

1970 Bill 42

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Third Session, 16th Legislature, 19 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 42**

**An Act respecting the Revised Statutes of Alberta**

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THE ATTORNEY GENERAL

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First Reading .....

Second Reading .....

Third Reading .....

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# BILL 42

1970

An Act respecting the Revised Statutes of Alberta

(Assented to \_\_\_\_\_, 1970)

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

**1.** This Act may be cited as *The Revised Statutes 1970 Act*.

**2.** In this Act,

- (a) "enactment" means an Act or any portion of an Act;
- (b) "Revised Statutes" means the Revised Statutes of Alberta 1970.

**3.** The Legislative Counsel under the general supervision of the Attorney General shall examine the Revised Statutes of Alberta, 1955 and the public general statutes of Alberta enacted after December 31, 1955 and before July 1, 1970 and shall consolidate and revise those statutes in accordance with this Act.

**4.** In the performance of his duties under this Act the Legislative Counsel may:

- (a) omit any enactment that is not of general application or that is obsolete, expired or otherwise ineffective;
- (b) include any private enactment if it affects the rights of the public;
- (c) consolidate two or more Acts into one, divide an Act into two or more Acts and transfer provisions from one Act to another;
- (d) alter the numbering and arrangement of any enactment;
- (e) add, change or omit any heading in or title of any Act;

## **Explanatory Notes**

**1.** This Bill will authorize the preparation of a new edition of the Provincial Statutes to replace the Revised Statutes of Alberta, 1955 and the subsequent annual statutes.

**2.** Definitions.

**3.** New Revision to consolidate the legislation up to and including the present Session.

**4.** Powers to consolidate and revise.

- (f) make such alterations in language and punctuation that are desirable to obtain a uniform mode of expression;
- (g) make any minor amendments that are necessary to bring out more clearly what is deemed to be the intention of the Legislature or to reconcile seemingly inconsistent amendments or to correct clerical, grammatical or typographical errors;
- (h) include or omit any enactment that is not in force but is to come into force upon proclamation.

**5.** When the Legislative Counsel reports the completion of the consolidation and revision, the Attorney General may cause a printed Roll thereof, attested by the signature of the Lieutenant Governor and countersigned by the Attorney General, to be deposited in the office of the Clerk of the Legislative Assembly.

**6.** After the deposit of the Roll pursuant to section 5, the Lieutenant Governor may, by proclamation, declare the day upon which the Roll will come into force by the designation "Revised Statutes of Alberta 1970".

**7.** (1) On and after the date proclaimed pursuant to section 6 the Roll comes into force and has effect as and by the designation "Revised Statutes of Alberta 1970" to all intents

(a) as if the Roll was expressly embodied in and enacted by this Act, and

(b) as if this Act expressly provided that it was to have effect on and after the date so proclaimed,

and the Roll shall be held to be the original of the Acts so consolidated and revised.

(2) Where any enactment referred to in section 3 is to come into force upon proclamation and is consolidated in the Revised Statutes and stated therein to come into force upon proclamation, then,

(a) if the enactment was not proclaimed in force before the date upon which the Revised Statutes come into force, the proclamation under section 6 does not (unless it otherwise states) operate to bring the corresponding consolidated enactment in force, but

(b) if the enactment was proclaimed in force before the date upon which the Revised Statutes come into force, the proclamation under section 6 operates to bring the corresponding consolidated enactment into force.

**5. Certified Roll to be deposited with the Clerk of the Legislative Assembly.**

**6. Proclamation declaring Revision in force.**

**7. Effect of proclamation.**

**8.** (1) There shall be appended to the Roll deposited pursuant to section 5 a Schedule indicating the enactments examined pursuant to section 3 that are to be

- (a) consolidated in and superseded by the Revised Statutes, and
- (b) omitted from but not repealed by the Revised Statutes, and
- (c) omitted from and repealed by the Revised Statutes.

(2) On and after the date proclaimed pursuant to section 5

- (a) the enactments mentioned in section 3 are repealed to the extent they are consolidated in the Revised Statutes, and
- (b) any enactment shown in the Schedule as being omitted from and repealed by the Revised Statutes is repealed to the extent shown.

(3) The mention of an enactment in the Schedule shall not be construed as a declaration that the enactment was or was not in force immediately before the coming into force of the Revised Statutes.

**9.** (1) The Revised Statutes shall not be held to operate as new laws but they shall be construed and have effect as a consolidation of the law contained in the enactments for which the Revised Statutes are substituted.

(2) The various provisions of the Revised Statutes corresponding to and substituted for the enactments previously in force shall, where they are the same in effect as those of the previous enactments, operate retrospectively as well as prospectively and shall be deemed to have been passed respectively upon the days upon which the corresponding previous enactments came into force.

(3) If upon any point the provisions of the Revised Statutes are not in effect the same as the previous enactments for which they are substituted, then as respects all transactions, matters and things on and subsequent to the day upon which the Revised Statutes come into force, the provisions contained in them prevail, but as respects all earlier transactions, matters and things the provisions of the previous enactments prevail.

(4) A reference

- (a) in an enactment that is omitted from but not repealed by the Revised Statutes, or
- (b) in any instrument or document

to an enactment that is repealed by reason of section 8, subsection (2), clause (a) shall after the Revised Statutes

**8. Schedule to Revised Statutes.**

**9. Construction.**

come into force be held with respect to any subsequent transaction to be a reference to the enactment in the Revised Statutes having the same effect as the repealed enactment.

**10.** Copies of the Revised Statutes purporting to be printed by the Queen's Printer shall be received as evidence of the Revised Statutes in all courts and places whatever without further proof of any kind.

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

**10. Copies of R.S.A. 1970.**