

1978 BILL 26

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Fourth Session, 18th Legislature, 27 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 26**

**THE ATTORNEY GENERAL STATUTES AMENDMENT ACT,  
1978**

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THE ATTORNEY GENERAL

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

## BILL 26

1978

### THE ATTORNEY GENERAL STATUTES AMENDMENT ACT, 1978

(Assented to , 1978)

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

#### The Juvenile Court Act

*1(1) The Juvenile Court Act is amended by this section.*

*(2) Section 7(1) is amended by striking out “, but is not required to act in such capacity unless willing to do so”.*

#### The Land Titles Act

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

*(2) Section 140(2) is amended by adding “and for the assurance fund” after “caveat”.*

*(3) Section 161(1) is repealed and the following is substituted:*

**161** (1) Except as otherwise provided in this Act, the Registrar shall not perform any duty to be performed by him under this or any other Act until he has received

(a) the fees for the performance of that duty, and

## **Explanatory Notes**

### **The Juvenile Court Act**

**1**(1) This section will amend chapter 195 of the Revised Statutes of Alberta 1970.

(2) Section 7(1) presently reads:

*7(1) Each judge of the Supreme Court of the Province, and each judge of a district court in the Province and each magistrate in the Province is ex officio a judge of the Juvenile Court, but is not required to act in such capacity unless willing to do so.*

### **The Land Titles Act**

**2**(1) This section will amend chapter 198 of the Revised Statutes of Alberta 1970.

(2) Section 140(2) presently reads:

*(2) The fees payable for registration of the caveat shall be the same as if the mortgage under which the caveator claims to be interested were being registered.*

(3) Section 161(1) presently reads:

*161(1) Before the Registrar performs any duty to be performed by him under this or any other Act he shall, except as otherwise provided in this Act, demand and receive the fees therefor prescribed by the Lieutenant Governor in Council and demand and receive for the Assurance Fund*

*(a) upon every transfer of land after the issue of the first certificate of title therefor, where the land was not encumbered at the time of registering the grant, an amount equal to*

*(i) one-twentieth of 1 per cent of the value of the land transferred if the value amounts to or is less than \$5,000, and*

(b) the assurance fund fees

prescribed by the Lieutenant Governor in Council.

*(4) Section 212 is amended by renumbering it as subsection (1) and by adding the following:*

(2) The Lieutenant Governor in Council may make regulations for the purpose of the introduction and use in any instrument or caveat of the International System of Units as defined in the *Weights and Measures Act* (Canada).

#### **The Meat Inspection Act**

*3(1) The Meat Inspection Act is amended by this section.*

*(2) Section 12 is repealed and the following is substituted:*

**12** This Act comes into force on January 31, 1973.

#### **The Mechanical Recording of Evidence Act**

*4(1) The Mechanical Recording of Evidence Act is amended by this section.*

*(2) Section 2 is amended*

*(a) in clause (a) by striking out “or the court of a magistrate, justice of the peace” and substituting “or the Juvenile Court or the Provincial Court or the court of a justice of the peace”, and*

*(ii) one-fortieth of 1 per cent on the additional value, where the value exceeds \$5,000;*

*(b) upon every subsequent transfer, if there has been an increase in the value of the land since the granting of the last certificate of title, an amount equal to*

*(i) one-twentieth of 1 per cent of the increase if the increase is not more than \$5,000, and*

*(ii) one-fortieth of 1 per cent on any excess over \$5,000;*

*(c) upon registering any mortgage or encumbrance on land,*

*(i) 25 cents, or*

*(ii) an amount equal to one-eighth of 1 per cent of the moneys secured by the mortgage or encumbrance,*

*whichever is the greater.*

(4) Provides for regulations for the purpose of the implementation and use of metric units of measurement.

### **The Meat Inspection Act**

3(1) This section will amend chapter 117 of the Statutes of Alberta, 1972.

(2) Section 12 presently reads:

**12** This Act comes into force on a day to be fixed by proclamation.

### **The Mechanical Recording of Evidence Act**

4(1) This section will amend chapter 229 of the Revised Statutes of Alberta 1970.

(2) Section 2(a) and (e) presently reads:

*2 In this Act,*

*(a) "court" means the Supreme Court or the district court or surrogate court or family court or the court of a magistrate, justice of the peace or a provincial judge who holds a public inquiry under The Fatality Inquiries Act, or the hearings presided over by a clerk of the court, sheriff, registrar, commissioner, board, arbitrator, referee or other person appointed by law or by order of a court or otherwise, to hear any witness or take any evidence, or to make any order, decree, finding, decision or report, or to exercise any judicial or quasi-judicial function;*

(b) in clause (e) by adding “, a person who makes a transcription of a record from a sound-recording machine ” after “Rules of Court”.

(3) *Section 9 is repealed and the following is substituted:*

**9** The Lieutenant Governor in Council may make regulations

(a) prescribing the form of the certificates given under section 4 or 5;

(b) prescribing the fees to be charged for the transcription of records and for copies of those transcriptions.

#### **The Provincial Court Act**

*5(1) The Provincial Court Act is amended by this section.*

*(2) Section 16 is amended by adding the following after clause (h):*

(h.1) providing for the appointment of operators and transcribers of sound-recording machines when used to record evidence before judges, and fixing their fees, expenses and other forms of remuneration,

#### **Commencement**

*6(1) This Act, except section 2(2) and (3), comes into force on the day upon which it is assented to and upon so coming into force section 3(2) shall be deemed to have been in force at all times on and after January 31, 1973.*

*(2) Section 2(2) and (3) comes into force on July 1, 1978.*

*(e) "reporter" means an official court reporter appointed in accordance with the Alberta Rules of Court, or a stenographer or typist;*

This first amendment clarifies the courts in which evidence may be recorded by use of a sound-recording machine.

The second amendment clarifies the definition of "reporter".

(3) Section 9 presently reads:

*9 The Lieutenant Governor in Council may make such regulations as he deems necessary or advisable for the purpose of carrying out the provisions of this Act and of supplying any deficiency therein.*

### **The Provincial Court Act**

**5(1)** This section will amend chapter 86 of the Statutes of Alberta, 1971.

(2) Provides for regulations by the Lieutenant Governor in Council providing for appointment of operators and transcribers of sound-recording machines.