

No. 33

1st Session, 14th Legislature, Alberta
8 Elizabeth II

BILL 33

A Bill to amend The Summary Convictions Act

HON. MR. MANNING

Explanatory Note

2. During the last session of the Legislative Assembly, a Bill, No. 16 of 1959, was introduced to amend section 12, subsection (1) of The Summary Convictions Act to permit police officers in charge of police stations in cities and towns to accept recognizances after 5 o'clock in the afternoon where before they could only do so after 9 o'clock in the afternoon. Clause 1 of that Bill was in the following form:

"1. Section 12, subsection (1) of The Summary Convictions Act, being chapter 325 of the Revised Statutes, is amended by striking out the words "of nine" and by substituting the words "of five" so that the subsection shall read as follows:

12. (1) Where a person charged with an offence against a statute of the Province or against a by-law passed under the authority of any such statute is taken into custody either with or without the warrant of a justice and is brought into a police station in a city or town at a time between the hours of five o'clock in the afternoon of the day of his arrest and nine o'clock in the forenoon of the next following day, the police officer or constable in charge of the station, if he thinks the case a proper one, may admit the person so charged to bail on that person's entering into a recognizance with or without sureties conditioned for his appearance within two days before a justice of the city or town at the time and place therein mentioned."

This clause sets out the proposed amendment and also sets out the subsection as it would read with the amendment incorporated. While the enacting words of this clause indicate that the only amendment to subsection (1) was the substitution of five o'clock for nine o'clock, the subsection as set out in the Bill when finally passed by the Legislature contained further changes made in the House. The word "three" was substituted for the word "two" and the words "of the city or town" were struck out. There is, therefore, a contradiction between what the enacting words say and what the subsection as amended says. As a result of these changes there is also a conflict with subsection (3) of section 12.

To remove uncertainty this Bill will re-enact subsection (1) of section 12 and will amend subsection (3) to conform thereto. Subsection (3) of section 12 presently reads:

"(3) In lieu of a recognizance, a justice, or a police officer or constable in charge of a police station, may by way of a cash deposit accept a sum of money not exceeding fifty dollars, together with a written undertaking by the accused in Form 3 in the Schedule, to secure his appearance within two days before a justice of the city or town at the time and place therein mentioned."

BILL

No. 33 of 1960

An Act to amend The Summary Convictions Act

(Assented to _____, 1960)

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

1. *The Summary Convictions Act*, being chapter 325 of the Revised Statutes, is hereby amended.

2. Section 12 is amended

(a) by striking out subsection (1) and by substituting the following:

12. (1) Where a person charged with an offence against a statute of the Province or against a by-law passed under the authority of any such statute is taken into custody either with or without the warrant of a justice and is brought into a police station in a city or town at a time between the hours of five o'clock in the afternoon of the day of his arrest and nine o'clock in the forenoon of the next following day, the police officer or constable in charge of the station, if he thinks the case a proper one, may admit the person so charged to bail on that person's entering into a recognizance with or without sureties conditioned for his appearance within three days before a justice at the time and place therein mentioned.

(b) as to subsection (3)

(i) by striking out the words "two days" and by substituting the words "three days",

(ii) by striking out the words "of the city or town".

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

No. 33

FIRST SESSION

FOURTEENTH LEGISLATURE

8 ELIZABETH II

1960

BILL

An Act to amend The Summary
Convictions Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MANNING
