

1977 BILL 40

Third Session, 18th Legislature, 26 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 40

**THE AGRICULTURAL AND RECREATIONAL LAND
OWNERSHIP ACT**

THE MINISTER OF FEDERAL AND
INTERGOVERNMENTAL AFFAIRS

First Reading

Second Reading

Third Reading

BILL 40

1977

THE AGRICULTURAL AND RECREATIONAL LAND OWNERSHIP ACT

(Assented to , 1977)

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

1. In this Act,

- (a) “controlled land” means land in Alberta but does not include
 - (i) land of the Crown in right of Alberta,
 - (ii) land within the boundaries of a city, town, new town, village or summer village, and
 - (iii) mines and minerals;
- (b) “parcel” means an area of land the boundaries of which are
 - (i) shown on a plan registered or filed in a land titles office, or
 - (ii) described in the certificate of title to the land,

and that has not been divided into smaller areas by an instrument or plan registered or filed in a land titles office, other than a registered road plan or right of way plan, or by a natural boundary shown on a plan registered in a land titles office.

2. Subject to section 3, the Lieutenant Governor in Council may make regulations, within the legislative authority of the Province and complementary to any regulations that he makes pursuant to section 33 of the *Citizenship Act* (Canada), for the purpose of prohibiting, annulling or in any manner restricting the taking or acquisition directly or indirectly of, or the succession to, any interest in controlled land.

Explanatory Notes

1. Definitions.

2. The Lieutenant Governor in Council to make regulations.

3. Regulations made under section 2 do not operate so as to prohibit, annul or in any manner restrict the ownership by a person of interests in controlled land consisting of not more than two parcels containing, in the aggregate, not more than 20 acres.

4. Regulations made under section 2 may provide for the exclusion from the operation of all or any part of those regulations of

- (a) any person or class of persons,
- (b) any transaction or class of transactions involving controlled land,
- (c) any interest or class of interest in controlled land,
- (d) any use or class of uses of controlled land, and
- (e) all or any part of the land within the boundaries of a hamlet as defined in *The Municipal Government Act*.

5. The Lieutenant Governor in Council may, for the purpose of giving effect to this Act and the regulations and any regulations that he makes pursuant to section 33 of the *Citizenship Act* (Canada), make regulations requiring that a director, officer or member of a corporation specified in the regulations supply the information specified in the regulations in respect of the members of the corporation to the person, in the form and at the times specified in the regulations.

6. *The Agricultural Societies Act is amended*

(a) *as to section 5 by adding after subsection (5) the following:*

(5.1) The application to the Minister shall be accompanied by any information respecting the subscribers as may be required by regulations under *The Agricultural and Recreational Land Ownership Act* and section 33 of the *Citizenship Act* (Canada) in the form and manner prescribed by those regulations.

(b) *as to section 28 by adding after subsection (1) the following:*

(1.1) The return required by subsection (1) shall be accompanied by any information respecting the members of the society that may be required by regulations under *The Agricultural and Recreational Land Ownership Act* and section 33 of the *Citizenship Act* (Canada) in the form and manner prescribed by those regulations.

3. Exemption for interests in not more than two parcels of controlled land containing not more than 20 acres in the aggregate.

4. Exclusions from the operation of the regulations.

5. Information in respect of members of a corporation.

6. Consequential amendments to chapter 8 of the Revised Statutes of Alberta 1970.

7. *The Building Associations Act is amended*

(a) *as to section 10 by adding after subsection (1) the following:*

(1.1) The memorandum and articles delivered under subsection (1) shall be accompanied by any information respecting the subscribers to the memorandum of association that may be required by regulations under *The Agricultural and Recreational Land Ownership Act* and section 33 of the *Citizenship Act* (Canada) in the form and manner prescribed by those regulations.

(b) *as to section 31 by renumbering the section as subsection (1) and adding after renumbered subsection (1) the following:*

(2) The annual return shall be accompanied by any information respecting the members of the association that may be required by regulations under *The Agricultural and Recreational Land Ownership Act* and section 33 of the *Citizenship Act* (Canada) in the form and manner prescribed by those regulations.

(c) *as to section 32, subsection (4) by adding after clause (b) the following:*

(b.1) any information respecting the subscribers to the memorandum of association that may be required by regulations under *The Agricultural and Recreational Land Ownership Act* and section 33 of the *Citizenship Act* (Canada) in the form and manner prescribed by those regulations,

8. *The Companies Act is amended*

(a) *by adding after section 25 the following:*

25.1 An application for incorporation shall be accompanied by any information respecting the subscribers that may be required by regulations under *The Agricultural and Recreational Land Ownership Act* and section 33 of the *Citizenship Act* (Canada) in the form and manner prescribed by those regulations.

(b) *as to section 146, subsection (1.1) by adding after clause (c) the following:*

(c.1) any information respecting the members of the company on the last day of its anniversary month in each year that may be required by regulations under *The Agricultural and Recreational Land Ownership Act* and section 33 of the *Citizenship Act* (Canada) in the form and manner prescribed by those regulations,

7. Consequential amendments to chapter 36 of the Revised Statutes of Alberta 1970.

8. Consequential amendments to chapter 60 of the Revised Statutes of Alberta 1970.

(c) as to section 146, subsection (2) by adding after clause (b) the following:

(b.1) any information respecting the persons who were members of the company on the last day of its anniversary month in each year that may be required by regulations under *The Agricultural and Recreational Land Ownership Act* and section 33 of the *Citizenship Act* (Canada) in the form and manner prescribed by those regulations,

(d) as to section 156, subsection (3) by striking out the word “and” at the end of clause (f) and adding after clause (f) the following:

(f.1) any information respecting the members of the amalgamated company that may be required by regulations under *The Agricultural and Recreational Land Ownership Act* and section 33 of the *Citizenship Act* (Canada) in the form and manner prescribed by those regulations, and

(e) as to section 167, subsection (1) by adding after clause (h) the following:

(h.1) any information respecting the members of the company that may be required by regulations under *The Agricultural and Recreational Land Ownership Act* and section 33 of the *Citizenship Act* (Canada) in the form and manner prescribed by those regulations,

(f) as to section 177, subsection (1) by adding after clause 8 the following:

8.1 any information respecting the members of the company that may be required by regulations under *The Agricultural and Recreational Land Ownership Act* and section 33 of the *Citizenship Act* (Canada) in the form and manner prescribed by those regulations;

(g) as to section 183, subsection (4) by adding after the words “that annual meeting” the words “and any information respecting the members of the company that may be required by regulations under *The Agricultural and Recreational Land Ownership Act* and section 33 of the *Citizenship Act* (Canada) in the form and manner prescribed by those regulations”;

(h) as to section 185, subsection (3) by adding after the words “that annual meeting” the words “and any information respecting the members of the company that may be required by regulations under *The Agricultural and Recreational Land Ownership Act* and section 33 of the *Citi-*

zenship Act (Canada) in the form and manner prescribed by those regulations”.

9. *The Co-operative Associations Act is amended*

(a) *as to section 4, subsection (6) by adding after the word “Minister” the words “and by any information respecting the subscribers to the memorandum of association that may be required by regulations under The Agricultural and Recreational Land Ownership Act and section 33 of the Citizenship Act (Canada) in the form and manner prescribed by those regulations”, and*

(b) *as to section 24 by adding after subsection (9) the following:*

(9.1) The annual return of an association shall be accompanied by any information respecting the members that may be required by regulations under *The Agricultural and Recreational Land Ownership Act* and section 33 of the *Citizenship Act* (Canada) in the form and manner prescribed by those regulations.

10. *The Credit Union Act is amended*

(a) *as to section 6, subsection (3) by adding after clause (a) the following:*

(a.1) any information respecting the subscribers to the memorandum of association that may be required by regulations under *The Agricultural and Recreational Land Ownership Act* and section 33 of the *Citizenship Act* (Canada) in the form and manner prescribed by those regulations,

(b) *as to section 64 by renumbering the section as subsection (1) and adding after renumbered subsection (1) the following:*

(2) The audited statement required to be sent under subsection (1), clause (a) shall be accompanied by any information respecting the members of the credit union that may be required by regulations under *The Agricultural and Recreational Land Ownership Act* and section 33 of the *Citizenship Act* (Canada) in the form and manner prescribed by those regulations.

11. *The Dower Act is amended as to section 3 by adding after subsection (1) the following:*

(1.1) Notwithstanding subsection (1), the consent of the spouse of a married person is not required where the married person is required by the operation of regulations under *The Agricultural and Recreational Land Ownership Act* and section 33 of

9. Consequential amendments to chapter 67 of the Revised Statutes of Alberta 1970.

10. Consequential amendments to chapter 74 of the Revised Statutes of Alberta 1970.

11. Consequential amendments to chapter 114 of the Revised Statutes of Alberta 1970.

the *Citizenship Act* (Canada) to make a disposition of the home-
stead.

12. *The Alberta Insurance Act is amended*

(a) *as to section 35, subsection (1) by adding after clause (d) the following:*

(d.1) if the insurer is a corporation, society or association, a document setting out any information respecting the members of the corporation, society or association that may be required by regulations under *The Agricultural and Recreational Land Ownership Act* and section 33 of the *Citizenship Act* (Canada) in the form and manner prescribed by those regulations;

(b) *as to section 98, subsection (2) by adding after clause (c) the following:*

(c.1) be accompanied by, if the insurer is a corporation, society or association, any information respecting the members of the corporation, society or association that may be required by regulations under *The Agricultural and Recreational Land Ownership Act* and section 33 of the *Citizenship Act* (Canada) in the form and manner prescribed by those regulations,

13. *The Land Titles Act is amended by striking out section 30.1 and substituting the following:*

30.1. (1) The Registrar shall refuse to register the transfer or transmission of any estate or interest in land, to register any caveat relating to an estate or interest in land or to register or file a plan of subdivision unless the transfer, transmission, caveat or plan of subdivision is accompanied by a statutory declaration in the form and containing the information prescribed by regulations under *The Agricultural and Recreational Land Ownership Act* and section 33 of the *Citizenship Act* (Canada) and made by the person required by those regulations to make it.

(2) The Registrar shall refuse to register a transfer, transmission, caveat or plan of subdivision described in subsection (1) if he has reason to believe that the transfer, transmission, caveat or plan of subdivision results in the taking or acquisition directly or indirectly of, or the succession to, an estate or interest in land by a person contrary to regulations made under *The Agricultural and Recreational Land Ownership Act* and section 33 of the *Citizenship Act* (Canada).

12. Consequential amendments to chapter 187 of the Revised Statutes of Alberta 1970.

13. Consequential amendments to chapter 198 of the Revised Statutes of Alberta 1970.

14. *The Partnership Act is amended*

(a) *as to section 51, subsection (2) by adding after clause (c) the following:*

(c.1) any information in respect of the general and limited partners that may be required by regulations under *The Agricultural and Recreational Land Ownership Act* and section 33 of the *Citizenship Act* (Canada) in the form and manner prescribed by those regulations,

(b) *as to section 69, subsection (2) by striking out the word “and” at the end of clause (a) and adding after clause (a) the following:*

(a.1) be accompanied by any information respecting the general and limited partners and, if applicable, the substituted limited partner or added limited or general partner that may be required by regulations under *The Agricultural and Recreational Land Ownership Act* and section 33 of the *Citizenship Act* (Canada) in the form and manner prescribed by those regulations, and

15. *The Religious Societies’ Lands Act is amended*

(a) *as to section 13, clause (b) by adding after subclause (ii) the following:*

(ii.1) any information respecting the members of the congregation that may be required by regulations under *The Agricultural and Recreational Land Ownership Act* and section 33 of the *Citizenship Act* (Canada) in the form and manner prescribed by those regulations,

(b) *as to section 26 by renumbering the section as subsection (1) and adding after renumbered subsection (1) the following:*

(2) A written return made under subsection (1) shall be accompanied by any information respecting the members of the corporation that may be required by regulations under *The Agricultural and Recreational Land Ownership Act* and section 33 of the *Citizenship Act* (Canada) in the form and manner prescribed by those regulations.

16. *The Societies Act is amended*

(a) *as to section 7 by adding after subsection (2) the following:*

14. Consequential amendments to chapter 271 of the Revised Statutes of Alberta 1970.

15. Consequential amendments to chapter 319 of the Revised Statutes of Alberta 1970.

16. Consequential amendments to chapter 347 of the Revised Statutes of Alberta 1970.

(2.1) The application shall be accompanied by any information respecting the subscribers to the application that may be required by regulations under *The Agricultural and Recreational Land Ownership Act* and section 33 of the *Citizenship Act* (Canada) in the form and manner prescribed by those regulations.

- (b) *as to section 26, clause (a) by striking out the words “occupations, and” and substituting the words “occupations and any information respecting its members that may be required by regulations under The Agricultural and Recreational Land Ownership Act and section 33 of the Citizenship Act (Canada) in the form and manner prescribed by those regulations, and”.*

17. *The Trust Companies Act is amended*

- (a) *as to section 147 by adding after subsection (1) the following:*

(1.1) An application for registration shall be accompanied by any information respecting the members of the company that may be required by regulations under *The Agricultural and Recreational Land Ownership Act* and section 33 of the *Citizenship Act* (Canada) in the form and manner prescribed by those regulations.

- (b) *as to section 161 by adding after subsection (1) the following:*

(1.1) The statement to the Director shall be accompanied by any information respecting the members of the company that may be required by regulations under *The Agricultural and Recreational Land Ownership Act* and section 33 of the *Citizenship Act* (Canada) in the form and manner prescribed by those regulations.

18. *Section 3 of this Act is amended by striking out the words “20 acres” and substituting the words “eight hectares”.*

19. This Act comes into force on a date or dates to be fixed by Proclamation.

17. Consequential amendments to chapter 372 of the Revised Statutes of Alberta 1970.

18. Metric Conversion.