

1974 Bill 61

Third Session, 17th Legislature, 23 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 61

The Department of Public Works Amendment Act, 1974

MR. PURDY

First Reading

Second Reading

Third Reading

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THE DEPARTMENT OF PUBLIC WORKS AMENDMENT ACT, 1974

(Assented to , 1974)

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

1. *The Department of Public Works Act is hereby amended.*

2. *Section 7.1 is struck out and the following is substituted therefor:*

7.1 (1) Subject to any other Act, all lost or unclaimed property in the custody of the Government of Alberta shall be retained for one year from the time the property came into the custody of the Government.

(2) If not claimed within one year from the time the property came into the custody of the Government, the Government may dispose of the property through the Alberta Opportunity Company.

(3) A purchaser of property under this section becomes the owner thereof and any claim of an earlier owner shall be only for the proceeds of the sale less the cost of hauling and storage and less any other necessary expenses, including the costs of the sale, that have been incurred by the Government or by the Alberta Opportunity Company on its behalf.

(4) No claim may be made

(a) to the property after one year from the date that the property came into the custody of the Government unless the property is still in the custody of the Government, or

(b) to the proceeds of the sale of the property after one year from the date that the property was disposed of by the Government.

(5) This section does not apply to vehicles as defined in *The Highway Traffic Act*.

Explanatory Notes

1. This Bill will amend chapter 105 of the Revised Statutes of Alberta 1970.

2. Section 7.1 presently reads:

7.1 (1) Subject to any other Act, all lost or unclaimed property in the possession of the Government of Alberta shall be retained for three months from the time the property came into the possession of the Government.

(2) If not claimed within three months, the Government may dispose of the property through the Alberta Opportunity Company.

(3) A purchaser of property under this section becomes the owner thereof and any claim of an earlier owner shall be only for the proceeds of the sale less the cost of hauling and storage and less any other necessary expenses, including the costs of the sale, that have been incurred by the Government or by the Alberta Opportunity Company on its behalf.

(4) No claim may be made to the property or to the proceeds of the sale of the property after one year from the date the property came into the possession of the Government.

Removal of vehicles that are abandoned or otherwise left on property under the control of the Government of Alberta is provided for by The Highway Traffic Act at sections 157, 188, 189.

3. Section 12 is amended

(a) as to subsection (1) by striking out clause (a) and by substituting therefor the following clause:

(a) permitting, restricting or prohibiting the use by the public or by any persons

(i) of any path, passageway, driveway or road through lands belonging to or occupied by the Crown and leading to or from any public work belonging to or occupied by the Crown, whether or not the same has been dedicated or established as a public highway, and

(ii) of the gardens, grounds or other areas appurtenant to or used in connection with any public work belonging to or occupied by the Crown,

(b) by adding after subsection (1) the following subsection:

(1.1) The by-laws of a municipality relating to the matters enumerated in subsection (1) apply to the lands therein referred to situated within the municipality but where there is a conflict between the by-laws and any regulation passed under subsection (1) the provisions of the regulation prevail.

(c) as to subsection (3) by striking out the words "on a public work", and

(d) by adding after subsection (5) the following subsection:

(6) In a prosecution under this section, a certificate purporting to be signed by the Minister shall be admitted in evidence as prima facie proof that any land or premises referred to therein is owned or occupied by the Crown without proof of the Minister's appointment or signature.

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

3. Section 12 (1) and (3) reads:

12. (1) The Lieutenant Governor in Council may make regulations, either general in their application or special as applied to any particular case,

(a) permitting, restricting or prohibiting the use by the public or by any persons

(i) of any path, land, passageway or driveway through lands belonging to the Crown and leading to or from any public work or building belonging to the Crown, whether or not the same has been dedicated or established as a public highway, and

(ii) of the gardens, grounds or other areas appurtenant to or used in connection with any public work or building belonging to the Crown,

(b) permitting, restricting, prohibiting or imposing conditions upon the use, manner of use, speed, direction of travel, stopping or parking of motor vehicles and other vehicles, skate boards, animals, or any other thing named in the regulations, upon any area referred to in clause (a), and

(c) authorizing and providing for the seizing and removal of any motor vehicle or other vehicle parked or left in contravention of the regulations, and authorizing and providing for its retention until the expenses of seizure, removal and storage, if any, are paid.

(3) Subject to any regulations that may have been made under subsection (1), the Minister may cause to be erected at any place on a public work where he considers it necessary, signs

(a) fixing speed limits,

(b) prohibiting or controlling parking,

(c) prohibiting entry and restricting the direction of movement of traffic, and

(d) requiring vehicles to stop before proceeding and to yield the right of way to other traffic,

and any other type of sign or device ordinarily used to regulate traffic.

The amendment to subsection (1) permits the regulations to be made in respect of Crown-occupied as well as Crown-owned land and premises.

The new subsection (1.1) clarifies that municipal by-laws relating to the enumerated matters apply in the absence of regulations establishing different controls.