed and paid by a board or commission the garnishee summons shall be served upon the board or commission as the case may be.

5. (1) For the purposes of this Act wages or salary shall be deemed to accrue due from day to day.

(2) Notwithstanding subsection (1), the Provincial Treasurer, a board or a commission, as the case may be, is not compelled to pay any wages or salary otherwise than in accordance with any Act or regulations or rules relating to the payment of any class of employees in the public service.

6. In addition to the amount specified in The Consolidated Rules of the Supreme Court any amount required to be retained by the Provincial Treasurer, a board or a commission, out of the wages or salary of any employee pursuant to any Act or regulation is exempt from attachment.

7. *The Civil Service Salary Garnishee Act*, being chapter 45 of the Revised Statutes, is repealed.

No. 101

FIFTH SESSION

THIRTEENTH LEGISLATURE

7 ELIZABETH II

1959

BILL

An Act to Provide for the Attachment
of Salaries of Civil Servants

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HINMAN
