

1971 Bill 85

Fourth Session, 16th Legislature, 20 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 85

**An Act to amend
The Department of The Attorney General Act**

THE PREMIER

First Reading

Second Reading

Third Reading

BILL 85

1971

AN ACT TO AMEND THE DEPARTMENT OF THE ATTORNEY GENERAL ACT

(Assented to _____, 1971)

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

1. *The Department of the Attorney General Act is hereby amended.*

2. *The following sections are added after section 5:*

6. (1) The Attorney General is the Provincial Secretary.

(2) The Deputy Attorney General is the Deputy Provincial Secretary.

7. (1) The Attorney General as Provincial Secretary

(a) has all the powers, duties and functions that are assigned by law or custom to the Provincial Secretaries and Registrars of the different provinces of Canada, in so far as they or any of them are applicable to Alberta,

(b) is the Keeper of the Great Seal of the Province,

(c) shall issue letters patent, commissions and other documents under the Great Seal of the Province and countersign the letters patent, commissions and other documents except those that are countersigned by the Clerk of the Executive Council, and

(d) is the keeper of registers of the Province.

(2) Commissions issued by the Provincial Secretary under the Great Seal of the Province shall run in Her Majesty's name.

8. (1) The Attorney General is the Registrar of the Province.

(2) The Attorney General as Registrar shall register instruments of summons, commissions, letters patent, writs and other instruments and documents issued under the Great Seal of the Province.

Explanatory Notes

1. This Bill will amend chapter 95 of the Revised Statutes of Alberta 1970.

2. The Attorney General is to be the Provincial Secretary and also the Registrar of the Province.

(3) The signature of the Attorney General as Registrar is proof of the fact that the registers, instruments of summons, commissions, letters patent, writs and other instruments and documents exist and are lawfully in his possession.

(4) A copy of a document signed by the Attorney General as Registrar is equivalent to the original instrument itself when produced in a court in Alberta.

(5) Each document or copy of a document purporting to bear the signature of the Attorney General as Registrar shall be deemed to bear his signature until the contrary is proved.

9. (1) The Provincial Secretary may have a seal of office in such form as the Lieutenant Governor in Council may authorize.

(2) The seal may be reproduced by engraving, lithography, printing or any other method of reproduction and when so reproduced has the same force and effect as if it had been manually affixed.

10. The Lieutenant Governor in Council may make tariffs of fees which shall be paid

- (a) for the issuing and registering of commissions, letters patent, licences and other instruments and documents, and
- (b) for the delivery of certified copies thereof or of certified extracts from the registers and documents in the Registrar's office.

3. The Department of the Provincial Secretary Act is repealed.

4. This Act comes into force on a date to be fixed by Proclamation.

3. R.S.A. 1970, c. 104 repealed.