

1971 Bill 68

Fourth Session, 16th Legislature, 20 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 68

The Justices of the Peace Act

THE ATTORNEY GENERAL

First Reading

Second Reading

Third Reading

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BILL 68

1971

THE JUSTICES OF THE PEACE ACT

(Assented to _____, 1971)

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

1. The Lieutenant Governor in Council may appoint justices of the peace who shall have jurisdiction as justices of the peace throughout Alberta.

2. (1) No person other than a Canadian citizen is eligible to be appointed as a justice of the peace.

(2) Unless otherwise provided by law, no barrister or solicitor may be appointed as a justice of the peace during the time he continues to so practise.

(3) Subsection (2) does not apply to any person who is a justice of the peace by virtue of an appointment as a provincial judge.

3. (1) Every justice of the peace, before acting, shall take and subscribe before a person authorized to administer oaths and declarations in Alberta the oath of allegiance and the oath prescribed by The Oaths of Office Act.

(2) The oaths once taken and subscribed shall be transmitted forthwith by the justice of the peace to the Inspector of Legal Offices and shall be filed in his office.

4. (1) In the absence of any provision to the contrary in any relevant Act, a complaint or information may be heard, tried and determined by one justice of the peace.

(2) Nothing herein shall be taken to confer on any justice of the peace, other than one who is also a provincial judge acting in that capacity, the power to hold a preliminary inquiry under the Criminal Code.

(3) Any one justice of the peace may

(a) receive an information or complaint and grant a summons or warrant thereon or on an information or complaint received by any other justice,

1. Appointment.

2. Certain persons ineligible for appointment.

3. Oaths.

4. Powers of a justice.

- (b) issue his summons or warrant to compel the attendance of any witnesses for either party, and
- (c) do all other acts and matters necessary preliminary to the hearing,

notwithstanding that the Act applicable provides that the information or complaint be heard and determined by two or more justices of the peace.

(4) Every justice of the peace is by virtue of his office a commissioner for taking affidavits, declarations and affirmations and for administering oaths.

5. The appointment of a justice of the peace terminates when he attains the age of 70 years.

6. A justice of the peace may at any time resign his position in writing signed by him and delivered to the Attorney General.

7. The Lieutenant Governor in Council may make regulations

- (a) fixing the fees and allowances to be paid to justices of the peace,
- (b) requiring and governing the making of returns and reports by justices of the peace,
- (c) governing the remission of fines, penalties, forfeitures or other sums of money, and
- (d) respecting any matter necessary and advisable to carry out effectively the intent and purposes of this Act.

8. This Act comes into force on a day to be fixed by proclamation.

5. Appointment terminates when justice reaches 70.

6. Resignation.

7. Regulations.