

No. 97

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

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## **BILL 97**

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

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HON. MR. COLBORNE

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## **Explanatory Note**

**2.** Advertising regulations authorized with respect to liquor advertising in the Province. At the present time section 17 relates only to beer advertising. Section 17 presently reads:

"17. (1) The Board may from time to time invite the persons manufacturing or brewing beer for sale within the Province and any companies being subsidiaries of or connected or associated with any persons manufacturing or brewing beer for sale within the Province to appoint representatives to confer with the Board for the purpose of formulating regulations governing the advertising of products that use or may use any trade marks, trade names, or designs that are similar to or suggestive of the trade marks, trade names or designs of persons manufacturing or brewing beer or that use or may use the name of any such persons.

(2) After such conferences with representatives appointed pursuant to subsection (1) as the Board deems necessary, the Board may, with the approval of the Lieutenant Governor in Council, make regulations governing the advertising of products that use or may use any trade marks, trade names or designs, that are similar to or suggestive of the trade marks, trade names or designs of persons manufacturing or brewing beer, or that use or may use the name of any such persons.

(3) A regulation made under this section has the same force and effect as a regulation under section 15 and may be repealed in the same manner as a regulation under that section."

**3.** Section 83 refers to the sale or supply of liquor to minors. "Supply" has been interpreted to mean supply for the purpose of consumption.

**4.** Prohibition added.

# BILL

No. 97 of 1960

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

(Assented to \_\_\_\_\_, 1960)

**H**ER 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 17 of the said Act is struck out and the following is substituted:

**17.** The Board may

- (a) make regulations governing, controlling and prohibiting the advertising of liquor in the Province in or through any advertising media in the Province,
- (b) make regulations governing, controlling and prohibiting the advertising of products that use or may use any trademarks, trade names or designs that are similar to or suggestive of the trademarks, trade names or designs of persons manufacturing or brewing liquor or that use or may use the name of any such person, and
- (c) make regulations governing, controlling and restricting the type of advertising known to the advertising trade as "echo advertising" so far as such advertising may suggest a liquor or a liquor product.

**3.** The following new section is added immediately after section 83 of the said Act:

**83a.** (1) No person shall knowingly deliver to or give the custody of liquor to a person under the age of twenty-one years.

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

**4.** The following new section is added immediately after section 89 of the said Act:

**5.** This subsection is amended to make clause (e) thereof conform to the change being made in the policy by clause 2 hereof. Section 90 (1) (e) reads:

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

.....

(e) exhibit or display or permit to be exhibited or displayed an advertisement or notice of or concerning liquor

(i) by an electric or illuminated sign, contrivance, or device, or

(ii) on a boarding, signboard, billboard or other like place in public view,

or by any of the means aforesaid, advertise any liquor, or”.

**6.** Liquor offences related to vehicles are to have increased penalties provided. See section 93 (2) for general penalties.

**89a.** No person shall make a gift of or give liquor in furtherance of any scheme that is supposed to result in other persons giving him a greater amount of liquor than he gave.

**5.** Section 90, subsection (1) of the said Act is amended by striking out the words “any liquor, or” at the end of clause (e) and by substituting the words “, unless permitted to do so by the regulations, and then only in accordance with the regulations, or”.

**6.** Section 94 of the said Act is amended by adding immediately after subsection (8) the following new subsections:

(9) A person who violates a provision of section 76 by the consumption of liquor in a vehicle or automobile is guilty of an offence and liable on summary conviction

- (a) for a first offence to a fine of not less than twenty-five dollars nor more than two hundred dollars and in default of payment to imprisonment for not more than two months,
- (b) for a second offence to imprisonment for not more than four months or to a fine of not less than one hundred dollars nor more than five hundred dollars and in default of payment to imprisonment for not more than four months, and
- (c) for a third or subsequent offence to imprisonment for not more than six months without the option of a fine.

(10) A person who carries or conveys liquor in a vehicle or automobile otherwise than as permitted by section 40 is guilty of an offence and liable on summary conviction

- (a) for a first offence to a fine of not less than twenty-five dollars nor more than two hundred dollars and in default of payment to imprisonment for not more than two months,
- (b) for a second offence to imprisonment for not more than four months or to a fine of not less than one hundred dollars nor more than five hundred dollars and in default of payment to imprisonment for not more than four months, and
- (c) for a third or subsequent offence to imprisonment for not more than six months without the option of a fine.

**7. Section 112, subsection (2) amended to provide a standard procedure with regard to liquor seized under subsection (1). Section 112 presently reads:**

"112. (1) Where the inspector or constable in making or attempting to make a search under or pursuant to the authority conferred by section 110 finds in a vehicle, motor car, automobile, vessel, boat, canoe or conveyance of any description, liquor that in his opinion is unlawfully kept or had, or kept or had for unlawful purposes, contrary to any of the provisions of this Act, he may forthwith seize the liquor and the packages in which it is contained and the vehicle, motor car, automobile, vessel, boat, canoe or conveyance in which the liquor is found.

(2) Upon the conviction of the occupant or person in charge of the vehicle, motor car, automobile, vessel, boat, canoe or conveyance or of any other person for having or keeping the liquor contrary to any of the provisions of this Act in such conveyance, the justice making the conviction, in and by the conviction, may declare

(a) the liquor or any part thereof so seized and the packages in which it is contained, and in addition,

(b) the vehicle, motor car, automobile, vessel, boat, canoe or conveyance so seized,

to be forfeited to the Crown in right of the Province."

**8. Section 113, subsection (4) revised for greater clarity. Subsection (4) presently reads:**

"(4) If within the said thirty days a claimant appears, it shall be incumbent upon the claimant, after three days' notice in writing filed with the Board within the said thirty days, stating the time and place fixed by the justice for the hearing, to prove his claim and his right under the provisions of this Act to the possession of the liquor and packages to the satisfaction of a justice."

**10. Section 2 (1) (h) presently reads:**

"2. (1) in this Act,

.....

(h) "dining room" means a part of a hotel, inn, restaurant or railway car provided with special accommodation, facilities and equipment as prescribed and used exclusively for the serving of regular meals in consideration of payment therefor as well as the sale of cigars, cigarettes, tobacco and other articles incidental to the sale of regular meals;"

**11. Section 35 presently reads:**

"35. All beer sold by a beer vendor licensee shall be delivered to the purchaser on the premises and shall be carried by the purchaser to a place where it may lawfully be consumed."

**7.** Section 112 of the said Act is amended by striking out subsection (2) and by substituting the following:

(2) Upon the conviction of the occupant or person in charge of the vehicle, motor car, automobile, vessel, boat, canoe or conveyance or of any other person for having or keeping the liquor contrary to any of the provisions of this Act in such conveyance, the justice making the conviction, in and by the conviction,

- (a) shall declare the liquor or any part thereof so seized and the packages in which it is contained to be forfeited to the Crown in right of the Province, and
- (b) may declare the vehicle, motor car, automobile, vessel, boat, canoe or conveyance so seized, to be forfeited to the Crown in right of the Province.

**8.** Section 113 of the said Act is amended by striking out subsection (4) and by substituting the following:

(4) Within thirty days of the seizure of the liquor, but not after, any person claiming to be the owner of the liquor may file with the Board a notice in writing giving at least three days' notice of the time and place fixed by a justice for a hearing to prove his claim and his right under this Act to the possession of the liquor and packages.

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## 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 2, subsection (1) of the said Act is amended by striking out clause (h) and by substituting the following:

- (h) "dining room" means
  - (i) a part of a hotel, inn, restaurant or railway car provided with special accommodation, facilities and equipment as may be prescribed for the serving of regular meals in consideration of payment therefor, as well as the sale of cigars, cigarettes, tobacco and other articles incidental to the sale of regular meals, and
  - (ii) such other parts of a hotel, inn, restaurant or railway car as are deemed by the Board to be suitable for occasional use as an additional dining area;

**11.** Section 35 of the said Act is struck out and the following is substituted:

**35.** (1) All beer sold by a beer vendor licensee

**12. Self-explanatory.**

**13. (a) Section 71 (2) is amended for clarification. Subsection (2) presently reads:**

“(2) Clauses (b) and (c) of subsection (1) do not apply to a day on which voting takes place at an advance poll or a special poll.”.

**Subsection (1) requires licensed premises to be closed on Dominion, Provincial and Municipal election days.**

**(b) Section 71 (3) presently reads:**

“(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).”.

**14. Section 72, subsections (3) and (4) presently read:**

“(3) Where liquor is purchased by a member of a licensed club in the club and in the premises thereof in respect of which the club holds a subsisting club licence, credit may be given by the club for the sale price of the liquor to the member purchasing the liquor.

(4) No licensee to whom subsection (1) refers shall take or receive any money or money's worth by way of a deposit or pledge for the purpose of securing the price of liquor to be supplied by the licensee at any future time.”.



- (a) shall be delivered to the purchaser or his agent on the licensed premises, and
  - (b) shall be carried by the purchaser or his agent to a place where it may be lawfully consumed.
- (2) A person disqualified or prohibited under *The Liquor Control Act, 1958*, from purchasing and consuming liquor, shall not act as an agent under subsection (1).

**12.** Section 67 of the said Act is amended by adding immediately after subsection (2) the following new subsection:

(3) A person under the age of twenty-one years who is engaged by a licensee to repair or service equipment or to repair furnishings in licensed premises, may, with the authority of the licensee, enter and remain in the licensed premises for the time required to complete the repairs or services.

**13.** Section 71 of the said Act is amended

- (a) as to subsection (2) by striking out the words "a special poll" and by substituting the words "at a special poll held under subsection (4) of section 98 of *The Municipal District Act*",
- (b) as to subsection (3) by striking out the word "prescribed" and by substituting the word "specified".

**14.** Section 72 of the said Act is amended by striking out subsection (3) and by substituting the following:

- (3) A club that holds a subsisting club licence
  - (a) may give credit to a member of the club for the sale price of liquor purchased by the member in the premises in respect of which the club holds the licence, and
  - (b) may, notwithstanding subsection (4), receive from a member of the club for deposit in an established deposit account system approved by the Board, money to secure the price of liquor to be supplied by the club to the member at a future time.

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

No. 97

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FIRST SESSION

FOURTEENTH LEGISLATURE

8 ELIZABETH II

1960

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**BILL**

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

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. COLBORNE

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