

1977 Bill PR 3

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Third Session, 18th Legislature, 26 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL Pr. 3**

**AN ACT TO AMEND AN ACT RESPECTING THE HOLDING OF  
REAL PROPERTY BY THE ALBERTA COMMAND AND BRANCHES  
OF THE CANADIAN LEGION OF THE BRITISH EMPIRE SERVICE  
LEAGUE, 1957.**

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DR. MCCRIMMON

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**First Reading** .....

**Second Reading** .....

**Third Reading** .....

*Bill PR 3*  
*Dr. McCrimmon*

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**AN ACT TO AMEND AN ACT RESPECTING THE HOLDING OF REAL PROPERTY BY THE ALBERTA COMMAND AND BRANCHES OF THE CANADIAN LEGION OF THE BRITISH EMPIRE SERVICE LEAGUE, 1957.**

*(Assented to , 1977)*

**Preamble**

WHEREAS by an Act respecting the Holding of Real Property by the Alberta Command and Branches of the Canadian Legion of the British Empire Service League being Chapter 105 of the Statutes of Alberta, 1957, the holding of real property by the said command and branches was regulated, and

WHEREAS by an Act to amend an Act respecting the Holding of Real Property of the Alberta Command and Branches of the Canadian Legion of the British Empire Service League being Chapter 118 of the Statutes of Alberta, 1964, that Act was amended, and

WHEREAS by virtue of a resolution of the Dominion Executive Council of the Royal Canadian Legion duly passed on November 22nd 1974 the name of the Alberta Command of the Royal Canadian Legion was changed to the "Alberta and Northwest Territories Command of the Royal Canadian Legion", and

WHEREAS the Alberta and Northwest Territories Command of the Royal Canadian Legion has presented a petition for a further amendment of the said Act respecting the Holding of Real Property by the Alberta Command and Branches of the Canadian Legion of the British Empire Service League and hereinafter set forth, and it is expedient to grant the prayer of the petition:

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

## Explanatory Notes

General: Section 1 of the 1957 Act, as amended in 1964, reads as follows:

"1. The Alberta Command of the Royal Canadian Legion, hereinafter called the Command, and every Branch of the Legion within Alberta, may hold, possess, or acquire by purchase, lease, exchange, donation, devise, bequest, endowment or otherwise, any real property necessary or useful for the carrying out of its purposes and objects, and may sell, lease, mortgage, pledge, hypothecate or alienate such property in any manner."

This section corresponded to the equivalent section in the Act of the Parliament of Canada that incorporated the Legion, being chapter 84 of the Statutes of Canada, 1948.

Since the incorporation of the Legion the real and personal property owned by Legion branches, in Alberta, as elsewhere, has increased very considerably, both in the number of holdings and in the value of the land, improvements and fittings acquired with the contributions of members.

By an Act of the Parliament of Canada, being chapter 112 of the Statutes of Canada, 1976, the property regulating section of the original Act, section 11, was amended to require branches to obtain the consent of the command under whose jurisdiction they were before disposing of their property, save in the ordinary course of their activities.

This Bill makes the Act governing the Alberta Command consistent in this regard with the Act of Parliament governing the Legion in Canada.

c. 105, 1957.

*1. An Act respecting the Holding of Real Property by the Alberta Command and Branches of the Canadian Legion of the British Empire Service League, being Chapter 105 of the Statutes of Alberta, 1957, is hereby amended.*

*2. Section 1 is struck out and the following section substituted therefor:*

Power to hold and dispose of property

**1.** (1) The Alberta and Northwest Territories Command of the Royal Canadian Legion, hereinafter called "the command", and every branch of the Legion within Alberta may hold, possess or acquire by purchase, lease, exchange, donation, devise, bequest, endowment or otherwise any real or personal property necessary or useful for the carrying out of its purposes and objects and, subject to subsection (2), may hypothecate, mortgage, pledge, sell, convey or otherwise dispose of property in any manner.

(2) No branch may, without the consent in writing of the command, hypothecate, mortgage, pledge, lease, sell, convey or otherwise dispose of any of its real or personal property, except in the ordinary and usual course of its activities.

Short title

*3. The following section is added after section 9:*

**10.** This Act may be cited as "An Act respecting the Property of the Royal Canadian Legion in Alberta."

Coming into force

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

