

No. 42

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

BILL 42

A Bill to amend The Alberta Surveys Act

HON. MR. TAYLOR

Explanatory Note

2. Section 69 is amended to remove the requirement that the surveyor certifying to the correctness of the survey make the survey on the ground himself. It substitutes the requirement set out in clause (d); that is, that he has been on the ground and present at all material times during the survey. The provision that a certificate means the acts set out in clauses (a) to (d) has been changed to make them conditions precedent to certification by him. Section 69 presently reads:

"69. (1) All surveys made under this Act shall be made in person on the ground by the surveyor certifying to the correctness thereof, and a certificate in Form A in the Schedule attached to any plan of a survey shall mean

- (a) that the survey represented by such plan has been actually carried out by the surveyor so certifying, under his personal supervision and direction on the ground, during the whole time that the survey was in progress,
- (b) that the survey has been fully posted and completed on the ground, and
- (c) that the system of survey employed has been in all respects in accordance with this Act.

(2) An Alberta land surveyor who contravenes this section in making a survey of the field, whether he has signed a certificate in Form A or not, is liable under section 38 of The Alberta Land Surveyors Act to a charge of misconduct in the execution of the duties of his office, and is subject to that section, and is liable to dismissal or suspension, as provided in that section."

3. Section 87(1) conflicts with the requirements of The Regulations Act and is repealed. Subsection (2) is amended to include therein the full expression to which "All such orders or regulations" relate and that would be struck out with subsection (1). Section 87 presently reads:

"87. (1) Every order or regulation made by the Lieutenant Governor in Council by virtue of this Act shall, unless otherwise specially provided in this Act, have force and effect only after it has been published in two successive issues of The Alberta Gazette.

(2) All such orders or regulations shall be laid upon the table of the Legislative Assembly at its first session after the date of publication thereof and, unless and until the same is disallowed by resolution of the Legislative Assembly, shall continue to remain in full force and effect."

BILL

No. 42 of 1960

An Act to amend The Alberta Surveys 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 Alberta Surveys Act*, being chapter 327 of the Revised Statutes, is hereby amended.

2. Section 69 is amended

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

69. (1) All surveys made under this Act shall be made in person by the surveyor certifying to the correctness thereof, and a certificate in Form A in the Schedule attached to any plan of a survey shall not be signed by the surveyor unless

- (a) the survey represented by the plan has been actually carried out by the surveyor so certifying, under his personal supervision and direction during the whole time that the survey was in progress,
- (b) the survey has been fully posted and completed on the ground,
- (c) the system of survey employed has been in all respects in accordance with this Act, and
- (d) the surveyor has been personally present on the ground and present at all material times during the progress of the whole survey.

(b) as to subsection (2) by striking out the words "of the field".

3. Section 87 is amended

(a) by striking out subsection (1),

(b) as to subsection (2)

- (i) by renumbering the subsection as section 87,
- (ii) by striking out the words "All such orders or regulations" and by substituting the words "Every order or regulation made by the Lieutenant Governor in Council by virtue of this Act".

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

No. 42

FIRST SESSION

FOURTEENTH LEGISLATURE

8 ELIZABETH II

1960

BILL

An Act to amend The Alberta
Surveys Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. TAYLOR
