

1971 Bill 118

Fourth Session, 16th Legislature, 20 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 118

An Act to amend The Federal Courts Jurisdiction Act

THE ATTORNEY GENERAL

First Reading

Second Reading

Third Reading

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1971

AN ACT TO AMEND THE FEDERAL COURTS JURISDICTION ACT

(Assented to _____, 1971)

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

1. The Federal Courts Jurisdiction Act is hereby amended.

2. Section 2 is amended

(a) by striking out the words "Exchequer Court of Canada" and by substituting the words "Federal Court of Canada",

(b) by striking out the words "Exchequer Court Act" and by substituting the words "Federal Court Act".

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

Explanatory Notes

1. This Bill amends chapter 139 of the Revised Statutes of Alberta 1970.

2. This amendment brings the Act into conformity with the Federal Court Act (Canada). Section 2 presently reads:

2. The Supreme Court of Canada and the Exchequer Court of Canada, or the Supreme Court of Canada alone, according to the Supreme Court Act (Canada) and the Exchequer Court Act (Canada) have jurisdiction

- (a) in controversies between Canada and Alberta;
- (b) in controversies between Alberta and any other province of Canada in which an Act similar to this Act is in force;
- (c) in actions or proceedings in which the parties by their pleadings have raised the question of the validity of an Act of the Parliament of Canada or of an Act of the Legislature of Alberta, when in the opinion of a judge of the court in which the same are pending the question is material, and in such case the judge shall, at the request of the parties, and may without such request if he thinks fit, order the case to be removed to the Supreme Court of Canada in order that the question may be decided.