

1968 Bill 76

First Session, 16th Legislature, 17 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 76

An Act to amend certain Licensing Statutes

THE MINISTER OF INDUSTRY AND DEVELOPMENT

First Reading

Second Reading

Third Reading

Printed by L. S. Wall, Queen's Printer, Edmonton

BILL 76

1968

An Act to amend certain Licensing Statutes

(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 Billiard Rooms Act* is amended by striking out the Schedule and by substituting the following:

SCHEDULE

(Section 9)

Tariff of Fees

For first billiard table	\$15
For second billiard table on same premises	10
For each additional billiard table on same premises	5
On application for assignment of licence	15
On application for transfer to other premises	10

2. *The Fuel Oil Licensing Act* is amended by striking out section 6 and by substituting the following:

6. (1) Subject to section 11, a licence issued under this Act remains in effect for such period of time as may be prescribed by regulation.

(2) Where a licensee is required to renew a licence under this Act, he shall be deemed to have been continuously licensed from the date of the issue of the original licence for all other purposes of this Act if he pays such fees and does all other things required by and in accordance with the regulations.

(3) Section 33 is amended by adding the following clause after clause (c):

(c1) limiting the duration of licences or any class thereof to any period of time that the Lieutenant Governor in Council considers expedient, providing for the renewal of licences, prescribing fees to be

Explanatory Notes

1. Chapter 22 of the Revised Statutes is amended. Sections 5, 9 and the Schedule presently read:

5. The licence year for the purposes of this Act is from the first day of July to the thirtieth day of June, and all licences expire at the end of the licence year in which they are issued.

9. (1) Every application for a licence or an assignment thereof, or for permission to transfer a licensed business to other premises, shall be accompanied by payment of the proper fee according to the tariff of fees set out in the Schedule.

(2) If any licence, assignment or transfer of licensed premises is applied for at any time after the first day of January in any licence year, only one-half of the fee as set out in the Schedule is payable.

SCHEDULE

(Section 9)

Tariff of Fees

On application for licence:

In the cities of Edmonton, Calgary, Lethbridge and Medicine Hat:

For first billiard table	\$40.00
For second billiard table on same premises	20.00
For each additional billiard table on same premises	10.00

In places other than Edmonton, Calgary, Lethbridge and Medicine Hat:

For first billiard table	\$15.00
For second billiard table on same premises	10.00
For each additional billiard table on same premises	5.00

On application for assignment of licence

On application for transfer to other premises

2. This section amends chapter 124 of the Revised Statutes. Sections 6 and 33 (c) and (d) presently read:

6. A licence issued under this Act remains in effect until cancelled, revoked or suspended for cause by the Minister.

33. The Lieutenant Governor in Council may make regulations

-
- (c) classifying licences and licensees and prescribing and regulating the fees and prescribing methods of ascertaining or calculating or determining the fees to be paid for licences,
- (d) prescribing the privileges, terms, conditions, limitations and restrictions to be granted to or observed by a licensee,

charged for each renewal and the mode of renewing and issuing any licence, and the form thereof,

3. *The Licensing of Trades and Businesses Act* is amended by striking out section 7.

4. (1) *The Sale of Chattels by Public Auction Act* is amended by this section.

(2) Section 3 is amended

(a) as to clause (a) by adding at the end thereof the word "or",

(b) as to clause (b) by striking out at the end thereof the word ", or",

(c) by striking out clause (c).

(3) Section 5 is amended by striking out subsection (2) and by substituting the following:

(2) Subject to sections 7 and 8, a licence issued under this Act remains in effect for such period of time as may be prescribed by regulation.

(2a) Where a licensee is required to renew a licence under this Act, he shall be deemed to have been continuously licensed from the date of the issue of the original licence for all other purposes of this Act if he pays such fees and does all other things required by and in accordance with the regulations.

(4) Section 6 is amended

(a) as to subsection (1) by striking out the words "sum of one thousand dollars" and by substituting the words "face amount of the bond, which shall be in an amount satisfactory to the Minister,"

(b) as to subsection (2), clause (a) by striking out the words "of one thousand dollars that is".

(5) The following section is added after section 14:

14a. (1) An auctioneer shall place all moneys received on account of a sale made by him into an account kept for that purpose in a bank, treasury branch, trust company or other institution recognized under the law of Alberta.

(2) The Minister may authorize in writing any person to inspect any account existing pursuant to subsection (1).

(3) No person shall

(a) do any act, or

(b) refuse or neglect to do any act

for the purpose of preventing a person authorized under subsection (2) from inspecting an account to which this section refers.

(6) Section 16 is amended by adding the following clause after clause (c):

**3. This section amends chapter 175 of the Revised Statutes.
Section 7 presently reads:**

7. (1) Upon the tourist accommodation business or any description or class thereof being designated by the Minister as a business to which this Act applies, the Minister with respect to that business or description or class of business may make regulations,

(a) prescribing

(i) the different classifications for tourist accommodation according to the equipment and facilities provided for the accommodation of the public,

(ii) the equipment and facilities required for each classification of the business, and

(iii) the standards governing the conduct, operation and management of that business or description or class of business, and

(b) prohibiting the doing of anything, in the conduct, management or operation of that business or description or class of business, that the Minister considers not to be in the public interest.

(2) The right of the Minister to make regulations pursuant to this section is in addition to, and does not in any way restrict the right of the Minister to make regulations or orders with respect to tourist accommodation under the other provisions of this Act.

The special provisions here relating to tourist accommodation businesses to be provided for by regulations.

**4. This section amends chapter 294 of the Revised Statutes.
Sections 3, 5, 6 and 16 (1) (c) presently read:**

3. This Act does not apply

(a) to a sale by auction to which The Seizures Act applies or that is held by an order of a court of competent jurisdiction,

(b) to a sale by auction of goods and chattels taken in distress under the authority of a statute for the recovery of a tax, rate or imposition made or levied pursuant to such a statute, or

(c) to a sale by auction of livestock held in connection with a regular pure-bred stock or fat stock show or exhibition of an agricultural society or exhibition association if the livestock have been entered and accepted for exhibition or sale at that show or exhibition.

5. (1) Upon application being made for a licence in such form and setting forth such information as may be prescribed by the Minister, and on payment of the fee for the licence, the Minister may issue a licence authorizing the person named therein to sell by public auction goods and chattels at any place in the Province.

(2) A licence issued under this Act remains in effect until cancelled, revoked or suspended for cause by the Minister.

(3) A licensee who ceases to carry on the business of an auctioneer shall send a notice in writing of the same to the Minister by registered mail, and return his licence with the notice.

6. (1) No licence shall be issued under this Act to any person until that person has delivered to the Minister such securities as may be approved by the Minister or a bond, in such form as may be approved by the Minister, issued by a company authorized to carry on the business of guarantee and fidelity insurance in the Province to the effect that the company binds itself to pay the sum of one thousand dollars forthwith to the Minister on behalf of the applicant for the licence if the applicant makes default in performing his obligations to the person to whom he is employed as an auctioneer, and containing a provision that the bond will not be cancelled by the company until thirty days after the company has given notice to the Minister of its intention to cancel the bond.

(2) Where a person has against an auctioneer a claim arising out of a default on the part of the auctioneer in the performance of his obligations as an auctioneer to the claimant at any time during which a bond issued pursuant to this section in respect of the auctioneer is in effect, the claimant, notwithstanding that he is not a party to the bond,

(a) is entitled on recovering judgment for the claim against the auctioneer to have the sum of one thousand dollars that is payable under the bond applied in or towards the satisfaction of the amount for which he has so obtained judgment for similar claims against the auctioneer, and

(b) may, on behalf of himself and persons having similar judgments against the auctioneer, maintain an action against the obligor under the bond to have the sum payable under the bond so applied.

16. (1) The Minister with the approval of the Lieutenant Governor in Council may make regulations

.....
(c) providing for the issue, revocation, suspension or cancellation of licences,
.....

- (c1) limiting the duration of licences thereof to any period of time that he considers expedient, providing for the renewal of licences, prescribing fees to be charged for each renewal and the mode of renewing and issuing any licence, and the form thereof,

5. (1) *The Trade Schools Regulation Act* is amended by this section.

(2) Section 5 is amended by striking out subsection (1) and by substituting the following:

5. (1) Subject to section 8, every licence or certificate of registration issued under this Act remains in effect for such period of time as may be prescribed by regulation.

(1a) Where a licensee is required to renew a licence under this Act, he shall be deemed to have been continuously licensed from the date of the issue of the original licence for all other purposes of this Act if he pays such fees and does all other things required by and in accordance with the regulations.

(3) Section 15 is amended by adding the following clause after clause (m) :

- (m1) limiting the duration of licences or any class thereof to any period of time that the Lieutenant Governor in Council considers expedient, providing for the renewal of licences, prescribing the fees to be charged for such renewal and the mode of renewing and issuing any licence, and the form thereof,

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

**5. This section amends chapter 339 of the Revised Statutes.
Sections 5 and 15 (m) presently read:**

5. (1) Every licence or certificate of registration issued under this Act remains in effect until cancelled, revoked or suspended for cause by the Minister.

(2) A licensee who ceases to carry on the business of a trade school
(a) shall send a notice in writing by registered mail to the Minister,
and
(b) shall return his licence together with the notice.

15. The Lieutenant Governor in Council may make regulations

.....
(m) fixing the fees that are to be payable on applications for
registration or renewal of registration under this Act.
.....