

1969 Bill 19

Second Session, 16th Legislature, 18 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 19

An Act to amend The Religious Societies' Lands Act

THE ATTORNEY GENERAL

First Reading

Second Reading

Third Reading

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An Act to amend The Religious Societies' Lands Act

(Assented to _____, 1969)

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

1. *The Religious Societies' Lands Act* is hereby amended.
2. Section 27 is amended by striking out subsection (3) and by substituting the following:
 - (3) Where a cancellation and annulment of incorporation is made pursuant to this section the Lieutenant Governor in Council may
 - (a) appoint a person to wind up the affairs of the congregation and pay creditors and claimants thereof who are entitled thereto, and
 - (b) provide for the remuneration of that person and the payment of his expenses and other costs incidental to the winding-up, out of the assets of the congregation or otherwise as he thinks fit.
 - (4) Where there is a surplus of assets after all the liabilities of the former corporation and liquidation expenses have been paid, the person appointed under subsection (3) shall
 - (a) call, upon reasonable notice, which may include advertising in a newspaper having circulation in the general geographical area inhabited by the members of the congregation, a meeting of the persons who were members of the congregation at the time its incorporation was cancelled, and that meeting may, by resolution, direct the person to distribute the surplus to one or more religious or charitable organizations named in the resolution, or
 - (b) where no resolution is passed pursuant to and in accordance with clause (a), in writing notify the Lieutenant Governor in Council of the facts, whereupon the Lieutenant Governor in Council

Explanatory Notes

1. This Bill amends chapter 285 of the Revised Statutes.

2. Section 27 presently reads:

27. (1) The Lieutenant Governor in Council may at any time for cause cancel and annul the incorporation of any congregation incorporated under this Act, and upon notice of the cancellation being mailed to the corporation it ceases to exist as such.

(2) Notwithstanding subsection (1), nothing contained in that subsection shall be construed to impair the recourse of any creditor or claimant of the corporation.

(3) Where the incorporation of any congregation incorporated under this Act is for cause cancelled and annulled the Lieutenant Governor in Council

(a) may appoint such person as he thinks fit to wind up the affairs of the congregation and after payment of creditors distribute its assets among the members thereof, and

(b) may provide for the remuneration of such person out of the assets of the congregation or otherwise as he thinks fit.

This change is designed to alter the liquidator's powers in respect of surplus assets, since the present direction compels him to do something which might affect the tax position of both the corporate congregation and individual members thereof.

may by order direct that the surplus be vested in the Universities Commission.

(5) An order of the Lieutenant Governor in Council under subsection (4) vests in the Universities Commission all estate and interest in the surplus assets as if the Universities Commission had received the property as ultimate heir under *The Ultimate Heir Act*.

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

