

No. 87

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

BILL 87

A Bill respecting Petty Trespass to Land

HON. MR. WILLMORE

Explanatory Note

- 1.** Short title.
- 2.** Trespass on certain lands is made a summary conviction offence.
- 3.** Trespass on gardens and lawns.
- 4.** Penalties.
- 5.** Right of arrest.

BILL

No. 87 of 1962

An Act respecting Petty Trespass to Land

(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. This Act may be cited as "*The Petty Trespass Act*".
2. (1) No person shall trespass upon
 - (a) privately owned land, or
 - (b) Crown land subject to any disposition granted under *The Public Lands Act*, except a grazing lease or a grazing permit,with respect to which he has had notice by word of mouth, or in writing, or by posters or signboards not to trespass.
 - (2) For the purposes of subsection (1) a person shall be deemed to have had notice not to trespass when posters or signboards are visibly displayed
 - (a) at all places where normal access is obtained to the land, and
 - (b) at all fence corners or where there is no fence, at each corner of the land.
3. No person shall trespass upon a garden or lawn.
4. (1) A person who contravenes section 2 or 3, and whether or not any damage is occasioned thereby, is guilty of an offence and liable on summary conviction to a fine of not less than ten dollars and not more than one hundred dollars.
 - (2) Where a trespass to which this Act applies is committed by means of a motor vehicle, the owner of the vehicle is guilty of the contravention of this Act and liable to the fine, unless he proves to the satisfaction of the magistrate or justice of the peace trying the case that at the time of the trespass the vehicle was not being driven by him or any other person with his consent, express or implied.
5. Any person found committing a trespass to which this Act applies may be apprehended without warrant by any peace officer, or by the owner or occupier of the land on which the trespass is committed, or the servant of, or any

6. Laying of information.

7. Jurisdiction of magistrates.

8. Exception to general application of Act.

9. Commencement of Act.

person authorized by the owner or occupier of the land, and be forthwith taken before the nearest magistrate or justice of the peace to be dealt with according to law.

6. No person shall be prosecuted under this Act except upon an information laid by the owner or occupier of land, or his servant.

7. Nothing in this Act authorizes any magistrate or justice of the peace to hear and determine a case of trespass in which the title to land, or to any interest therein, is called in question or affected, but every such case shall be dealt with according to law in the same manner as if this Act had not been passed.

8. Nothing in this Act extends to a case where the person trespassing acted under a fair and reasonable supposition that he had a right to do the act complained of, or to a case within section 373 of the *Criminal Code*.

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

No. 87

FOURTH SESSION

FOURTEENTH LEGISLATURE

10 ELIZABETH II

1962

BILL

An Act respecting Petty Trespass
to Land

Received and read the

First time

Second time

Third time

HON. MR. WILLMORE
