

1969 Bill 23

Second Session, 16th Legislature, 1968-69 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 23

An Act to amend The Alberta Evidence Act

THE ATTORNEY GENERAL

First Reading

Second Reading

Third Reading

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An Act to amend The Alberta Evidence 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 Alberta Evidence Act* is hereby amended.

2. The following section is added after section 20:

20a. Any person authorized by law to administer oaths or to take affidavits in any matter may receive the solemn declaration of any person making it before him, in the following form, in attestation of the execution of any writing, deed or instrument or of the truth of any fact or of any account rendered in writing:

I, A.B. solemnly declare that (*state the fact or facts declared to*), and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me
at this day of, 19.....

3. Section 42, subsection (2) is amended by striking out the words "Board of Transport Commissioners of Canada" and by substituting the words "Canadian Transport Commission".

4. The following section is added after section 60:

60a. In any action there shall, in the case of a document proved or purporting to be not less than 20 years old, be made any presumption which immediately before the commencement of this section would have been made in the case of a document of like character proved or purporting to be not less than 30 years old.

5. (1) This Act, except for section 2, comes into force on the day upon which it is assented to.

(2) Section 2 comes into force on a day to be fixed by proclamation.

Explanatory Notes

1. This Bill amends chapter 102 of the Revised Statutes.

2. This addition provides for a form of statutory declaration where the same is authorized or required under Alberta law. This provision is essentially the same as section 20 of the Model Evidence Act recommended for adoption by the several provinces, by the Conference of Commissioners on Uniformity of Legislation in Canada.

3. This change merely recognizes the name of the board which, under the new federal National Transportation Act, replaced the former Board of Transport Commissioners of Canada.

4. Proving of old documents facilitated. At common law there is a presumption that documents in excess of 30 years of age are validly executed and they are said to "prove themselves". The proposed provision, taken from the Model Evidence Act recommended for adoption by the Conference of Commissioners on Uniformity of Legislation in Canada and contained in the English Evidence Act, 1938, merely alters the rule to the extent of making it applicable to all documents 20 years of age or older.