

No. 63

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

BILL 63

A Bill to amend The Communal Property Act

HON. MR. HOOKE

Explanatory Note

2. Section 3a which establishes the Communal Property Board is amended.

3. Section 7 presently reads:

"7. Without first obtaining the consent of the Lieutenant Governor in Council thereto, no colony and no branch of a colony and no person acting on behalf of a colony as trustee or otherwise, shall, for the purpose of establishing a new colony, purchase, agree to purchase, attempt to purchase, lease or attempt to lease, or enter into any agreement that could or would directly or indirectly result in the vesting of title or the right of possession of land in a colony, or in any trustee or other person on behalf of a colony."

4. Section 13, subsections (1) to (4) presently read:

"13. (1) A person may apply by written notice to the Board for leave to sell, lease or otherwise dispose of any land to a colony.

(2) A colony may apply by written notice to the Board for leave to purchase, lease or otherwise acquire any land.

(3) On receipt of an application under subsection (1) or subsection (2), the Board shall within thirty days thereafter fix a time and place for the hearing of the application and shall notify the applicant or applicants of the time and place.

(4) On the hearing of the application, the Board shall determine as a matter of fact

(a) whether or not the applicant,

(i) if the applicant is a person other than a colony, has the right to dispose of the land to the colony under this Act, and

(ii) if the applicant is a colony, has the right to acquire the land under this Act,

and

(b) whether or not it is in the public interest that the application be granted,

and the Board shall make an order granting or refusing the application in whole or in part."

BILL

No. 63 of 1962

An Act to amend The Communal Property Act

(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 Communal Property Act*, being chapter 52 of the Revised Statutes, is hereby amended.

2. Section 3*a* is amended by adding the following new subsection:

(3) During the absence of a member or members of the Board the remaining member or members may exercise the powers of the Board.

3. Section 7 is amended by striking out

- (a) the words "agree to purchase, attempt to purchase,"
- (b) the words "or attempt to lease," and
- (c) the words "could or".

4. Section 13 is amended by striking out subsections (1) to (4) and by substituting the following:

13. (1) A colony may apply by written notice to the Board for leave to purchase, lease or otherwise acquire any land.

(2) An application under subsection (1) shall set out by legal description all lands which the colony proposes to acquire.

(3) On receipt of an application under subsection (1) where the granting of the application will not result in the establishment of a new colony, the Board shall make such investigations as it deems necessary to determine as a matter of fact

- (a) if the colony has the right to acquire the land under this Act, and
- (b) whether or not it is in the public interest that the application be granted,

and the Board shall make an order granting or refusing the application in whole or in part.

5. Section 14 presently reads:

"14. (1) Where the granting of any application made under subsection (1) or (2) of section 13 would result in the establishment of a new colony, a public hearing shall be held by the Board to determine whether or not it is in the public interest to grant the application, giving due consideration to

- (a) the location of the lands applied for and the location of existing colonies,
- (b) the geographical location of the lands intended for communal use in relation to lands not so used, and
- (c) any other factors that the Board may deem relevant to the application.

(2) After the completion of a public hearing the Board shall submit a report to the Minister as to the Board's decision to either grant or refuse the application with the reasons therefor.

(3) After consideration of the report of the Board, the Lieutenant Governor in Council may withhold the consent required under section 7 or may consent to the acquisition of land for and the establishment of the new colony, as to the Lieutenant Governor in Council seems proper in the public interest, irrespective of the decision of the Board thereon."

6. Commencement of Act.

5. Section 14 is struck out and the following section is substituted:

14. (1) Where the granting of any application made under subsection (1) of section 13 would result in the establishment of a new colony the Board shall cause public notice to be given of such application by advertisement inserted in two issues of a newspaper published or circulated in the locality of the lands cited in the application.

(2) The advertisement shall

- (a) describe by legal description the lands included in the application,
- (b) identify the colony responsible for making the application, and
- (c) give notice that any person desiring to submit written evidence supporting or opposing the application may do so by filing such evidence with the Board within thirty days of the last publication of the advertisement.

(3) When the time allowed for the submission of written evidence has expired the Board shall examine the evidence thus submitted and shall make such investigations as it deems necessary to determine whether or not the granting of the application would be in the public interest, giving due consideration to

- (a) the location of the lands applied for and the location of existing colonies,
- (b) the geographical location of the lands intended for communal use in relation to the lands not so used, and
- (c) any other factors which the Board may deem relevant to the application.

(4) After completing its investigation the Board shall submit a report to the Minister as to the Board's recommendations in the matter of granting or refusing the application and the reasons therefor.

(5) After consideration of the report of the Board, the Lieutenant Governor in Council may withhold the consent required under section 7 or may consent to the application of land for and the establishment of the new colony, as to the Lieutenant Governor in Council seems proper in the public interest, irrespective of the recommendation of the Board thereon.

(6) Where an application has been dealt with by the Board under this section and the consent of the Lieutenant Governor in Council as required under section 7 has been withheld, no further application in respect of the same lands or any portion thereof may be made within a period of three years from the date of the previous application.

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

No. 63

FOURTH SESSION

FOURTEENTH LEGISLATURE

10 ELIZABETH II

1962

BILL

An Act to amend The Communal
Property Act

Received and read the

First time

Second time

Third time

HON. MR. HOOKE
