

1968 Bill 46

First Session, 16th Legislature, 17 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 46

An Act to amend The District Courts Act

THE ATTORNEY GENERAL

First Reading

Second Reading

Third Reading

BILL 46

1968

An Act to amend The District Courts Act

(Assented to _____, 1968)

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

- 1.** *The District Courts Act* is hereby amended.
- 2.** Section 52 is repealed.
- 3.** This Act comes into force on a date to be fixed by Proclamation.

Explanatory Notes

1. This Bill amends chapter 87 of the Revised Statutes.

2. Section 52 presently reads:

52. (1) The small debt procedure set out in the rules relating to small debt procedure in the district courts and the forms and tariff appended thereto apply

- (a) to all claims of debt or account or money demand whether payable in money or otherwise where the debt, account or balance claimed does not exceed \$200,
- (b) to all actions in tort or for damages for breach of contract or otherwise and other personal actions where the amount claimed does not exceed \$200,
- (c) to all actions of replevin where the value of the goods or other property distrained, taken or detained does not exceed \$200, and
- (d) to all cases of interpleader relief when granted in accordance with Rule 523 (b) of the Rules of the Supreme Court of Alberta, 1944,
 - (i) where the amount of the claims that the goods, including money and choses in action, have been seized or attached to satisfy does not exceed \$200, or
 - (ii) where the value of the goods, including money and choses in action seized or attached does not exceed \$200.

(2) The Lieutenant Governor in Council or the judges of the Supreme Court upon request of the Lieutenant Governor in Council may repeal, alter or amend the small debt procedure and the forms and tariff of costs and fees relating thereto.

The new Alberta rules of court will contain the rules commonly referred to as the "small debt procedure". The District Courts Act, which presently contains powers broad enough to enable the Lieutenant Governor in Council to make rules pertaining to procedure involving claims in smaller amounts. Section 52 is unnecessary and redundant and will be repealed by proclamation at the same time as the new Rules come into force.