

1969 Bill 87

Second Session, 16th Legislature, 18 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 87

An Act to amend The Liquor Control Act, 1958

HON. A. O. AALBORG

First Reading

Second Reading

Third Reading

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

BILL 87

1969

An Act to amend The Liquor Control Act, 1958

(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 Liquor Control Act, 1958* is hereby amended.
2. Section 2, subsection (1) is amended as to clause 12 by adding after the words "and includes" the words "a commercial passenger aircraft and".
3. Section 4 is amended by renumbering the section as subsection (1) and by adding the following after the renumbered subsection (1):
 - (2) The Board is a corporation.
4. Section 31 and the heading "Prohibited Place" preceding it are struck out.
5. Section 39 is amended
 - (a) as to subsection (1) by striking out clauses (c) and (d),
 - (b) by striking out subsection (2).
6. Section 44, subsection (2) is amended by adding at the end thereof the words "and authorizes the conveyance of any wine so sold from the place where it is stored by the permittee to the premises of the purchaser."
7. Section 49 is struck out.
8. The following section is added after section 87:
 - 87a. (1) when a police officer or constable finds a person who, in his opinion, is in an intoxicated condition in a

Explanatory Notes

1. This Bill amends chapter 37 of the Statutes of Alberta, 1958.

2. Section 2 (1) 12 presently reads:

12. "licensed premises" means the premises in respect of which a licence has been issued and is in force under The Liquor Licensing Act and includes the part of a train in respect of which a licence is issued under that Act;

3. Section 4 presently reads:

4. There shall be a board to be known as The Alberta Liquor Control Board, consisting of three members, with the powers and duties herein specified.

4. Section 31 (1) presently reads:

Prohibited Place

31. (1) Where an occupant of a residence or of a part thereof is convicted

- (a) of an offence against section 73, or
- (b) under the Criminal Code, of keeping a common bawdy house, a common betting house or a common gaming house, or
- (c) of an offence under the Excise Act (Canada) relating to the unlawful possession, manufacture, sale or other dealing with liquor,

the residence or part thereof, as the case may be, occupied by the person so convicted ceases to be a residence within the meaning of this Act for a period of one year after the date of the conviction and becomes a prohibited place.

5. Section 39 (1) (c) and (d) and (2) presently read:

39. (1) No liquor store shall be open for the sale of liquor

-
- (c) on a day on which polling takes place at a Dominion or Provincial election held in the electoral division in which the store is situate,
- (d) on a day on which polling takes place at a municipal election held in a municipality if the store is located in a polling district therein in which polling is taking place, and
-

(2) Clauses (c) and (d) of subsection (1) do not apply to a day on which voting takes place at an advance poll or a special poll.

6. Section 44 (2) presently reads:

(2) A sacramental wine permit authorizes the permittee, under the supervision of the Board, to import, purchase from the Board, warehouse and sell such wines as the Board may approve for sacramental purposes.

7. Section 49 presently reads:

49. No special permit shall be delivered to the applicant until he has

- (a) in the presence of some person duly authorized by the Board, or as prescribed by the regulations, or
- (b) in the presence of the official to whom the application is made, written his signature thereon, in the manner prescribed by the regulations, for the purpose of his future identification as the holder thereof and the signature has been attested as prescribed by the regulations.

8. Police given authority to hold intoxicated persons without charge and to release when sober or in the care of someone.

public place, the police officer or constable may, instead of charging the person under this Act, take the person into custody to be dealt with in accordance with this section.

(2) A person placed in custody pursuant to this section may be released from custody at any time if, in the opinion of the person responsible for his custody,

(a) the person in custody has recovered sufficient capacity that, if released, he is unlikely to cause injury to himself or be a danger, nuisance or disturbance to others, or

(b) a person capable of doing so undertakes to take care of the person in custody upon his release.

(3) A person taken into custody pursuant to this section shall not be held in custody for more than 24 hours after being taken into custody.

(4) No action lies against a police officer or constable or other person for any thing done in good faith with respect to the apprehension, custody or release of a person pursuant to this section.

9. Section 90, subsection (1) is amended by striking out clause (d).

10. Section 93, subsection (2) is amended by striking out the word "immediate" where it occurs in clauses (a) and (b).

11. Section 94, subsection (5) is amended by striking out clause (a) and by substituting the following:

(a) for a first offence to a fine of not more than \$100 and in default of payment to imprisonment for not more than 90 days, and

12. Section 95 is amended by striking out subsection (2).

13. Section 108 is amended by striking out subsection (2).

14. Section 127 is struck out.

15. Section 132 is struck out.

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

9. Section 90 (1) (d) presently reads:

90. (1) No person within the Province shall

-
(d) exhibit or display or permit to be exhibited or displayed a sign or poster containing the words "bar", "bar-room", "saloon", or other words of like import prohibited by order of the Board,
.....

10. Section 93 (2) (a) and (b) presently read:

(2) A person guilty of an offence against this Act for which no penalty has been specifically provided is liable on summary conviction

- (a) for a first offence to a fine of not more than \$200 and in default of immediate payment to imprisonment for not more than two months,
(b) for a second offence, to imprisonment for not more than four months or to a fine of not more than \$500 and in default of immediate payment, to imprisonment for not more than four months, and

11. Section 94 (5) (a) presently reads:

(5) A person who violates a provision of subsection (1) of section 83 is guilty of an offence and liable on summary conviction

- (a) for a first offence to imprisonment for not less than one month nor more than three months, and
.....

Section 83 (1) prohibits supplying liquor to a minor.

12. Section 95 presently reads:

95. (1) No interdicted person and no person to whom the sale of intoxicating liquor is prohibited shall enter, be in or remain upon the premises of a liquor store or the premises of a beverage room licensee or lounge licensee under The Liquor Licensing Act but nothing in this section applies to a part of a train licensed under section 77 of The Liquor Licensing Act.

(2) A person who violates a provision of this section is guilty of an offence and liable on summary conviction for a first offence to a fine of not more than \$25 and in default of payment to imprisonment for a term of not more than 14 days, and for a second or subsequent offence to a fine of not less \$25 or more than \$50 and in default of payment to imprisonment for a term of not more than one month.

13. Section 108 (1) authorizes the granting of search warrants by a magistrate on application therefor by an "information on oath". Subsection (2) presently reads:

(2) It shall not be necessary for an inspector or constable to set out in the information any reason or grounds for his suspicion or belief.

14. Section 127 sets out court procedure where a person is charged with a second offence which differs from the procedure ordinarily applicable to prosecutions under all other Acts.

15. Section 132 requires a person who is appealing a conviction under the Act to swear on oath that he did not commit the offence of which he was convicted.