

No. 22

4th Session, 14th Legislature, Alberta
10 Elizabeth II

BILL 22

A Bill to amend The Liquor Control Act, 1958

HON. MR. COLBORNE

Explanatory Note

2. A new section is added which incorporates into The Liquor Control Act, 1958, the authority for the Board to pay grants equal to taxes to municipalities. This replaces the authority presently contained in The Crown Property Municipal Grants Act and extends it to include grants equivalent to frontage taxes.

3. Section 25 is amended for greater clarity. It presently reads:

"25. (1) From the profits arising under this Act, as certified by the Provincial Auditor, there shall be taken such sums as may be determined by the Lieutenant Governor in Council for the creation of a reserve fund to repay moneys borrowed under section 21 and to meet any loss that may be incurred in connection with the administration of this Act.

(2) The net profits, remaining from time to time, after providing the sums required for purposes of the reserve fund, shall be a part of the General Revenue Fund and be appropriated to the public service of the Province

(3) The net profits of the Board shall be paid over to the Provincial Treasurer at such times and in such manner as the Provincial Treasurer may direct."

4. Section 62, subsection (1) presently reads:

"62. (1) On application being made therefor in the prescribed form and on payment of a fee of fifteen hundred dollars and on compliance with this Act and the regulations, the Board may issue in accordance with this Act and the regulations a brewer's licence to a brewer duly licensed as such by the Government of Canada who manufactures beer in the Province."

This amendment will enable the Board, with the approval of the Lieutenant Governor in Council, to fix the fee by regulation in the same manner as all other fees payable under this Act are fixed.

BILL

No. 22 of 1962

An Act to amend The Liquor Control Act, 1958

(Assented to _____, 1962)

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

1. *The Liquor Control Act, 1958*, being chapter 37 of the Statutes of Alberta, 1958, is hereby amended.

2. The following new section is added immediately after section 23:

23a. The Board may each year pay to any municipality within which any of its real property is situated, a grant not exceeding the amount that would be recoverable by the municipality if the property was subject to the property and frontage taxes of the municipality for that year.

3. Section 25 is amended

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

25. (1) From the profits arising under this Act, as certified by the Provincial Auditor, there shall be taken such sums as may be determined by the Lieutenant Governor in Council

(a) for the creation of a contingency reserve to repay moneys borrowed under section 21 and to meet any loss that may be incurred in connection with the administration of this Act, and

(b) to provide the capital required by the Board in acquiring land and buildings and maintaining the inventory and other assets necessary to the operations of the Board.

(b) as to subsection (2) by adding immediately after the words "reserve fund" the words "and capital account".

4. Section 62, subsection (1) is amended by striking out the words "a fee of fifteen hundred dollars" and by substituting the words "the prescribed fee".

5. Section 82 subsection (1) presently reads:

"82. (1) No person under the age of twenty-one years shall apply for, attempt to purchase or purchase or otherwise obtain liquor."

The subsection is revised for greater clarity and to simplify the laying of charges. Section 83 prohibits the supply of liquor to minors. Subsection (3) of that section reads:

"(3) This section does not apply to the supplying of liquor to a person under the age of twenty-one years for beverage or medicinal purposes by the parent, guardian or spouse of such person, or to the administering of liquor to such person by a physician or dentist for medicinal purposes or as provided by this Act or regulations."

6. Section 121 presently reads:

"121. In a prosecution under this Act, production by a police officer, policeman, constable, inspector or peace officer of a certificate or report signed or purporting to be signed by a Dominion or Provincial analyst with regard to the analysis or ingredients of any liquor or other fluid or any preparation, compound or substance is conclusive evidence of the fact stated therein and of the authority of the person giving or making the same without any proof of appointment or signature."

The present section restricts the analyst to stating the types and amounts of the ingredients found in the substance being analyzed but does not permit him to state any other relevant facts that he may have established by his analysis.

7. See note to clause 2 of this Bill.

5. Section 82 is amended by striking out subsection (1) and by substituting the following:

82. (1) No person under the age of twenty-one years
(a) shall purchase or attempt to purchase liquor, or
(b) shall obtain or attempt to obtain liquor.

(1a) Subsection (1) does not apply to the obtaining by a person under twenty-one years of age of liquor that may be supplied to him pursuant to subsection (3) of section 83.

6. Section 121 is struck out and the following is substituted:

121. In every prosecution under this Act, the certificate of analysis furnished by a Dominion analyst or by a Provincial analyst shall be accepted as *prima facie* evidence of the facts stated therein and of the authority of the person giving or issuing such certificate without further proof of appointment or signature.

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

(2) Section 8 of *The Crown Property Municipal Grants Act*, being chapter 20 of the Statutes of Alberta, 1961, is hereby repealed.

No. 22

FOURTH SESSION

FOURTEENTH LEGISLATURE

10 ELIZABETH II

1962

BILL

An Act to amend The Liquor Control
Act, 1958

Received and read the

First time

Second time

Third time

HON. MR. COLBORNE
