

1972 Bill 5

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First Session, 17th Legislature, 21 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 5**

**The Motor Vehicle Accident Claims Amendment Act, 1972**

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MR. HARLE

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First Reading .....

Second Reading .....

Third Reading .....

# BILL 5

1972

## THE MOTOR VEHICLE ACCIDENT CLAIMS AMENDMENT ACT, 1972

(Assented to \_\_\_\_\_, 1972)

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

1. *The Motor Vehicle Accident Claims Act is hereby amended.*

2. *Section 3 is amended by adding the following subsection after subsection (4):*

(5) The Administrator shall have a seal of office of such design as may be prescribed by the Minister.

3. *Section 9, subsection (5) is amended by striking out the words "When a defendant is represented by counsel in" and by substituting the word "In".*

4. *Section 12 is amended by striking out subsection (3) and by substituting the following:*

(3) Upon hearing the application, the judge may, if he is satisfied that

- (a) the application is a proper one under this Act, and
- (b) the application for payment out of the Fund is not prohibited by section 16, 18 or 19,

make any order he considers just, including an order setting aside the judgment.

5. *Section 13 is amended*

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

(2.1) Notwithstanding subsection (2), where the claim is for \$500 or less, the Administrator may waive the requirement of notice in writing.

## **Explanatory Notes**

**1. This Bill will amend chapter 243 of the Revised Statutes of Alberta 1970.**

**2. Self-explanatory.**

**3. Section 9, subsection (5) presently reads:**

(5) When a defendant is represented by counsel in an action where it appears that a claim may be made against the Fund, the Administrator may upon notice to the plaintiff and defendant apply to be added as a party and thereupon may take any steps he considers proper to protect the interests of the Fund.

**4. Section 12, subsection (3) presently reads:**

(3) Upon hearing the application the judge may make whatever order he considers just in the circumstances, including an order setting aside the judgment.

**5. Payment of claims without judgment and title of actions against the Administrator.**

(b) *by adding the following subsections after subsection (8):*

(9) Notwithstanding anything in this section, where there is a claim for \$500 or less, the Administrator may permit a claim to be made without a judgment, in accordance with those provisions of section 8 that are applicable to it.

(10) Where any claim is made against the Administrator, whether by court action or otherwise, the claim shall be made against the Administrator in the following manner:

“The Administrator of The Motor  
Vehicle Accident Claims Act”

and not against the Administrator in his personal name.

6. *Section 27, subsection (1) is amended by striking out the word “Minister” and by substituting the word “Administrator”.*

7. *Section 34 is amended*

(a) *as to subsection (1)*

(i) *by striking out clause (c),*

(ii) *by striking out the words “Lieutenant Governor in Council” and by substituting the words “Treasury Board appointed under The Financial Administration Act”,*

(b) *as to subsection (2) by striking out the words “Lieutenant Governor in Council” and by substituting the words “Treasury Board”.*

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

**6. Section 27, subsection (1) presently reads:**

27. (1) The Minister may prescribe forms to be used under this Act.

**7. Section 34 presently reads:**

34. (1) In any case where

- (a) a payment on a judgment has been made from the Fund or the Unsatisfied Judgment Fund, as the case may be, to an applicant,
- (b) more than 10 years have elapsed since such payment has been made, and
- (c) there is supporting evidence on the file to indicate that every reasonable step has been taken to recover the amount so paid or a portion thereof from the person liable to the Fund in respect of that judgment,

the Lieutenant Governor in Council may, on recommendation of the Minister, authorize the account to be closed and authorize the debt to be discharged.

(2) Where the Lieutenant Governor in Council makes an authorization referred to in subsection (1), the Administrator shall do the acts so authorized.