

1971 Bill 89

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Fourth Session, 16th Legislature, 20 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 89**

**An Act to amend The Liquor Control Act**

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HON. MR. AALBORG

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First Reading .....

Second Reading .....

Third Reading .....

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

# BILL 89

1971

## AN ACT TO AMEND THE LIQUOR CONTROL 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 Control Act is hereby amended.*
2. *Section 10, subsection (1) is amended*
  - (a) *by adding the following words to the end of clause 29*  
“and to provide for the refund of a portion of licence fees payable in the circumstances specified and in accordance with the regulations”,
  - (b) *by adding the following clause after clause 32:*
33. to establish a duty free store or to permit any other person to establish a duty free store at international airports for the purpose of selling liquor to persons leaving Canada by air for consumption outside Canada and for that purpose may
  - (i) prescribe
    - (A) the hours of operation of the duty free store,
    - (B) the conditions on the sale of liquor,
    - (C) the condition of the premises on which the liquor is sold,
    - (D) the persons by whom and to whom the liquor may be sold,
    - (E) such other restrictions and conditions concerning the sale of liquor, in a duty free liquor store or on any matter connected with the operation of the store and sale of the liquor, as the Board considers necessary,
  - (ii) enter into an agreement with any person for the operation of a duty free store subject to such conditions and restrictions as may be agreed upon and are not inconsistent with the regulations, and
  - (iii) operate the duty free store on its own account.

## Explanatory Notes

1. This Bill will amend chapter 211 of the Revised Statutes of Alberta 1970.

2. Section 10 (1), clause 29 presently reads:

10. (1) The Board shall have the following powers:

29. subject to the approval of the Lieutenant Governor in Council, to fix the fee for any licence or permit, for which no fee is prescribed by this Act or The Liquor Licensing Act, and to fix the fee for anything done, or permitted to be done, under this Act or The Liquor Licensing Act, or the regulations thereunder and for which no fee is otherwise provided herein or therein;

3. *Section 78 is amended*

- (a) *as to subsection (1) by striking out the word “knowingly”,*
- (b) *by striking out subsection (2).*

4. *Section 79 is amended*

- (a) *as to subsection (1) by striking out the word “knowingly”,*
- (b) *by striking out subsection (2).*

5. *Section 81 is amended by striking out subsection (1).*

6. *Section 100 is amended by striking out subsection (2) and by substituting the following:*

- (2) *Where a judge or justice convicts a person*
  - (a) *of an offence under section 222 or section 224 of the Criminal Code, or*
  - (b) *of being drunk in a public place under section 160 of the Criminal Code and that person has been previously convicted of the offence within the preceding 12 months,*

*the judge or justice may make an order of interdiction for any period of not less than one year nor more than five years and may direct the cancellation of any identification or other permit issued by the Board held by that person and prohibit the sale of liquor to him for the duration of the order of interdiction and the judge or justice shall cause the order to be forthwith filed with the Board.*

7. *Section 103 is amended by striking out the words “revoked or set aside” and by substituting the words “revoked, set aside or expires”.*

8. *Section 104 is struck out and the following is substituted:*

**104.** *Unless sooner revoked or set aside an order of interdiction ceases to have any force or effect upon the expiration of the period specified by the judge or justice making the order.*

9. *Section 111 is amended by adding the following subsection after subsection (2):*

- (3) *Upon the conviction of a person of an offence contrary to section 68, the justice making the conviction, in and*

**3. Section 78 (1) and (2) presently read:**

78. (1) No person shall knowingly sell or supply liquor to a person under the age of 21 years.

(2) No liquor shall be sold or supplied to a person who is apparently under the age of 21 years unless that person is in fact 21 years of age or over.

**4. Section 79 (1) and (2) presently read:**

79. (1) No person shall knowingly deliver to or give the custody of liquor to a person under the age of 21 years.

(2) No liquor shall be delivered to or given to the custody of a person apparently under the age of 21 years unless that person is in fact 21 years of age or over.

**5. Section 81 (1) presently reads:**

81. (1) No person whose special permit or other permit has been cancelled shall, within a period of 12 months after the date of the cancellation, make application for another permit under this Act.

**6. Section 100 (2) presently reads:**

(2) Where a judge or justice convicts a person

(a) of driving a motor vehicle while intoxicated, or

(b) of being

(i) intoxicated in a public place, or

(ii) drunk and disorderly,

and that person has been previously convicted of one or more of these offences within the preceding 12 months,

the judge or justice may make an order of interdiction directing the cancellation of any identification or other permit, if any, held by that person and prohibiting the sale of liquor to him until further order and the judge or justice shall cause the order to be forthwith filed with the Board.

**7. Section 103 presently reads:**

103. On the making of the order of interdiction, the interdicted person may forthwith deliver to the Board all liquor then in his possession or under his control to be kept for him by the Board until the order of interdiction is revoked or set aside, or to be purchased by the Board at a price to be fixed by the Board.

**8. Section 104 presently reads:**

104. Unless sooner revoked an order of interdiction ceases to have any force or effect upon the expiration of the period of five years from the day of the making of the order.

**9. Liquor seized from bootleggers will be forfeited to the Crown.**

by the conviction, shall declare the liquor and packages or any part thereof to be forfeited to the Crown in right of the Province.

*10. Section 112, subsection (2) is amended*

*(a) by striking out clause (a) and by substituting the following:*

(a) may declare the liquor or any part thereof so seized and the packages in which it is contained to be forfeited to the Crown in right of the Province,

*(b) by adding the following subsection after subsection (2):*

(3) Where the justice makes no declaration under subsection (2), clause (a) and upon expiration of the time for appeal, then

(a) the liquor in sealed packages or sealed vessels (as the case may be), shall be returned to the convicted person provided he is not prohibited by this Act, or The Liquor Licensing Act from possessing the liquor, and

(b) the liquor in unsealed vessels shall be destroyed.

*11. Section 114 is amended by striking out subsection (2) and by substituting the following:*

(2) The liquor forfeited shall be destroyed in the presence of a justice by such person and in such manner as may be directed from time to time by the Attorney General.

*12. Section 132 is amended by adding the following subsection after subsection (2):*

(3) Any fine or penalty imposed under this Act or The Liquor Licensing Act on a conviction for an offence occurring in an Indian reserve elsewhere than on a primary highway or on a road designated as a secondary road under The Public Highways Development Act, enures to the benefit of the band and for the purposes of this subsection the words "reserve" and "band" have the meaning assigned to them in the Indian Act (Canada).

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

**10. Section 112 (2) presently reads:**

(2) Upon the conviction of the occupant or person in charge of the vehicle, motor car, automobile, vessel, boat, canoe or conveyance or of any other person for having or keeping the liquor contrary to any of the provisions of this Act in such conveyance, the justice making the conviction, in and by the conviction,

- (a) shall declare the liquor or any part thereof so seized and the packages in which it is contained to be forfeited to the Crown in right of the Province, and
- (b) may declare the vehicle, motor car, automobile, vessel, boat, canoe or conveyance so seized, to be forfeited to the Crown in right of the Province.

**11. Section 114 (2) presently reads:**

(2) The liquor forfeited and the packages in which it is kept

- (a) shall be destroyed in the presence of a justice by the Royal Canadian Mounted Police in such manner as may be directed from time to time by the Attorney General, and a report thereof signed by the justice forwarded to the Board if the liquor was seized by an officer or constable of the Royal Canadian Mounted Police, or
- (b) if the liquor was seized by an officer or constable other than an officer or constable of the Royal Canadian Mounted Police, the liquor in question shall be destroyed in the manner directed by the Board and the packages in which the liquor is kept shall become the property of the Board.

**12. Fines for offences on Indian reserve paid to band.**