

1972 Bill Pr. 8

First Session, 17th Legislature, 21 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL Pr. 8

**An Act to Provide for an Extension of Time for Commencing an
Action Beyond the Period Allowed by the Limitation of
Actions Act.**

MR. FARRAN

First Reading

Second Reading

Third Reading

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AN ACT TO PROVIDE FOR AN EXTENSION OF TIME FOR COMMENCING AN ACTION BEYOND THE PERIOD ALLOWED BY THE LIMITATION OF ACTIONS ACT.

(Assented to _____, 1972)

Preamble

WHEREAS Thelma Thompson Baxter, of the City of Calgary, suffered injury as a result of a surgical operation on or about the 4th day of March, 1964;

AND WHEREAS *The Limitation of Actions Act* provides that (except as provided in sections 57 to 61 of that Act) an action against a duly qualified medical practitioner registered under *The Medical Profession Act* for negligence or malpractice by reason of professional services requested or rendered may be commenced within one year from the date when the professional services terminated in respect of the matter that is the subject of the complaint;

AND WHEREAS Thelma Thompson Baxter has commenced an action against the medical practitioner who performed the surgical operation for personal injuries arising from that operation;

AND WHEREAS the time within which the said action must be commenced has expired pursuant to the provisions of *The Limitation of Actions Act*;

AND WHEREAS a Petition has been presented by Thelma Thompson Baxter praying for an Act enabling her to commence an action to recover damages for the said personal injuries, notwithstanding the expiration of time under *The Limitation of Actions Act*, and it is expedient to grant the prayer of the said Petition;

NOW THEREFORE Her Majesty, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Extension
of time to
commence
action

1. Notwithstanding any provision of *The Limitation of Actions Act*, the said Thelma Thompson Baxter may apply by way of Originating Notice of Motion to a Judge of the Supreme Court of Alberta, in Chambers, and on hearing of the said Motion, the Court, having regard to the real question in controversy, the very right and justice of the mat-

ter and all the circumstances of the case, may in its discretion enlarge the time allowed by section 55 of *The Limitation of Actions Act* for the bringing of an action by the said Thelma Thompson Baxter for damages for personal injuries arising from a surgical operation performed on her on or about the 4th day of March, 1964.

Time for
application

2. No such application shall be made after the expiration of 60 days from the coming into force of this Act.

Coming into
force

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