

1973 Bill 5

Second Session, 17th Legislature, 21 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 5

The Public Highways Development Amendment Act, 1973

MR. PURDY

First Reading

Second Reading

Third Reading

Bill 5
(Mr. Purdy)

BILL 5

1973

THE PUBLIC HIGHWAYS DEVELOPMENT AMENDMENT ACT, 1973

(Assented to _____, 1973)

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

1. *The Public Highways Development Act is hereby amended.*

2. *Section 2, clause (m), subclause (ii) is amended by adding at the end thereof the words "or in a registered caveat relating to that land".*

3. *Section 31 is amended by adding the following subsection after subsection (7):*

(8) Where a notice has been issued under this section for the removal of any property, equipment, material or other thing from land,

(a) the owner of the land, or

(b) the person to whom the notice was directed,

is guilty of an offence if he again places or causes to be placed any property, equipment, material or other thing on the land within the distance from the controlled highway prescribed by the regulations.

4. *Section 33 is amended*

(a) *by striking out subsection (2) and by substituting the following:*

(2) Upon conviction for an offence the convicting judge shall

(a) order the person convicted to move, remove or alter, within the period specified in the order, any property, equipment, material or other thing in respect of which he was convicted, and

(b) order that no owner of the land shall place or suffer to be placed any property, equipment, material or other thing on the part

Explanatory Notes

1. This Bill will amend chapter 295 of the Revised Statutes of Alberta 1970.

2. Section 2(m)(ii) presently reads:

2. In this Act,

(m) "owner" means

(ii) a purchaser of land whose interest as purchaser is recorded on the certificate of title for that land,

3. Under section 31 the Minister can require property on land within a prescribed distance of a controlled highway to be removed. A new subsection will make it an offence to place further property on that land.

4. Section 33(1), (2) and (3) read:

33. (1) Any person who fails to comply with a notice given to him under section 31 is guilty of an offence.

(2) Upon conviction for an offence, the convicting magistrate shall order the person convicted to move, remove or alter within a period specified in the order, the thing in respect of which he is convicted.

(3) A person who fails to comply with an order made against him under subsection (2) is guilty of an offence and liable to a further fine of not more than \$25 for each day during which the breach of the order continues.

of the land upon which the offence was committed without the written permission of the Minister.

(b) *as to subsection (3) by striking out the words "against him",*

(c) *by adding the following subsection after subsection (5):*

(6) In a prosecution for the offence of failure to comply with an order made under subsection (2), a certificate purporting to be signed by the Minister and stating whether and to what extent and to whom permission was or was not given to place any thing on the described land shall be admitted in evidence as prima facie proof of the statements in the certificate without proof of the signature or appointment of the person signing.

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