

1967 Bill 77

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Fifth Session, 15th Legislature, 15 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

## **BILL 77**

**An Act to amend The Motor Vehicle Accident  
Claims Act**

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THE MINISTER OF HIGHWAYS

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First time .....

Second time .....

Third time .....

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# BILL 77

1967

An Act to amend The Motor Vehicle Accident Claims Act

(Assented to \_\_\_\_\_, 1967)

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

**1.** *The Motor Vehicle Accident Claims Act* is hereby amended.

**2.** Section 10 is amended by striking out subsection (2) and by substituting the following:

(2) Where the Minister gives notice pursuant to subsection (1), the applicant may, within three months of the time the applicant or his solicitor of record is notified, apply by notice of motion to a judge of the court in which the judgment was obtained for a finding or determination in respect of any matter in connection with the application for payment out of the Fund.

**3.** Section 11, subsection (7) is amended by striking out the words "bodily injury or death" and by substituting the words "bodily injury, death or property damage".

**4.** The following section is added after section 14a:

**14b.** Notwithstanding anything in this Act, no payment shall be made out of the Fund to the Government of Canada, the government of a province or territory of Canada, any agency thereof, or to any municipality or other unit of local government within any province or territory of Canada.

**5.** Section 17, subsection (1) is struck out and the following is substituted:

**17.** (1) Where a payment is made out of the Fund in respect of a judgment, the Administrator shall authorize payment out of the Fund of costs of the action not exceeding

- (a) the actual disbursements, and
- (b) the costs on a party and party basis calculated under the column of Schedule C of the Consolidated

## **Explanatory Notes**

**1.** This Bill amends chapter 56 of the Statutes of Alberta, 1964.

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

(2) Where the Minister gives notice pursuant to subsection (1), the applicant may apply by notice of motion to a judge of the court in which the judgment was obtained for a finding or determination in respect of any matter in connection with the application for payment out of the Fund.

This change sets time limit on right of applicant to apply to the court.

**3.** This change makes it clear that the subsection, like the rest of the section, applies to property damage claims as well as personal injury and fatality claims.

**4.** Payment from Fund to other governing entities prohibited.

**5.** The Fund is not to be liable for costs in excess of what is allowed under Schedule C multiplied by the figure 1.

Rules of the Supreme Court that is applicable to the amount of the judgment, notwithstanding that the court may have awarded costs in any multiple of or in any way greater than the costs specified in that column.

**6.** Section 26 is repealed.

**7.** Section 27 is amended

- (a) as to subsection (8) by striking out the words "notwithstanding anything in this Act,"
- (b) by adding the following subsection after subsection (8) :

(8a) Notwithstanding subsection (8), where a special case of hardship or need exists or appears imminent the Lieutenant Governor in Council, in his discretion, may authorize the Administrator to pay out of the Fund in respect of a claim an amount

(a) no greater than the amount of the judgment on which the claim is based, but

(b) up to the maximum limits payable under this Act at the time the payment is made,

even though the maximum limits were lower at the time the judgment upon which the claim is based was obtained.

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

**6.** This section is spent.

**7.** Payment from Fund in special cases.