

1976 BILL 77

Second Session, 18th Legislature, 25 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 77

**THE CONSUMER AND CORPORATE AFFAIRS
STATUTES AMENDMENT ACT, 1976**

THE MINISTER OF CONSUMER AND CORPORATE AFFAIRS

First Reading

Second Reading

Third Reading

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THE CONSUMER AND CORPORATE AFFAIRS STATUTES AMENDMENT ACT, 1976

(Assented to _____, 1976)

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

The Bread Act

1. (1) The Bread Act is amended by this section.

*(2) Section 4 is amended by striking out subsections (3)
and (4).*

(3) Section 5 is struck out.

Explanatory Notes

The Bread Act

1. (1) This section will amend chapter 34 of the Revised Statutes of Alberta 1970.

(2) Section 4(3) and (4) presently read as follows:

(3) Hovis bread, Bermaline bread, Gluten bread and every bread registered under the Proprietary or Patent Medicine Act (Canada) may be made and sold in loaves of any weight.

(4) Every reference to weight in this section is to avoirdupois weight.

(3) Section 5 presently reads as follows:

5. Where bread is wrapped at the bake shop the weight of the wrapper shall be included in the weight of the bread.

(4) Section 6 is struck out.

(5) Section 8 is struck out.

(6) Section 10 is amended

(a) as to subsection (1), clause (b) by striking out the words "in ounces", and

(b) as to subsection (2), by striking out the words "in that case" and by substituting the words "in either case".

(4) Section 6 presently reads as follows:

6. Bread made in the province shall, immediately after being drawn from the oven or while still warm, be of the weight prescribed by this Act.

(5) Section 8 presently reads as follows:

8. (1) No person is guilty of the offence of making for sale bread of a weight that is more or less than the weight prescribed for that bread by this Act

(a) if the number of loaves in the baking or shipment inspected exceeds ten, and the average weight of any ten loaves taken indiscriminately is not more or less than the prescribed weights, or

(b) if the number of loaves in the baking or shipment does not exceed ten, and the average weight of all the loaves is not more or less than the prescribed weights.

(2) If a loaf is found upon inspection to be of a greater or lesser weight than the prescribed weight, that loaf shall be seized by the inspector and disposed of in the manner provided by this Act.

(6) Section 10 presently reads as follows:

10. (1) No person shall offer for sale any bread unless

(a) it is contained in a bag or is wrapped, and

(b) the bag or wrapper shows the name or trade-mark of the manufacturer of the bread and the weight of the bread in ounces.

(2) Subsection (1) does not apply where the bread is sold in the premises where it is made or in premises operated by the manufacturer thereof, but in that case the manufacturer of the bread shall post in the premises in a place conspicuous to customers a notice showing the weight of each loaf of each class of bread sold.

The Companies Act

2. *(1) The Companies Act is amended by this section.*

(2) Section 2 is amended by adding after subsection (5) the following section:

(6) Where a company formed under section 15, subsection (3.1) or its shareholders or directors are empowered or required by a provision of this or any other Act to pass a resolution, the resolution is deemed to be passed if it is signed by the sole shareholder of the company, and any requirement to hold a meeting does not apply.

(3) Section 16 is amended by striking out subsection (3) and by substituting the following subsection:

(3) The Registrar, after giving notice to the company of his intention to do so, may by order change the name of a company limited by shares

(a) to include the word "Limited" or the abbreviation "Ltd.", and

(b) to exclude the words "Professional Corporation" or the abbreviation "P.C.",

The Companies Act

2. (1) This section will amend chapter 60 of the Revised Statutes of Alberta 1970.

(2) Provides for the passing of resolutions by one-person companies.

(3) Allows the Registrar to strike out words "Professional Corporation" or abbreviation "P.C.". Section 16(3) presently reads as follows;

(3) The Registrar, after having given notice to the company of his intention to do so, may by order change the name of a company limited by shares to include the word "Limited" or "Ltd." if it is shown to the satisfaction of the Registrar that the company has carried on business for a period exceeding 90 days while not the holder of a subsisting permit as a professional corporation issued under The Chartered Accountants Act, The Dental Association Act, The Legal Profession Act or The Medical Profession Act, 1975.

if he is satisfied that the company has carried on business for a period exceeding 90 days without being the holder of a subsisting permit as a professional corporation issued under *The Chartered Accountants Act, The Dental Association Act, The Legal Profession Act or The Medical Profession Act, 1975.*

(4) Section 198 is amended by striking out subsection (3) and by substituting the following subsection:

(3) Where a company is being wound up voluntarily or is being wound up subject to the supervision of the court, a petition to have the company wound up by the court may be presented to the court by the liquidator, any creditor or any other person authorized to do so under the other provisions of this section, but the court may make the winding-up order on the petition only if it is satisfied that the voluntary winding-up or winding-up subject to the supervision of the court cannot be continued with due regard to the interests of the creditors or contributories.

(5) Section 278 is amended by adding after the words "a Registrar of Companies" the words ", a Deputy Registrar of Companies".

(6) The following section is added after section 286.1:

286.2 Upon the payment of the prescribed fee, the Registrar may issue under his seal of office a certificate stating that, according to his records, the company named therein

- (a) is or is not registered under this Act on the date of issue of the certificate, or
- (b) was or was not registered under this Act on the day or during the period specified in the certificate.

(7) Section 287 is amended by striking out subsection (1).

(8) Section 288 is amended

- (a) by striking out the word "and" at the end of clause (a) and by adding the following clause:*

(4) Corrects an ambiguity. Section 198(3) presently reads as follows:

(3) Where a company is being wound up voluntarily, or subject to the supervision of the court, a petition may be presented by the liquidator or any creditor, as well as by any other person authorized in that behalf under the other provisions of this section, but the court shall not make a winding-up order on the petition unless it is satisfied that the voluntary winding-up or winding-up subject to the supervision of the court cannot be continued with due regard to the interests of the creditors or contributories.

(5) Section 278 presently reads as follows:

278. In accordance with The Public Service Act there shall be appointed a Registrar of Companies and such other employees as may be necessary to enable him to perform his duties.

(6) Certificate of status.

(7) Section 287(1) presently reads as follows:

287. (1) There shall be paid to the Registrar in respect of the several matters mentioned in the Second Schedule the several fees therein specified, or such smaller fees as the Lieutenant Governor in Council may from time to time direct.

(8) Consequential. See section 6 of this Bill. Section 288 presently reads as follows:

(a.1) prescribing that fees are payable to the Registrar in respect of any matter under this Act, and

(b) as to clause (b) by adding after the words "under this Act" the words "or the regulations".

(9) *The Second Schedule is struck out.*

The Co-operative Associations Act

3. (1) *The Co-operative Associations Act is amended by this section.*

(2) *Section 2, clause (d) is amended by striking out the words "*, and includes a person authorized in writing by the Director to perform all or any of his duties and exercise all or any of his powers under this Act".

(3) *Section 62 is amended by renumbering the section as subsection (1) and by adding the following subsection:*

(2) Where the Director is given any power or duty under this Act or the regulations or under any other Act or regulations, he may authorize one or more persons to exercise or perform that power or duty upon such conditions or in such circumstances as the Director prescribes and thereupon that power or duty may be exercised or performed by the person or persons so authorized in addition to the Director.

The Credit Union Act

4. (1) *The Credit Union Act is amended by this section.*

(2) *Section 19, subsection (2), clause (e) is amended by adding after the word "invest" the words "in paid-up shares of the Federation or invest".*

(3) *Section 21 is struck out.*

288. *The Lieutenant Governor in Council may make regulations*
- (a) prescribing the forms to be used under this Act, and*
 - (b) prescribing the fees payable in respect of any matter required or permitted to be done or given under this Act.*

(9) Consequential. See section 2(7) of this Bill.

The Co-operative Associations Act

3. (1) This section will amend chapter 67 of the Revised Statutes of Alberta 1970.

(2) Consequential. See section 3 of this Bill. Section 2(d) presently reads as follows:

2. *In this Act,*

- (d) "Director" means the Director of Co-operative Activities appointed under this Act, and includes a person authorized in writing by the Director to perform all or any of his duties and exercise all or any of his powers under this Act;*

(3) Director may delegate his authority under this or any other Act.

The Credit Union Act

4. (1) This section will amend chapter 74 of the Revised Statutes of Alberta 1970.

(2) Section 19(2)(e) presently reads as follows:

- (2) For the purpose of carrying out its objects, every credit union may*
- (e) invest in the paid-up shares of such other credit unions as are approved for that purpose by the Director,*

(3) Section 21 presently reads as follows:

21. *A credit union may charge a membership entrance fee not exceeding the amount authorized by its by-laws.*

(4) Section 29 is amended by striking out subsection (1) and by substituting the following subsection:

29. (1) Subject to any order of the board of directors of the credit union and the provisions of this Act, the credit committee has the general supervision of all loans to members.

(5) Section 67.1 is amended by striking out the figure "(1)".

(6) Section 89, subsection (1) is amended by adding the following clauses after clause (i):

- (i1) the exemption of credit unions from the operation of section 102.1, subsection (2);
- (i2) the exclusion of loans or of classes of loans from the operation of section 102.1, subsection (2);

(7) Section 102, subsection (9) is amended by striking out the words "to subsection (9)" and by substituting the words "to subsection (8)".

(8) The following section is added after section 102:

102.1 (1) The Board may appoint special loans committees consisting of four members each.

(2) Where one or more special loans committees are appointed under subsection (1), no credit union shall make a loan unless the loan has been approved by a special loans committee.

(3) Notwithstanding subsection (2), a credit union may make a loan where

- (a) the credit union has been exempted from subsection (2) by the by-laws of the Board, or
- (b) the loan or class of loan has been excluded from subsection (2) by the by-laws of the Board.

(4) Section 29(1) presently reads as follows:

29. (1) Subject to sections 32, 34 and 35, the credit committee has the general supervision of all loans to members, subject to a general order of the board and the provisions of this Act.

(5) Removes a superfluous reference.

(6) Consequential. See section 8 of this Bill.

(7) Corrects a cross-reference.

(8) The Board may set up special loans committees to supervise certain types of loans.

Commencement

5. (1) This Act, except section 2, subsections (7), (8) and (9), comes into force on the day upon which it is assented to.

(2) Section 2, subsections (7), (8) and (9) come into force on a date to be fixed by Proclamation.