

1972 Bill 68

First Session, 17th Legislature, 21 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 68

The Statutes Amendment Act, 1972

THE ATTORNEY GENERAL

First Reading

Second Reading

Third Reading

BILL 68

1972

THE STATUTES AMENDMENT ACT, 1972

(Assented to _____, 1972)

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

1. *The Alcoholism and Drug Abuse Act is amended as to section 4, subsection (6) by adding after the word "Minister" the words "of Health and Social Development".*

2. *The Change of Name Act is amended as to section 17 by striking out the figure "16" and by substituting therefor the figure "14".*

3. *The Commissioners for Oaths Act is amended as to section 8 by striking out the words "Act outside Alberta" and by substituting therefor the words "outside Alberta".*

4. *The Conditional Sales Act is amended as to section 19, subsection (5), clause (b), subclause (ii) by striking out the words "subsection (4)" and by substituting therefor the words "subsection (5)".*

5. *The Department of Health and Social Development Act is amended*

(a) *as to SCHEDULE A by adding thereto the following:*

"The Public Trustee Act, section 2, clause (e), subclause (ii), paragraph (C).

The Radiation Protection Act, section 2, clause (b) and section 3, subsection (2).

The Sexual Sterilization Act, section 2, clauses (c) and (e).

The Treatment Services Act, section 2, clause (a).

The Tuberculosis Act, section 2, clauses (a) and (c).

The Universities Act, section 50, subsections (4) and (5).

The Venereal Diseases Prevention Act, section 2, clauses (c) and (g).

The Vital Statistics Act, section 25, subsection (1)."

Explanatory Notes

1. The Alcoholism and Drug Abuse Act, being chapter 16 of the Revised Statutes of Alberta 1970 is amended to designate to which Minister reference is made. Section 4(6) reads:

(6) A copy of the minutes of each meeting of the Commission shall be furnished to the Minister.

2. The Change of Name Act, being chapter 41 of the Revised Statutes of Alberta 1970 is amended to correct a cross-reference.

3. The Commissioners for Oaths Act, being chapter 58 of the Revised Statutes of Alberta 1970 is amended to correct a typographical error.

4. The Conditional Sales Act, being chapter 61 of the Revised Statutes of Alberta 1970 is amended to correct a cross-reference.

5. The Department of Health and Social Development Act, being chapter 25 of the Statutes of Alberta, 1971 is amended to correct a printing error.

- (b) as to SCHEDULE B by striking out the following:
- “The Public Trustee Act, section 2, clause (e), sub-clause (ii), paragraph (C).*
 - The Radiation Protection Act, section 2, clause (b) and section 3, subsection (2).*
 - The Sexual Sterilization Act, section 2, clauses (c) and (e).*
 - The Treatment Services Act, section 2, clause (a).*
 - The Tuberculosis Act, section 2, clauses (a) and (c).*
 - The Universities Act, section 50, subsections (4) and (5).*
 - The Venereal Diseases Prevention Act, section 2, clauses (c) and (g).*
 - The Vital Statistics Act, section 25, subsection (1).”*

6. *The Domestic Relations Act is amended as to section 31, subsection (1) by striking out the words “Part XIII” and by substituting therefor the words “Part XXIII”.*

7. *The Electoral Boundaries Commission Act is amended as to section 18 by striking out the figures “17 or 18” and by substituting therefor the figures “16 or 17”.*

8. *The Highway Traffic Act is amended*

- (a) *as to section 204, subsection (5) by striking out the figure “225” and by substituting therefor the figure “238”,*
- (b) *as to section 206,*
 - (i) *by striking out the figure “222” and by substituting therefor the figure “234”,*
 - (ii) *by striking out the figure “224” and by substituting therefor the figure “236” wherever it appears in subsections (1) to (6), and*
 - (iii) *by striking out the figure “222” where it appears for the second time in subsection (7) and by substituting therefor the figure “234”,*
- (c) *as to section 208,*
 - (i) *in subsection (1) by striking out the figure “221” and by substituting therefor the figure “233”, and*
 - (ii) *in subsection (2) by striking out the figures “192, 193 or 207” and by substituting therefor the figures “203, 204 or 219”,*

6. The Domestic Relations Act, being chapter 113 of the Revised Statutes of Alberta 1970 is amended to correct a typographical error in a reference to the Criminal Code.

7. The Electoral Boundaries Commission Act, being chapter 118 of the Revised Statutes of Alberta 1970 is amended to correct an internal cross-reference.

8. The Highway Traffic Act, being chapter 169 of the Revised Statutes of Alberta 1970 is amended in accordance with section number changes in the Criminal Code arising in the Revised Statutes of Canada.

- (d) as to section 209, subsection (1) by striking out the figure “225” where it appears in clauses (a) and (b) and by substituting therefor in each clause the figure “238”, and
- (e) as to section 221, subsection (1), clause (b) by striking out the figure “4” and by substituting therefor the figure “5”.

9. *The Alberta Hospitals Act is amended*

- (a) as to section 3, subsection (6) by striking out the figure “19” and by substituting therefor the figure “18”, and
- (b) as to section 52, subsection (4) by striking out the word “Minister” and by substituting therefor the word “Commission”.

10. *The Hospital Services Commission Act is amended as to the Schedule in the right hand column opposite the reference to section 54 under the heading “The Lloydminster Hospital Act” by striking out the words “shall apply”.*

11. *The Alberta Insurance Act is amended*

- (a) as to section 53, subsection (1), clause (b) by striking out the figure “400” and by substituting therefor the figure “439”,
- (b) by striking out section 260,
- (c) as to section 337 by striking out subsection (2) and by removing the subsection number from subsection (1),
- (d) as to section 338, subsection (3) by striking out the figure “320c” and by substituting therefor the figure “339”, and
- (e) as to section 417, subsection (2) by striking out the figure “401” and by substituting therefor the figure “415”.

12. *The Insurance Corporations Tax Act is amended by striking out section 12.*

13. *The Liquor Licensing Act is amended as to section 71, subsection (1) by striking out the word “until” where it first appears in clause (a).*

9. The Alberta Hospitals Act, being chapter 174 of the Revised Statutes of Alberta 1970 is amended in clause (a) to bring it into conformity with The Age of Majority Act and in clause (b) to correct an oversight in the 1971 amendments. The relative provisions presently read:

(6) The Minister may require that a plebiscite be held in a hospital district or proposed hospital district by which the residents of the district, 19 years of age or over, may indicate their approval or disapproval to construct new facilities, disestablish existing facilities, amalgamate hospital boards within the district or other matters pertaining to the provision of hospital facilities in the district.

(4) The solicitor of a beneficiary who has been engaged by the Minister for the purpose of this section shall, in addition to proper disbursements, if any, be paid in accordance with a schedule of fees established by the Lieutenant Governor in Council, and a solicitor separately engaged for these purposes shall be paid his proper and reasonable fees and disbursements determined pursuant to the Alberta Rules of Court.

10. The Hospital Services Commission Act, being chapter 45 of the Statutes of Alberta, 1971 is amended as to the Schedule to correct a typographical error in a consequential amendment to The Lloydminster Hospital Act, chapter 19 of the Statutes of Alberta, 1948. The Schedule presently reads in the relevant part

Section 54 "The Controverted Municipal Elections Act shall apply" is struck out and "Part 2 of The Municipal Election Act of Alberta" is substituted therefor.

11. The Alberta Insurance Act, being chapter 187 of the Revised Statutes of Alberta 1970 is amended to correct internal references and to eliminate two sections no longer required because of The Age of Majority Act.

12. The Insurance Corporations Tax Act, being chapter 188 of the Revised Statutes of Alberta 1970 is amended as section 12 is obsolete due to 1971 amendments. It refers to the style of cause in actions under the Act.

13. The Liquor Licensing Act, being chapter 212 of the Revised Statutes of Alberta 1970 is amended to eliminate a duplicated word. Section 71 (1) (a) presently reads:

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 one o'clock Sunday morning until 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

14. *The Municipal Government Act is amended as to section 284 by striking out subsection (1) and by substituting therefor the following subsection:*

284. (1) The municipality, its engineers, servants and workmen, from time to time and at such times as the council considers fit, may enter into and upon, take or use by expropriation under *The Expropriation Procedure Act*, the land of any person, bodies politic or corporate in the municipality or within 10 miles thereof, and may survey, set out and ascertain such parts thereof as are required for the purposes of any public utility that the municipality is empowered to construct or operate, and may contract with the owners or occupants of the land and any person having a right or interest therein for the purchase or renting thereof, or of any part thereof, or of any privilege that may be required for the purpose of the public utility, at the option of the municipality.

15. (1) *The Planning Act is amended by adding after section 151 the following section:*

151.1 Where any area of land is annexed or transferred to one municipality from another, the title to any reserves within that area shall, unless the Board otherwise orders, be transferred to the municipality acquiring jurisdiction over that area.

(2) *Section 151, subsection (3) of The Planning Act, being chapter 43 of the Statutes of Alberta, 1963, is repealed .*

16. *The Public Health Act is amended as to section 46.1 subsection (1) by striking out the words "Where this or an" and by substituting therefor the words "Where, by any provision of this Act or any".*

17. *The Public Lands Act is amended as to section 117, subsection (2), clause (b) by striking out the words "require the corporation to pay a sum equivalent to to the assignment" and by substituting therefor the words "require the corporation to pay a sum equivalent to the assignment".*

18. *The Rural Electrification Revolving Fund Act is amended as to section 10 by striking out the word "the" after the words "shall furnish".*

19. *The Seizures Act is amended as to section 44 by striking out the figure "(2)" and by substituting therefor the figure "(3)".*

14. The Municipal Government Act, being chapter 246 of the Revised Statutes of Alberta 1970 is amended to correct a printing error.

15. This provision was omitted but not repealed in the Revised Statutes of Alberta 1970. It will now be re-introduced into the Revised Statutes to eliminate confusion resulting from its absence.

16. The Public Health Act, being chapter 294 of the Revised Statutes of Alberta 1970 is amended to correct a typographical error in the 1971 amendments. Section 46.1 (1) reads in part:

46.1 (1) Where this or an order, rule or regulation under this Act, the Provincial Board, an officer of the Department of Health, a local board or officer thereof, a medical officer of health or a municipality or officer thereof (in this section called a "health authority") is required or permitted to serve a notice to any person (in this section called the "respondent") the notice may be served.

17. The Public Lands Act, being chapter 297 of the Revised Statutes of Alberta 1970 is amended to correct a printing error.

18. The Rural Electrification Revolving Fund Act, being chapter 325 of the Revised Statutes of Alberta 1970 is amended to correct an error in a 1971 consequential amendment.

19. The Seizures Act, being chapter 338 of the Revised Statutes of Alberta 1970 is amended to correct a cross-reference.

20. The Teachers' Retirement Fund Act is amended

- (a) as to section 24, subsection (4) by striking out the words "to him by" and by substituting therefor the words "by him to", and*
- (b) as to section 38, subsection (2), clause (b) by inserting before the word "by-law" the word "by".*

21. The Water Resources Act is amended as to section 14 by renumbering the second subsection (9) as subsection (10)

22. This Act comes into force on the day upon which it is assented to and upon so coming into force

- (a) sections 1, 3, 4, 6, 7, 8, section 11, clauses (a), (d) and (e), and sections 14, 15, 17, 19 and 20 shall be deemed to have been in force at all times on and after March 1, 1971,*
- (b) section 2 shall be deemed to have been in force at all times on and after August 1, 1971,*
- (c) section 5 and section 11, clauses (b) and (c) shall be deemed to have been in force at all times on and after April 28, 1971,*
- (d) section 9, clause (a) and section 10 shall be deemed to have been in force at all times on and after March 31, 1971,*
- (e) section 9, clause (b) and section 12 shall be deemed to have been in force at all times on and after April 1, 1971,*
- (f) sections 13, 16 and 21 shall be deemed to have been in force at all times on and after April 27, 1971, and*
- (g) section 18 shall be deemed to have been in force at all times on and after June 1, 1971.*

20. The Teachers' Retirement Fund Act, being chapter 361 of the Revised Statutes of Alberta 1970 is amended to correct typographical errors.

21. The Water Resources Act, being chapter 388 of the Revised Statutes of Alberta 1970 is amended to correct subsection numbering.