

1971 Bill 88

Fourth Session, 16th Legislature. 20. Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 88

An Act to amend The Liquor Licensing Act

HON. MR. AALBORG

First Reading

Second Reading

Third Reading

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

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1971

AN ACT TO AMEND THE LIQUOR LICENSING ACT

(Assented to _____, 1971)

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

1. *The Liquor Licensing Act is hereby amended.*

2. *Section 2, subsection (1) is amended*

(a) *as to clause 9, subclause (ii) by striking out the word "occasional",*

(b) *by adding the following clause after clause 17:*

18. "special events licence" means a licence issued under section 63.1.

3. *Section 15, subsection (2) is amended by adding the following clause after clause (f):*

(g) special events licence.

4. *Section 16 is amended by adding the following clause after clause (g):*

(h) Canadian Forces in respect of premises approved by the Board on a permanent base.

5. *The following section is added after section 16:*

16.1 A special events licence shall be issued only to a corporation, organization, city, town or village that intends to conduct an annual exhibition, fair, combined exhibition and rodeo or other special event approved by the Board.

6. *The following section is added after section 25:*

25.1 Where licensed premises are sold or transferred and a new licence is required, the Board may, notwithstanding anything in this Act or The Liquor Control Act, authorize the sale of liquor stocks on hand by the seller or transferor to the new licensee.

Explanatory Notes

1. This Bill amends chapter 212 of the Revised Statutes of Alberta 1970.

2. Section 2, subsection (1), clause 9 subclause (ii) presently reads:

- 9. "dining room" means
 - (ii) such other parts of a hotel, inn, restaurant or railway car as are deemed by the Board to be suitable for occasional use as an additional dining area;

New type of licence.

3. Section 15, subsection (2) presently reads:

- (2) A licence may be of any one of the following classes:
 - (a) beverage room licence;
 - (b) beer vendor's licence;
 - (c) club licence;
 - (d) canteen licence;
 - (e) dining lounge licence;
 - (f) lounge licence.

4. Section 16 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 Canadian citizen or British subject and resident in Alberta for at least one year before the date of application, or
 - (b) a partnership of which each of the partners is qualified as provided in clause (a), or
 - (c) a railway corporation in respect of its hotels, trains or resort golf club houses, or
 - (d) a corporation that owns and operates hotels in connection with a railway and more than half of the stock of which is owned by a railway corporation, or
 - (e) any other corporation that is incorporated or authorized to carry on its business in Alberta under the laws of Alberta, and of which a majority of the directors are, and the officer or agent who is in charge of the premises to be licensed is, personally qualified as provided in clause (a), or
 - (f) a city or town that operates a public dining room and the officer or agent who is in charge of the premises to be licensed is personally qualified, as provided in clause (a), or
 - (g) an airline corporation in respect of its aircraft while on commercial passenger flights.

5. Issue of special events licence.

6. Permits sale of liquor stocks when premises are sold.

7. *Section 36 is struck out and the following section is substituted:*

36. Every beverage room licence, beer vendor's licence and special events licence issued under this Act is subject to all the conditions and restrictions imposed by this Act and the regulations.

8. *Section 55 is amended by striking out subsection (2).*

9. *Section 57, subsection (1) is amended by striking out the words "armed forces" and by substituting the words "Canadian Forces".*

10. *The following section is added after section 60:*

60.1 Notwithstanding sections 60 and 61, the Board may, in its discretion, restrict the authority of the dining lounge licence to the purchase and sale of beer and wine or either of them only for consumption in the dining room with meals, by persons who are not disqualified under The Liquor Control Act from consuming liquor.

11. *The following sections are added after section 63:*

Special Events Licence

63.1 On application therefor being made in the prescribed form and on payment of the prescribed fees and on compliance with this Act and the regulations, the Board may issue to a corporation, organization, city, town or village a special events licence.

63.2 A special events licence is authority for the licensee named therein to purchase beer of such maximum alcoholic strength as may be prescribed by the Board, from the Board and to have and to sell it by the glass or open container to persons not disqualified under The Liquor Control Act, for consumption in that part of the building or designated area set out in the licence, but the purchase, having, keeping, sale and consumption shall be in accordance with this Act and the regulations and not otherwise.

12. *Section 67, subsection (1) is amended by adding to the end thereof the words "or the premises for which a special events licence has been issued".*

7. Section 36 presently reads:

36. Every beverage room licence and beer vendor's licence issued under this Act shall be subject to all conditions and restrictions imposed by this Act and the regulations.

8. Section 55 subsection (2) presently reads:

(2) No person is permitted to buy beer or liquor in a club licensed to sell beer or liquor under this Act unless he is a member of the club and not disqualified under The Liquor Control Act.

The amendment will permit non-club members to buy liquor in a club when they enter as registered guests of club members.

9. Section 57 (1) presently reads:

57. (1) Where a canteen licence for the sale of beer has been granted to a mess of the armed forces or police, the mess may apply to the Board for a canteen licence to sell liquor.

10. Self-explanatory.

11. Authority of Special Events Licence.

12. Section 67, subsection (1) presently reads:

67. (1) A person under the age of 21 years may enter, be in, and remain in, a licensed dining lounge.

13. *Section 71 is amended*

- (a) *as to subsection (1), clause (a) by striking out the words "from 12 o'clock midnight at the end of a Saturday" and by substituting the words "from one o'clock Sunday morning until",*
- (b) *as to subsection (4) by striking out clause (a) and by substituting the following:*
 - (a) *the Board may extend the closing hour of a dining lounge on a Sunday morning from the hour of one o'clock in the morning to a time not later than two o'clock Sunday morning,*
- (c) *by adding the following subsection after subsection (4):*
 - (5) *Notwithstanding anything in this section the Board may prescribe such hours as it considers fit for the sale or other disposal of liquor in the dining lounge and lounge at international airports for air travellers.*

14. *Section 73 is amended by adding after the words "canteen licence," the words "special events licence,".*

15. *Section 78, subsection (1) is amended by adding after the word "trains" the words "or aircraft".*

16. *Section 80, subsection (1) is amended by adding after the words "beer vendor licensee," the words "special events licensee,".*

17. *The following section is added after section 100:*

100.1 *Notwithstanding anything in this Part, the Board in its discretion may, subject to the provisions of section 25, grant a beer or liquor licence in a sparsely populated or remote area.*

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

13. Section 71, subsections (1) and (4) presently read:

71. (1) Subject to section 70, subsection (4), 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,

- (a) from 12 o'clock midnight at the end of a Saturday until 10 o'clock in the forenoon on the Monday next following or until such later hour on the Monday next following as may be prescribed, and on other days of the week during such hours as may be prescribed by the Board, or
- (b) during such time as the sale of liquor is prohibited by any Act of Alberta or Canada or a municipal by-law applicable to elections, or
- (c) on such other days as the Board may direct.

(4) Notwithstanding subsection (1), clause (a),

- (a) the Board may extend the closing hour of a dining lounge on a Saturday from the hour of 12 o'clock midnight on the Saturday to a time not later than one o'clock in the morning of the following day,
- (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, and
- (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.

14. Section 73 presently reads:

73. Liquor purchased from the holder of a licence of any of the following kinds, that is to say, club licence, canteen licence, dining lounge licence, or lounge licence, shall not be consumed elsewhere than in the licensed premises in which it was purchased.

15. Section 78, subsection (1) presently reads:

78. (1) Where the Board issues a licence under section 77 it may, notwithstanding any provision of this Act or The Liquor Control Act, authorize the licensee to purchase elsewhere than from the Board and under such conditions as the Board prescribes, liquor for sale to passengers on trains in accordance with the licence or licences issued.

The amendment will permit the Board to authorize airlines to purchase liquor supplies elsewhere than in Alberta.

16. Section 80, subsection (1) presently reads:

80. (1) A beverage room licensee, beer vendor licensee, dining lounge licensee or lounge licensee, or an employee thereof, may in his discretion refuse to sell liquor to any person and no reason for so doing need be given to the person refused.

17. Licences in sparsely populated areas. e.g. ski areas.