

No. Pr. 16

3rd Session, 15th Legislature, Alberta
14 Elizabeth II

BILL Pr. 16

A Bill to Provide for the Extension of Time for Filing a
Statement of Claim Beyond the Period Allowed by
The Vehicles and Highway Traffic Act

MR. GERHART

BILL

No. Pr. 16 of 1966

An Act to Provide for the Extension of Time for Filing a
Statement of Claim Beyond the Period Allowed by
The Vehicles and Highway Traffic Act

(Assented to _____, 1966)

Preamble

WHEREAS Arthur Harold Franks, of the City of Edmonton, in the Province of Alberta, was gravely injured in a motor vehicle collision on or about the 8th day of January, A.D. 1965;

AND WHEREAS *The Vehicles and Highway Traffic Act* requires that an action for recovery for damages occasioned by a motor vehicle must be commenced within twelve months from the time the damages were sustained;

AND WHEREAS Arthur Harold Franks commenced an action against Howard Launcelot Umphrey;

AND WHEREAS the said Howard Launcelot Umphrey was not responsible for the accident;

AND WHEREAS on the 29th day of December, A.D. 1965, the insurers of Arthur Harold Franks instituted an action in the name of Arthur Harold Franks against Samuel D. Cahoon for the damages to the motor vehicle owned by Arthur Harold Franks;

AND WHEREAS the time to bring a fresh action on behalf of Arthur Harold Franks has expired pursuant to the provisions of *The Vehicles and Highway Traffic Act*;

AND WHEREAS a petition has been presented by Arthur Harold Franks praying for an Act enabling him to commence a fresh action against Samuel D. Cahoon to recover his damages notwithstanding the expiration of one year since the damages were occasioned, and it is expedient to grant the prayer of the said Petition.

NOW THEREFORE Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

Authority
to apply for
extension
of time
for action

1. Notwithstanding any provision of *The Vehicles and Highway Traffic Act*, chapter 356, of the Revised Statutes, and notwithstanding the fact that more than one year has elapsed since the occurrence of the hereinbefore mentioned collision and injuries, the said Arthur Harold

Franks may apply by way of Originating Notice of Motion to a Judge of the Supreme Court of Alberta, in Chambers, and on hearing of the said Motion, the Court, having regard to the real question in controversy, the very right and justice of the matter and all the circumstances of the case, may in its discretion enlarge the time allowed by section 131 of *The Vehicles and Highway Traffic Act* for the bringing of a fresh action by the said Arthur Harold Franks against the said Samuel D. Cahoon.

Limit of
time for
bringing
application

2. No such application shall be made after expiration of sixty days from the coming into force of this Act.

Coming
into force

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

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THIRD SESSION
FIFTEENTH LEGISLATURE
14 ELIZABETH II
1966

BILL

An Act to Provide for the Extension
of Time for Filing a Statement of
Claim Beyond the Period Allowed
by The Vehicles and Highway
Traffic Act

Received and read the

First time

Second time

Third time

MR. GERHART
