

1974 Bill 243

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Third Session, 17th Legislature, 23 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 243**

**The Return of Unsafe Products Act**

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MR. LUDWIG

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**First Reading** .....

**Second Reading** .....

**Third Reading** .....

Bill 243  
Mr. Ludwig

## Bill 243

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### THE RETURN OF UNSAFE PRODUCTS ACT

(Assented to \_\_\_\_\_, 1974)

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

**1.** In this Act "product" means any product which is manufactured, grown, assembled or otherwise produced and which is sold in the retail trade as a consumer item.

**2.** Where

(a) the Government of Alberta or an agency thereof, or  
(b) the Government of Canada or an agency thereof  
declares a product or a class of product to be unsafe, a person who purchased that product within one year preceding the declaration that the product or the class of product is unsafe may return the product to the vendor from whom it was purchased.

**3.** Where, under section 2, the purchaser returns to the vendor a product which is declared unsafe, the vendor shall refund to the purchaser the amount of money that the purchaser had paid to the vendor for that product.

**4.** Where a vendor fails to make the refund under section 3, the amount of the refund shall be a debt owing by the vendor to the purchaser and the purchaser may bring an action for the recovery of the refund in any court of competent jurisdiction.

**5.** Where a dispute arises between a purchaser and a vendor as to whether

- (a) the item returned to the vendor by the purchaser is a product within the meaning of the Act;
- (b) the product returned to the vendor by the purchaser is a product declared to be unsafe;

- (c) the product returned to the vendor by the purchaser is a product which falls within a class of product declared to be unsafe

the purchaser may apply to a judge of the Supreme Court of Alberta by way of originating notice of motion for an order declaring that

- (d) the item is a product within the meaning of this Act;
- (e) the product is a product declared to be unsafe;
- (f) the product is a product which falls within a class of product declared to be unsafe.

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