

1969 Bill 88

Second Session, 16th Legislature, 18 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 88

An Act to amend The Liquor Licensing Act

HON. A. O. AALBORG

First Reading

Second Reading

Third Reading

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An Act to amend The Liquor Licensing 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 Liquor Licensing Act* is hereby amended.
2. Section 2 is amended as to subsection (1), clause (*m*) by adding after the words "and includes" the words "a commercial passenger aircraft and".
3. Section 16, clause (*a*) is amended by adding immediately before the words "British subject" the words "Canadian citizen or".
4. Section 29 is amended by adding immediately before the words "British subject" the words "Canadian citizen or".
5. Section 37 is amended by striking out subsections (2), (3) and (4).
6. Section 59 is amended by adding the following after clause (*b*) :
 - (b1) has or will have, if so required by the Board, a dining room so arranged that a part thereof can be kept separate from the part of the dining room in which liquor is sold,
7. Section 60 is amended by adding the following after subsection (2) :
 - (3) Notwithstanding section 73, where the licensed premises are located in the railway dining car of a train which provides food service to the private compartments of

Explanatory Notes

1. This Bill amends chapter 38 of the Statutes of Alberta, 1958.

2. Section 2 (1) (m) presently reads:

(m) "licensed premises" means the premises in respect of which a licence has been issued and is in force, and includes the part of a train in respect of which a licence is issued under section 77;

3. Section 16 (a) presently reads:

16. A dining lounge licence or lounge licence shall be issued only to
(a) a person of good reputation and character who is 21 or more years of age, a British subject and resident in Alberta for at least one year before the date of application, or

4. Section 29 presently reads:

29. No person other than a British subject shall be an applicant for a beverage room licence or the manager of the licensed premises of a hotel in respect of which a beverage room licence has been issued.

5. Section 37 (2), (3) and (4) presently read:

(2) A sign notifying patrons that bottled beer produced by licensed brewers in Alberta is in stock and available for purchase shall be conspicuously displayed at all times in that part of the hotel specified in the beverage room licence or beer vendor's licence as the licensed premises.

(3) A beverage room licensee and beer vendor licensee shall, subject to section 80, sell to any person permitted by law to possess and consume beer, the bottled beer produced by licensed brewers in Alberta and required by the Board to be available for sale in his licensed premises.

(4) No person is guilty of an offence under this section if the Board certifies that the person had reasonable cause or excuse for failing to supply the brand or kind of bottled beer requested by the patron.

6. Section 59 (b) presently reads:

59. On application therefor being made in the prescribed form and on payment of the prescribed fee therefor, and on compliance with this Act, and the regulations, the Board may, subject to Part 3, issue a dining lounge licence to the proprietor or operator of any hotel dining room or other dining room that in the opinion of the Board

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(b) has a kitchen and dining room of such size, and so equipped with cooking utensils, tables, chairs, tableware, dishes and other facilities, as to be suitable to accommodate the patrons thereof,

7. Room service on trains.

passengers, the holder of the dining lounge licence may sell and deliver liquor purchased by the glass

- (a) to a *bona fide* passenger on the train, and
- (b) in the private compartment occupied by him on the train,

for consumption there, in accordance with this Act and *The Liquor Control Act, 1958* and the regulations, by persons who are not disqualified under *The Liquor Control Act, 1958* from consuming liquor.

8. Section 61 is struck out.

9. Section 67, subsection (2) is amended by adding after the words "canteen premises or" the words "a commercial passenger aircraft or".

10. Section 71 is amended

- (a) as to subsection (1) by striking out clauses (b) and (c) and by substituting the following:
 - (b) during such time as the sale of liquor is prohibited under any Act of Alberta or Canada governing the holding of elections, or
- (b) by striking out subsection (2),
- (c) as to subsection (5) by adding the word "and" at the end of clause (b) and by adding the following after clause (b) :
 - (c) a licensed dining lounge may be open for the sale and consumption of liquor in accordance with this Act and the regulations from 1 o'clock in the afternoon on Sundays until such later time in the day as is prescribed by the regulations.

11. Section 74 is amended

- (a) by striking out the words "Subject to section 75, the" and by substituting the word "The",
- (b) by striking out the word "prescribed" and by substituting the words "directed by the Board".

12. Section 75 is struck out.

13. *The Municipal Election Act* is amended by adding the following after section 155:

155a. (1) On a day when an election is held under this Act in a municipality or in an electoral division or in a ward, no person shall sell or give liquor at any liquor store

8. Section 61 presently reads:

61. Unless the applicant for a dining lounge licence maintains or will maintain two separate dining rooms on his premises that are or will be of the prescribed standard, the Board shall not issue a dining lounge licence in respect of the dining room unless the dining room is so arranged that a portion of the dining room is and can be kept separate from the part of the dining room in which liquor is sold, and in which the accommodation and meals offered therein will meet the standards prescribed by the Board.

9. section 67 (2) presently reads:

(2) A person under the age of 21 years may enter, be in and remain in a licensed club premises, a licensed canteen premises or the part of a train in respect of which a licence has been issued under section 77.

10. Section 71 (1) (b) and (c) and (2) and (5) (b) presently read:

71. (1) Subject to subsection (4) of section 70, no sale or other disposal of liquor shall be made or take place in, nor shall liquor be consumed in, any licensed premises during the hours or on the days in this section prescribed, that is to say,

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- (b) on a day on which voting takes place at a Dominion or Provincial election in the electoral division in which the licensed premises are situated, or
 - (c) on a day on which voting takes place at a municipal election or upon a question submitted to the electors of the municipality under this Act, if the licensed premises are situated in a polling division therein in which the voting takes place, or

(2) Clauses (b) and (c) of subsection (1) do not apply to a day on which voting takes place at an advance poll or at a special poll held under subsection (4) of section 98 of The Municipal District Act.

- (b) where December 31st falls on a Saturday or on a Sunday, the Board, with the approval of the Lieutenant Governor in Council, may authorize special hours for the serving and consumption of liquor.

11. Section 74 presently reads:

74. Subject to section 75, the Board may require any licensee to whom a licence of any of the kinds following, that is to say, dining lounge licence or lounge licence is issued to have available for sale in his licensed premises in reasonable quantities at all times, one or more of the brands or kinds of bottled beer produced by each licensed brewer in Alberta as may be prescribed.

12. Section 75 presently reads:

75. Where the Board requires any licensee under section 74 to have beer available for sale as set out in that subsection, the provisions of subsection (3) of section 37 respecting beverage room licences and beer vendors' licences apply, mutatis mutandis, to the licensees to whom the requisition of the Board applies.

13. Consequential amendments.

or licensed premises within the limits of the municipality, electoral division or ward, as the case may be, during the whole of the day on which the voting is held.

(2) Subsection (1) does not apply to a day on which an advance poll is held.

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

