

1978 BILL 32

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Fourth Session, 18th Legislature, 27 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 32**

**THE COURT OF QUEEN'S BENCH ACT**

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THE ATTORNEY GENERAL

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

## BILL 32

1978

### THE COURT OF QUEEN'S BENCH ACT

(Assented to , 1978)

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

**1** In this Act,

- (a) "Court" means the Court of Queen's Bench of Alberta;
- (b) "judge" includes a supernumerary judge of the Court of Queen's Bench of Alberta.

#### Constitution of the Court

**2(1)** The Trial Division of the Supreme Court of Alberta is continued as a superior court of civil and criminal jurisdiction styled the Court of Queen's Bench of Alberta.

(2) The Court shall, during the reign of the Queen, be styled the Court of Queen's Bench of Alberta and shall, during the reign of the King, be styled the Court of King's Bench of Alberta.

(3) The Lieutenant Governor in Council may authorize a seal to be used by the Court as occasion requires.

**3(1)** The Court consists of

- (a) the chief judge who shall be called the Chief Justice of the Court of Queen's Bench of Alberta,
- (b) 38 other judges who shall be called justices of the Court of Queen's Bench of Alberta, and

### **Explanatory Notes**

**GENERAL NOTE:** This Bill will continue The Trial Division of the Supreme Court of Alberta as the new Court of Queen's Bench of Alberta. The District Court of Alberta will become effectively absorbed into the new Court which will have all the authority and jurisdiction previously held by each of the courts.

**1** Definitions.

**2** The Trial Division of the Supreme Court of Alberta will be continued as the Court of Queen's Bench of Alberta.

**3** Composition of the Court.

(c) the supernumerary judges of the Court.

(2) The Lieutenant Governor in Council may by order increase the number of judges of the Court.

(3) Notwithstanding subsection (1), each judge of the Court of Appeal of Alberta is by virtue of his office a judge of the Court of Queen's Bench.

**4**(1) For each office of judge under section 3(1)(a) and (b) there is an additional office of supernumerary judge which any judge of the Court may elect to hold upon compliance with, and upon meeting the qualifications under, the *Judges Act* (Canada).

(2) Where the Chief Justice of the Court of Queen's Bench of Alberta makes an election under subsection (1) he shall hold only the office of supernumerary judge of the Court of Queen's Bench.

### **Judges**

**5** Each judge and master in chambers, before entering upon the duties of his office, shall take the oath prescribed by *The Oaths of Office Act* before the Lieutenant Governor, the Chief Justice of Alberta or the Chief Justice of the Court of Queen's Bench of Alberta.

**6**(1) The Chief Justice shall reside at or in the neighbourhood of Edmonton or Calgary.

(2) Each judge other than the Chief Justice shall reside at or in the neighbourhood of a city approved in writing by the Attorney General.

**7** Each judge has all the powers, rights, incidents, privileges and immunities exercised or enjoyed by a judge of The Supreme Court of Alberta immediately prior to the commencement of this Act.

**8** If a judge ceases to hold office without giving a judgment in any matter that was fully heard by him, he may, within 6 weeks after ceasing to hold office, give judgment in that matter as if he were still a judge of the Court and that judgment has the same effect as though given by a judge of the Court.

**4** Supernumerary judges.

**5** Oath of office.

**6** Residence of judges.

**7** Powers, etc. of judges.

**8** Judgment by former judge.

### **Jurisdiction**

**9**(1) The Court has all the jurisdiction and powers possessed and exercisable within Alberta by

(a) The Trial Division of the Supreme Court of Alberta,  
and

(b) The District Court of Alberta,

immediately prior to the commencement of this Act.

(2) Subject to an express provision to the contrary in any enactment, the costs of and incidental to any matter authorized to be taken before the Court or a judge are in the discretion of the Court or judge and the Court or judge may make any order relating to costs that is appropriate in the circumstances.

### **Masters in Chambers**

**10** The Lieutenant Governor in Council may appoint officers of the Court called masters in chambers as he considers necessary.

**11**(1) In regard to all matters brought or proposed to be brought in the Court, a master in chambers

(a) has the same power and may exercise the same jurisdiction as a judge sitting in chambers except in respect of

(i) appeals, applications in the nature of appeals, applications concerning the hearing of appeals and applications to vary or rescind an order made by a judge, and

(ii) stays of proceedings after verdict or on judgment after trial or hearing before a judge, unless all parties consent to the exercise of that jurisdiction by the master,

and

(b) with the consent of the parties, has the same power and may exercise the same jurisdiction as a judge for hearing, determining and disposing of all applications and other matters.

(2) Notwithstanding subsection (1), the power of and the jurisdiction exercisable by a master in chambers does not include

**9** Jurisdiction of the Court.

**10** Masters in chambers.

**11** Jurisdiction of masters in chambers.

(a) the trial of actions,

(b) the determination of disputed or contentious questions of fact unless the parties agree to the disposition of the questions summarily in chambers on affidavit evidence and without the trial of an issue or the hearing of oral evidence,

(c) any matters relating to criminal proceedings or the liberty of the subject,

(d) applications relating to civil contempt or for an injunction or a judgment or order in the nature of certiorari, prohibition, mandamus or quo warranto, or

(e) any thing which by law is required to be done by a judge.

**12** Notwithstanding section 109 of *The Land Titles Act*, a master in chambers has power and jurisdiction

(a) to postpone the day fixed for redemption in any order made by him, and

(b) to reopen a final order for foreclosure made by him.

**13** A master in chambers is an official referee for the purposes of a reference by a judge.

**14** An appeal lies to a judge in chambers from a decision of a master in chambers.

**15** A master in chambers may refer any matter before him to a judge for decision and the judge may dispose of or refer back the matter in whole or in part.

**16** No action may be brought against a master in chambers for any act done in the execution of his duty or in a matter in which he lacked jurisdiction or exceeded his jurisdiction unless it is proved that the master acted maliciously and without reasonable and probable cause.

#### **Officers and Employees**

**17** In accordance with *The Public Service Act* there may be appointed all officers and employees that the business of the Court requires.

**12** Jurisdiction of a master in chamber respecting mortgage foreclosures.

**13** Master in chambers is a referee.

**14** Appeals from a master in chambers.

**15** Reference to a judge.

**16** Protection from action.

**17** Personnel.

**18** An officer of the Court, for the purpose of matters directed by the Court to be taken before him, has power to administer oaths, take affidavits and statutory declarations, receive affirmations and examine parties and witnesses, as the Court may direct.

**19** Sheriffs, deputy sheriffs, jailers and peace officers shall give assistance to and comply with the directions of the Court and the judges in the exercise of the jurisdiction of the Court.

### **Miscellaneous**

**20** The Lieutenant Governor in Council by regulation

- (a) may make rules governing
  - (i) the practice and procedure in the Court,
  - (ii) the duties of officers of the Court,
  - (iii) costs in matters before the Court,
  - (iv) the fees to be collected by officers of the Court, and
  - (v) the rates of fees and expenses payable to witnesses and interpreters,

and

- (b) may prescribe the times and places for sittings of the Court.

**21** In addition to the regular sittings of the Court fixed pursuant to section 20(b), the Chief Justice of the Court may, at the times and places he appoints for the purpose, fix additional sittings to be held as required for the dispatch of the business of the Court.

**22(1)** The Lieutenant Governor in Council may by regulation

- (a) establish judicial districts or sub-districts,
- (b) alter the boundaries of any judicial district or sub-district, and

**18** Power of officers of the Court.

**19** Duties of sheriffs, etc.

**20** Rules of Court.

**21** Additional sittings of the Court.

**22** Judicial districts.

(c) make any provision he considers necessary to protect any interests affected by the operation of a regulation under this section.

(2) The sheriff of a judicial district from which any area is either transferred to another district or constituted a new district shall transmit to the sheriff of the new or other district all wholly or partially unexecuted writs of execution that affect an execution debtor residing in that area, and thereafter those writs have the same effect and the powers and duties of the sheriff to whom they have been transmitted are the same as if the writs had been originally directed to him.

(3) If a sheriff has made a seizure in any area before it is transferred from his judicial district, the writ of execution under which the seizure was made shall be retained by him and he shall continue the proceedings under it as if no transfer of the area had been made, but if a portion of the judgment debt remains unpaid after the proceedings are completed, the writ shall be transmitted to the sheriff of the district in which the area is then included.

(4) After the transmission of a writ of execution from one sheriff to another under subsection (2) or (3), the execution creditor may obtain a copy of the judgment or order upon which the writ was issued, certified by the proper officer of the Court in which it was entered, and if the copy is filed in the office of the clerk of the Court in the judicial district to which the writ has been transmitted, the judgment or order becomes a judgment or order of record in that office and thereafter all writs, renewals and proceedings under or upon the judgment or order may be issued, taken or done in or from that office.

**23**(1) A council comprised of the judges shall, at least once in every year upon a day fixed by the Chief Justice of the Court and of which he shall give notice to the judges, assemble for the purpose of

(a) considering

(i) the operation of this Act and the rules made under this Act, and

(ii) the working of, and the arrangements governing the performance of duties by, the officers of the Court,

and

(b) inquiring into and examining any defects that appear to exist in the procedure of any court or other authority.

**23** Council of judges.

(2) Where it considers it necessary and appropriate to do so, the council may form one or more subcommittees to deal with any matter referred to in subsection (1) and each subcommittee so formed shall meet at such times and places as is necessary to achieve the purpose for which it was formed.

(3) The council shall report its recommendations to the Lieutenant Governor in Council.

### **Transitional and Consequential**

**24** Where in any statute, ordinance, regulation, rule, order, by-law, agreement or other instrument or document reference is made to

- (a) the Supreme Court of the North-West Territories sitting other than en banc, and the reference occurred prior to September 1, 1905,
- (b) The Trial Division of the Supreme Court of Alberta,
- (c) The District Court of Northern Alberta,
- (d) The District Court of Southern Alberta,
- (e) The District Court of Alberta, or
- (f) a judge of any of those courts,

the reference shall be read as a reference to the Court of Queen's Bench of Alberta or a judge of that Court, as the case may be, unless the context otherwise requires.

**25(1)** Where, at the commencement of this Act, any matter is before The Trial Division of the Supreme Court of Alberta or The District Court of Alberta or a judge of either court or a master in chambers

- (a) the matter shall be continued before the Court,
- (b) the judge or master dealing with the matter shall continue to deal with it in his capacity as a judge or master, as the case may be, of the Court of Queen's Bench of Alberta, and
- (c) subject to section 27, all documents required to be filed in or in connection with the cause or matter shall thereafter be styled in the Court of Queen's Bench of Alberta.

**24** References.

**25** Continuation of proceedings.

(2) At the commencement of this Act, the records and files of The Trial Division of the Supreme Court of Alberta and of The District Court of Alberta, whether concluded or not, become the records and files of the Court of Queen's Bench of Alberta.

**26** Where any matter

(a) that was before The Trial Division of the Supreme Court of Alberta or The District Court of Alberta prior to the commencement of this Act, and

(b) as a result of an appeal

(i) has, before or after the commencement of this Act, been referred back to either of those courts to be further dealt with, or

(ii) after the commencement of this Act would, except for this section, have been referred back to either of those courts to be further dealt with,

the matter shall be dealt with by the Court of Queen's Bench of Alberta as though the matter had instead been before that Court.

**27(1)** Where any matter before The Trial Division of the Supreme Court of Alberta, The District Court of Alberta or a judge of either court is continued under section 25, an affidavit styled in The Trial Division of the Supreme Court of Alberta or in The District Court of Alberta, as the case may be,

(a) shall be accepted for filing after the commencement of this Act if it was sworn before the commencement of this Act, or

(b) may be accepted for filing where it was sworn after the commencement of this Act if the clerk is satisfied that it is impossible or that it would result in undue delay or hardship to have an affidavit sworn that is properly styled.

(2) A judge or master in chambers may, upon the application of any person interested in a matter before the Court or a judge, give directions

(a) as to the filing of documents or matters of procedure in cases for which no provision is made by section 25 or subsection (1), and

(b) for the purpose of removing or minimizing any procedural difficulty arising upon the commencement of this Act.

**26** Cases referred back on appeal.

**27** Documents under former style of cause.

**28** *Wherever it occurs in the following provisions “Supreme Court” is struck out and “Court of Queen’s Bench” is substituted:*

*The Administration of Estates Act*, sections 2(d), (e) and (f), 11(3), (4) and (5) and 67(1);  
*The Agrologists Act*, section 28(1);  
*The Alberta Historical Resources Act*, section 35(3);  
*The Arbitration Act*, section 2(a), (b) and (c);  
*The Boilers and Pressure Vessels Act, 1975*, sections 40(6) and 43(2)(a) and (3);  
*The Change of Name Act, 1973*, sections 11(1) and (3), 13(3), 21 and 26;  
*The Chartered Accountants Act*, sections 26(2), 35, 36(1) and 44(4);  
*The Child Welfare Act*, sections 97(2) and 98(1) to (6);  
*The Clean Air Act*, sections 4(11), 7(5) and (6) and 8(2);  
*The Clean Water Act*, sections 4(11), 7(5) and (6) and 8(2);  
*The Companies Act*, section 227(1);  
*The Controverted Elections Act*, sections 2(a), 4(b) and 6(a) and the Schedule, Forms A and B;  
*The Co-operative Associations Act*, sections 19(2)(c), 28(3), 48(3) and 49(1);  
*The Credit Union Act*, section 75(10) and (12);  
*The Dental Association Act*, sections 38(1) and (2), 41(2) and (3) and 43(1) and (2);  
*The Dental Auxiliaries Act*, sections 13(3) and 14(1) and (2);  
*The Department of the Environment Act*, section 16(6);  
*The Domestic Relations Act*, sections 28(4)(c), 28.2(1) and (8), 28.3(16), (18), (19) and (21) and 30.1(2);  
*The Dower Act*, section 14(1);  
*The Drainage Districts Act*, section 194(1) and (2);  
*The Election Act*, sections 104(1), 108(5), (7) and (9) and 111(2);  
*The Engineering and Related Professions Act*, sections 14, 20(5) and (6)(c), 38(4), 39, 44(1) and (2), 45 and 46(1);  
*The Estate Tax Rebate Act*, section 12(1);  
*The Alberta Evidence Act*, section 57(4);  
*The Expropriation Act*, section 27(7);  
*The Extra-curial Orders Act*, sections 3(1) and 6(b);  
*The Family Court Act*, section 6(2) and (3);  
*The Fish Marketing Act*, section 5(3);  
*The Forests Act, 1971*, section 10(2);  
*The Franchises Act*, sections 41(4), 46(2), 47(1), (5) and (6) and 49(2);  
*The Gas Resources Preservation Act*, section 19(2);  
*The Gas Utilities Act*, section 53(9);  
*The Individual’s Rights Protection Act*, sections 22(5), 23(1), (2) and (5) and 24(1) and (2);  
*The Infants Act*, sections 2(1), 8, 8.1, 9, 10(1), 11(1), 15(2) and 16(1);  
*The Alberta Insurance Act*, sections 81(3) and 305(1);  
*The Insurance Corporations Tax Act*, section 9(4);  
*The Investment Contracts Act*, sections 21(2) and 36.6(2);  
*The Irrigation Act*, sections 34(2) and 35(1);

**28** Consequential.

*The Judicature Act*, sections 22.1(1) and 32;  
*The Jury Act*, Schedule, Forms A, B and C;  
*The Alberta Labour Act, 1973*, sections 11.1(2) and 45(3);  
*The Land Surface Conservation and Reclamation Act*, sections 9(5) and (6), 17(5) and 28(6);  
*The Land Surveyors Act*, sections 13(1) and (2), 38(2), 46(2) and (4), 48(5) and 50(1);  
*The Land Titles Act*, sections 59, 107(2), 108(4), 190(7), 194 and 209(2) and (3);  
*The Landlord and Tenant Act*, section 10(1);  
*The Landlord's Rights on Bankruptcy Act*, sections 9(2) (b) (iii) and (3) (b), 11(1) and 13(2);  
*The Legal Profession Act*, sections 15(1) and (2), 44(1), (2) and (5), 50(2), 62(4) and (7), 63(1), 70(4), 71(3), 80(2) and (3), 81(1) and (3), 82(1) and (5), 83(5), 89(2), 97 and 122(2);  
*The Legislative Assembly Act*, sections 20(1) and 22;  
*The Libraries Act*, sections 33 and 43(1);  
*The Licensing of Trades and Businesses Act*, section 13;  
*The Local Authorities Board Act*, sections 22, 36(2), 41 and 65(1);  
*The Marketing of Agricultural Products Act*, section 11.1(1);  
*The Marriage Act*, sections 14(1)(b), 20(1), 21(2) and 23(1);  
*The Mechanical Recording of Evidence Act*, section 8(1);  
*The Medical Profession Act, 1975*, sections 37(2), 49(7), 58(3) and 60;  
*The Mental Health Act, 1972*, sections 37(1)(b), 38(2), 41(4), 43(4), 46(1), 63(5) and (7) and 65(3);  
*The Motor Vehicle Administration Act*, sections 22(3) and 64(2);  
*The Municipal Government Act*, sections 157(4), 158(7) and 159(3);  
*The Municipal Taxation Act*, section 127(10) (a);  
*The Occupational Health and Safety Act*, section 11(8);  
*The Ophthalmic Dispensers Act*, section 17(3), 20(2), 24(1) and (2), 26(2) and (3) and 28(b);  
*The Optometry Act*, section 9(1) and (2);  
*The Pharmaceutical Association Act*, sections 22(2), 23(6), 25(6) (b) and 26(1);  
*The Planning Act, 1977*, sections 19(2) and 147(3) (b);  
*The Podiatry Act*, section 13(1);  
*The Psychiatric Nurses Association Act*, section 15(1);  
*The Psychiatric Nursing Training Act*, section 5(2);  
*The Psychologists Act*, sections 21(1) and 22(1) (b);  
*The Public Contributions Act*, section 12(1);  
*The Public Highways Development Act*, section 27(6);  
*The Public Inquiries Act*, section 5(1) and (2);  
*The Public Utilities Board Act*, sections 23, 37(2), 42, 66(1) and 110(3);  
*The Railway Act*, section 2(h);  
*The Reciprocal Enforcement of Judgments Act*, section 4;  
*The Reciprocal Enforcement of Maintenance Orders Act*, section 6(9);  
*The Registered Dietitians Association Act*, section 18(1);



*The Religious Societies' Lands Act*, sections 9 and 27(1), (4) and (5) (b);  
*The Rent Decontrol Act*, section 21(2);  
*The Rural Gas Act*, section 11;  
*The School Act*, section 165(1);  
*The Securities Act*, sections 21(4), 26(2), 27(1), (5) and (6), 29(2) and 113(1);  
*The Seizures Act*, section 29(9) and (10);  
*The Social Workers Act*, section 16;  
*The Surface Rights Act*, sections 14(3) and 28(1) and (2);  
*The Surrogate Court Act*, sections 6(1), 8(2), 9, 10, 12(2) and (3), 13(2) and (3), 15, 17(1) and (2), 19, 20(1), 21(1), (3) and (4) and 22(3);  
*The Teaching Profession Act*, section 15(2);  
*The Temporary Rent Regulation Measures Act*, section 21(2);  
*The Tobacco Tax Act*, section 10(4) (b);  
*The Trust Companies Act*, sections 16(3), 26(1), 41, 75(5), 77(1), 85(1), 88, 133(1), 134(3), 139(5) to (9), 153(9), 173(2), 183(2), 184, 190(e) and 206;  
*The Trustee Act*, sections 14(2), 15(1), 16(1), 21(1), 33(1), 33.1(1), 34(1), 35(1) and (3) and 42;  
*The Alberta Uniform Building Standards Act*, sections 9(7) and 12.1(1);  
*The Universities Act*, section 52(5);  
*The Venereal Diseases Prevention Act*, sections 12(2) (b) and 23(1) (b) and (2) (b);  
*The Warehousemen's Lien Act*, section 8(3);  
*The Water Resources Act*, sections 44(4), (5) and (6) and 60(2);  
*The Workers' Compensation Act*, sections 16(12) (b) and 77(2).

**29** *Wherever it occurs in the following provisions “Supreme Court of Alberta” is struck out and “Court of Queen’s Bench” is substituted:*

*The Boilers and Pressure Vessels Act, 1975*, sections 40(5) and 43(1);  
*The Cemeteries Act*, section 20(2);  
*The Chattel Security Registries Act*, section 5(3);  
*The City Transportation Act*, section 32(3);  
*The Coal Conservation Act*, section 46;  
*The Companies Act*, sections 2(1), 12 and 19;  
*The Conditional Sales Act*, section 21;  
*The Controverted Elections Act*, section 2(b);  
*The Dental Association Act*, section 9(1);  
*The Dental Auxiliaries Act*, section 13(2);  
*The Dental Mechanics Act*, section 14(6);  
*The Department of the Environment Act*, sections 16(5) and 17(e);  
*The Devolution of Real Property Act*, section 2(a);  
*The Domestic Relations Act*, section 26.1(a);  
*The Election Finances and Contributions Disclosure Act*, section 38(3) and (4);

**29** Consequential.

*The Energy Resources Conservation Act*, section 1, clause 5;  
*The Alberta Evidence Act*, section 44;  
*The Expropriation Act*, section 1(c) and Schedule 2;  
*The Family Court Act*, section 6(1);  
*The Family Relief Act*, sections 2(e) and 20;  
*The Federal Courts Jurisdiction Act*, section 3;  
*The Financial Administration Act, 1977*, section 23(2);  
*The Firefighters and Policemen Labour Relations Act*, section 18(1);  
*The Franchises Act*, section 50, clause 2 and sections 53(1) and 54(6);  
*The Fuel Oil Administration Act*, section 25(4);  
*The Gas Resources Preservation Act*, section 19(1) and (2);  
*The Gas Utilities Act*, section 10;  
*The Alberta Health Care Insurance Act*, sections 22.1(7) and 22.2(3);  
*The Alberta Income Tax Act*, section 2(1), clause 7 and section 33;  
*The Individual's Rights Protection Act*, section 22(3);  
*The Alberta Insurance Act*, sections 70(1) and 517.1(4)(b), (6), (7), (8) and (9);  
*The Intestate Succession Act*, section 16(1);  
*The Investment Contracts Act*, section 18(4);  
*The Jury Act*, section 2(b);  
*The Alberta Labour Act, 1973*, sections 45(3) and 49(f);  
*The Land Titles Act*, sections 179(5), 181(1), 182 and 190(3);  
*The Licensing of Trades and Businesses Act*, sections 5(1)(j) (vii)(D) and (j1)(vi) and 8.1(8);  
*The Liquor Control Act*, section 96(2);  
*The Local Authorities Board Act*, sections 30, 40(2), 41, 57 and 58(2) and (3);  
*The Medical Profession Act, 1975*, section 49(6);  
*The Mentally Incapacitated Persons Act*, section 2(b);  
*The Mineral Taxation Act*, section 24(1)(b);  
*The Mortgage Brokers Regulation Act*, sections 15, 17(3) and (7)(e), 20(3) and 24(7);  
*The Motor Vehicle Administration Act*, section 64(1);  
*The Naturopathy Act*, sections 8(8) and 25(5);  
*The Occupational Health and Safety Act*, section 11(5);  
*The Oil and Gas Conservation Act*, section 2, subsection (1), clause 22;  
*The Ombudsman Act*, section 12(2);  
*The Ophthalmic Dispensers Act*, sections 4.1(1), 17(1) and 34.1(1);  
*The Optometry Act*, sections 18(1), 26(2) and (4), 28(4) and (5) and 30(1) and (4);  
*The Partnership Act*, section 2(c);  
*The Perpetuities Act*, section 1(a);  
*The Petroleum Marketing Act*, sections 16(6) and 27(3);  
*The Police Act, 1973*, sections 14(6) and 32(4);  
*The Psychiatric Nurses Association Act*, section 15(1);  
*The Public Highways Development Act*, sections 17(5) and 38(4);  
*The Public Inquiries Act*, section 4;



*The Public Service Employee Relations Act*, section 1(k);  
*The Public Trustee Act*, section 2(b) and (d);  
*The Public Utilities Board Act*, sections 31, 41(2), 42 and 59(2) and (3);  
*The Railway Act*, sections 2(c) and 241;  
*The Real Estate Agents' Licensing Act*, section 2(1)(b1);  
*The Registered Dietitians Association Act*, section 18(1);  
*The Registered Nurses Act*, section 10(1);  
*The Securities Act*, section 5, clause 2 and sections 147(1) and 148(6);  
*The Seizures Act*, section 2(e) and (f);  
*The Social Care Facilities Licensing Act*, section 9(8);  
*The Social Workers Act*, section 15(1);  
*The Trustee Act*, sections 7 and 37(1)(b);  
*The Ultimate Heir Act*, section 6(2);  
*The Alberta Uniform Building Standards Act*, section 9(4);  
*The Veterinary Surgeons Act*, section 15(1) and (2);  
*The Water Resources Act*, section 46(6);  
*The Workers' Compensation Act*, section 12(5).

**30** *Wherever it occurs in the following provisions “Trial Division” is struck out and “Court of Queen’s Bench” is substituted:*

*The Companies Act*, sections 84(5), 86(1), 121(3) and 138(2);  
*The Expropriation Act*, section 35(2);  
*The Alberta Insurance Act*, sections 161(3) and 166(16);  
*The Securities Act*, section 113(1);  
*The Trust Companies Act*, sections 26(1), 75(5) and 77(1).

**31** *Wherever it occurs in the following provisions “Trial Division of the Supreme Court of Alberta” is struck out and “Court of Queen’s Bench” is substituted:*

*The Alberta Gas Trunk Line Company Act*, section 21(3);  
*The Boilers and Pressure Vessels Act, 1975*, section 40(4);  
*The Landmen Licensing Act*, section 21;  
*The Medical Profession Act, 1975*, section 49(5).

**32** *Wherever it occurs in the following provisions “Supreme Court of Alberta or a district court” is struck out and “Court of Queen’s Bench” is substituted:*

*The Execution Creditors Act*, section 6;  
*The Alberta Hospitals Act*, section 35(7)(b);  
*The Land Surveyors Act*, section 30(e);  
*The Unfair Trade Practices Act*, section 1(d).

**30** Consequential.

**31** Consequential.

**32** Consequential.

**33** *Wherever it occurs in the following provisions “Supreme Court or a district court” is struck out and “Court of Queen’s Bench” is substituted:*

*The Family Court Act, section 10(9);  
The Reciprocal Enforcement of Judgments Act, section 3(1);  
The School Act, section 35(1);  
The Trustee Act, section 38(1).*

**34** *Wherever it occurs in the following provisions “a district court” is struck out and “the Court of Queen’s Bench” is substituted:*

*The Collection Agencies Act, section 7(2);  
The Execution Creditors Act, sections 42 and 45;  
The Fire Prevention Act, section 12(2)(a);  
The Societies Act, section 22(2);  
The Tax Recovery Act, section 28(2)(a) and (7);  
The Trustee Act, section 39(2).*

**35** *Wherever it occurs in the following provisions “district court” is struck out and “Court of Queen’s Bench” is substituted:*

*The Bills of Sale Act, sections 18(1) and 24(2);  
The Child Welfare Act, sections 18(2), 22(2), 26(1) and 36.1(1);  
The Chiropractic Profession Act, sections 8(3) and 12(3);  
The Conditional Sales Act, section 13(2);  
The Drainage Districts Act, sections 154, 155, 156 and 173(3);  
The Execution Creditors Act, sections 2(c), 20(1) and (2);  
The Exemptions Act, section 12;  
The Fire Prevention Act, section 24(4)(a);  
The Health Insurance Premiums Act, section 17(3);  
The Irrigation Act, section 110(6), (7) and (10);  
The Land Surface Conservation and Reclamation Act, sections 35(1)(h), 56(2), (6) and (7), 57(3), (6) and (7) and 60;  
The Maintenance and Recovery Act, sections 4.1, 7(b), 33(c) and 59(a);  
The Masters and Servants Act, section 8(2);  
The Municipal Election Act, sections 132, 165(1)(b) and 189;  
The Municipal Government Act, section 397(1) and (6);  
The School Election Act, section 122(1);  
The Small Claims Act, sections 8(4), 31(3), 34(1)(b)(i), (ii) and (iii) and (c) and (2), 35, 37(b), 38, 39(1), 41, 42(1) and (2), 43 and 47;  
The Surface Reclamation Act, sections 26(1), 29, 30, 34(1), 36, 37 and 43;  
The Surface Rights Act, sections 24(2), (4)(a), (5), (6), (7), (9) and (11) and 38(4);  
The Surrogate Court Act, section 8(1);  
The Tax Recovery Act, section 26(2);*

**33** Consequential.

**34** Consequential.

**35** Consequential.

*The Trust Companies Act*, section 98(6), (8) and (11);  
*The Alberta Uniform Building Standards Act*, section 7(2);  
*The Vital Statistics Act*, section 35(1), (3) and (4);  
*The Warehouse Receipts Act*, section 10(1).

**36** *Wherever it occurs in the following provisions “district court” is struck out and “Queen’s Bench” is substituted:*

*The Irrigation Act*, sections 153(1) and 169(2);  
*The Jury Act*, section 19(2), (3), (5), (6), (12) and (13);  
*The Tax Recovery Act*, section 28(2)(b), (3), (4), (5) and (6).

**37** *Wherever it occurs in the following provisions, “District Court” is struck out and “Court of Queen’s Bench” is substituted:*

*The Assignments of Book Debts Act*, section 12(2);  
*The Marketing of Agricultural Products Act*, section 26.1(1) and (2);  
*The Motor Transport Act*, section 10(3);  
*The Motor Vehicle Administration Act*, section 23(4);  
*The Nursing Assistants Registration Act*, section 11(1);  
*The Social Care Facilities Licensing Act*, sections 6(4) and 11(c).

**38(1)** *The Administration of Estates Act is amended by repealing section 2(j).*

**(2)** *The Alimony Orders Enforcement Act is amended*

*(a) in section 2*

*(i) by repealing clause (b) and substituting the following:*

**(b)** “court” means the Court of Queen’s Bench;

*and*

*(ii) by repealing clause (c)(i) and substituting the following:*

**(i)** means a judge of the Court of Queen’s Bench,  
**and**

*(b) by repealing section 3(1)(a) and (b) and substituting “the clerk of the court”,*

*(c) by repealing section 15(1)(a) and (b) and substituting “with the clerk of the court”, and*

**36** Consequential.

**37** Consequential.

**38** Consequential.

(d) in the Schedule

(i) in Form A

(A) by striking out “Supreme Court (or district court, as the case may be,)” and substituting “Court of Queen’s Bench”, and

(B) by striking out

.....  
Clerk of the Supreme Court of the  
Judicial District of

.....  
*or*  
.....

.....  
Clerk of the District Court of the  
Judicial District of

.....  
*and substituting*

.....  
Clerk of the Court of Queen’s Bench  
Judicial District of

.....  
*and*

(ii) in Form B by striking out

.....  
Judge of the Supreme Court  
*or*

.....  
Judge of the District Court of  
the Judicial District of

.....  
*and substituting*

.....  
Judge of the Court of Queen’s Bench



(3) *The Builders' Lien Act is amended by repealing section 2(1)(c) and substituting the following:*

(c) "court" means the Court of Queen's Bench;

(4) *The Bulk Sales Act is amended in section 13 by striking out "of the district court of the judicial district in which the vendor's stock, or any part thereof, or the vendor's business or trade, is situated at the time of the sale in bulk thereof" and substituting "of the Court of Queen's Bench".*

(5) *The Cemeteries Act is amended*

(a) *in section 43(1) and (3) by striking out "of the district court for the judicial district in which the cemetery, columbarium or mausoleum is situated," and substituting "of the Court of Queen's Bench," and*

(b) *in section 59(1) by striking out "of the district court for the judicial district in which the cemetery is situated," and substituting "of the Court of Queen's Bench,".*

(6) *The Chartered Physiotherapists Act is amended by repealing section 17(1) and substituting the following:*

**17(1)** Any member who has been expelled or suspended from the Association may appeal from the order of the council to the Court of Queen's Bench at any time within 14 days of the date of the order of expulsion or within any additional time that a judge of the Court of Queen's Bench may allow.

(7) *The Child Welfare Act is amended*

(a) *by repealing section 14(d) and substituting the following:*

(d) "judge" means

(i) a judge of the Family Court or the juvenile court, except in connection with the making of permanent wardship orders, or

(ii) a judge of the Court of Queen's Bench in connection with the making of permanent wardship orders;

*and*

(b) *in section 27*



*(i) by repealing subsection (1) and substituting the following:*

**27(1)** Within 30 days from the making of an order by a judge under this Part,

(a) a parent, guardian or other person who had the care of the child, or

(b) the Director,

may appeal to

(c) the Court of Appeal from an order of permanent wardship, or

(d) in any other case to a judge of the Court of Queen's Bench,

by filing with the clerk of the court a notice of appeal setting out the particulars of the order and the grounds for the appeal.

*(ii) in subsection (2) by striking out "Supreme Court" and substituting "Court of Appeal or Court of Queen's Bench, as the case may be,"*

*(iii) in subsection (3) by striking out "of the judicial district", and*

*(iv) by repealing subsections (4) and (5) and substituting the following:*

(4) Unless otherwise directed the appeal shall come on for hearing following filing and service of the notice of appeal

(a) at the next ensuing sitting of the Court of Appeal in the case of an appeal to that court, or

(b) at the next ensuing sitting of the Court of Queen's Bench in the judicial district in which the notice of appeal is filed in the case of an appeal to a judge of that court.

(5) The appeal shall be determined on the material filed and on any further evidence the court or judge, as the case may be, may require or permit to be given and the court or judge hearing the appeal may

(a) affirm the order,



(b) revoke the order, or

(c) make any order that could have been made at the original hearing.

(8) *The Clean Air Act is amended by repealing section 1(j).*

(9) *The Clean Water Act is amended by repealing section 1(i).*

(10) *The Companies Act is amended by repealing section 41.9 and substituting the following:*

**41.9** An application to the court under this Division shall be heard by a judge designated by the Chief Justice of the court.

(11) *The Crop Payments Act is amended in section 6(1) by striking out “judge of the district court of the district” and substituting “judge of the Court of Queen’s Bench”.*

(12) *The Domestic Relations Act is amended*

*(a) in section 2 by striking out “The Supreme Court of Alberta” and substituting “the Court of Queen’s Bench”,*

*(b) in section 27*

*(i) by repealing subsection (8) and substituting the following:*

(8) a party to proceedings under this section who is aggrieved by an order or refusal to make an order pursuant to this section may appeal to the Court of Queen’s Bench and the provisions of Part XXIV of the *Criminal Code* will apply with all necessary modifications with respect to the appeal.

*(ii) in subsection (10) by striking out “or deputy clerk of the district court of the district” and substituting “of the Court of Queen’s Bench for the judicial district”,*

*(iii) by repealing subsection (11) and substituting the following:*

(11) When subsection (10) has been complied with the clerk shall notify the court, which shall fix a place and a time that is not sooner than 14 days from the date it was so notified, for the hearing of the appeal.

*(iv) in subsection (13) by striking out “judge” wherever it occurs and substituting “court”,*



(v) *by repealing subsection (14), and*

(vi) *in subsection (15)*

*(A) by striking out “A judge” and substituting “The court”, and*

*(B) by repealing clause (b) and substituting the following:*

*(b) make any order it considers appropriate relating to the costs of the appeal and the amount of them.*

*and*

*(c) in section 37 by striking out “The Supreme Court of Alberta” and substituting “the Court of Queen’s Bench”.*

*(13) The Dower Act is amended by repealing section 2(d) and substituting the following:*

*(d) “judge” means a judge of the Court of Queen’s Bench.*

*(14) The Drainage Districts Act is amended in section 178 by striking out “a district court judge of a judicial district in which the district is wholly or partially situated” and substituting “a judge of the Court of Queen’s Bench”.*

*(15) The Election Act is amended*

*(a) in section 2*

*(i) by repealing clause 5 and substituting the following:*

*5. “court” means the Court of Queen’s Bench;*

*and*

*(ii) by adding the following after clause 12:*

*12.1 “judge” means a judge of the Court of Queen’s Bench;*

*(b) by repealing section 16(1)(a) and substituting the following:*

*(a) the judges of the Court of Appeal, the Court of Queen’s Bench and the Surrogate Court;*

*(c) by adding “provincial” before “judge” wherever it occurs in sections 105 to 107,*



(d) in section 108(2) by striking out “of the Appellate Division of the Supreme Court” and substituting “of the Court of Queen’s Bench”, and

(e) in section 152

(i) by repealing subsection (1) and substituting the following:

**152(1)** Proceedings for the imposition of punishment by fine, penalty or imprisonment for contravention of any provision of this Act not otherwise prescribed shall be brought before a provincial judge sitting and acting as a summary conviction court.

and

(ii) in subsection (2) by striking out “Appellate Division of the Supreme Court” and substituting “Court of Queen’s Bench”.

(16) *The Electoral Boundaries Commission Act* is amended in section 3(a) by adding “Court of Queen’s Bench,” after “Supreme Court or a district court,”.

(17) *The Alberta Evidence Act* is amended

(a) in section 51 by adding “, the Court of Queen’s Bench of Alberta” after “the Supreme Court of Alberta”, and

(b) in section 57(1) by striking out “When, on application to the Supreme Court or a judge thereof, or to a judge of a district court,” and substituting “When, on application to the Court of Queen’s Bench or a judge thereof,”.

(18) *The Execution Creditors Act* is amended

(a) by repealing section 25(1), (2) and (3),

(b) in section 47 by striking out “*The District Courts Act*,” and substituting “*The Court of Queen’s Bench Act*,” and

(c) in the Schedule by striking out “the District Court of the District of .....” wherever it appears in Forms B to F and substituting “the Court of Queen’s Bench”.

(19) *The Extra-curial Orders Act* is amended

(a) by repealing section 3(2), and

(b) in section 4 by striking out “Supreme Court or district court, as the case may be,” and substituting “Court of Queen’s Bench”.



(20) *The Fatal Accidents Act* is amended in section 6(2) by striking out “the Supreme Court or a judge of the district court, as the case may require,” and substituting “Court of Queen’s Bench”.

(21) *The Fire Prevention Act* is amended in section 24(3) by striking out “the district court having jurisdiction in the judicial district within which the property lies,” and substituting “the Court of Queen’s Bench”.

(22) *The Forests Act, 1971* is amended in section 36(1) by striking out “district court of the district in which the timber or timber products are held under seizure” and substituting “Court of Queen’s Bench”.

(23) *The Innkeepers Act* is amended in section 4(3)(b) by striking out “Supreme Court or of a district court” and substituting “Court of Queen’s Bench”.

(24) *The Alberta Insurance Act* is amended

(a) by repealing section 2, clause 15 and substituting the following:

15. “court” means the Court of Queen’s Bench or a judge thereof;

(b) in section 166(12) by striking out “Trial Division of the”,

(c) in section 195(5) by striking out “district court of the district in which the appraisal is to be made” and substituting “court”,

(d) by repealing section 228, clause 4, and

(e) by repealing section 322(e).

(25) *The Interpretation Act* is amended in section 21(1) by adding the following after clause 3:

3.1 “Court of Appeal” means the Court of Appeal of Alberta”;

3.2 “Court of Queen’s Bench” or “Queen’s Bench”, means the Court of Queen’s Bench of Alberta;

(26) *The Irrigation Act* is amended in section 169(1)(c) by striking out “a district court judge of the judicial district in which the parcel or land is wholly or partly situated” and substituting “a Queen’s Bench judge”.

(27) *The Jury Act* is amended in section 19(1)(b) by striking out “district court having jurisdiction in the judicial district” and substituting “Court of Queen’s Bench”.

(28) *The Juvenile Court Act* is amended in section 7(1) by striking out “Supreme Court of the Province, and each judge of a district court in the Province” and substituting “Court of Queen’s Bench”.



(29) *The Land Surface Conservation and Reclamation Act is amended*

(a) *by repealing section 1(s),*

(b) *in section 56(1) by striking out “district court of the judicial district in which the land is situated” and substituting “Court of Queen’s Bench”, and*

(c) *in section 57*

(i) *in subsection (1) by striking out “district court by filing a notice of appeal with the clerk of the district court for the judicial district in which the land is situated” and substituting “Court of Queen’s Bench by filing a notice of appeal with the clerk of the Court”, and*

(ii) *in subsection (2) by striking out “district court of the judicial district in which the land concerned is situated” and substituting “Court of Queen’s Bench”.*

(30) *The Landmen Licensing Act is amended in section 15(1)(a) by striking out “judge of a district court” and substituting “Queen’s Bench judge”.*

(31) *The Legal Profession Act is amended*

(a) *by repealing section 2(j),*

(b) *in section 33 by striking out “The Supreme Court of Alberta, a district court” and substituting “the Court of Appeal, the Court of Queen’s Bench”,*

(c) *in section 37(2) by striking out “, the Chief Justice of the Trial Division of the Supreme Court of Alberta or any other judge of the Supreme Court of Alberta, with a Chief Judge or any other judge of a district court in Alberta” and substituting “or any other judge of the Court of Appeal, the Chief Justice of the Court of Queen’s Bench or any other judge of the Court of Queen’s Bench”, and*

(d) *in section 74(1) by striking out “Supreme Court and the district courts” and substituting “Court of Appeal and the Court of Queen’s Bench”.*

(32) *The Liquor Control Act is amended in section 2, subsection (1), clause 9 by striking out “Supreme Court of Alberta or a judge of a district court of Alberta” and substituting “Court of Queen’s Bench”.*

(33) *The Livery Stable Keepers Act is amended in section 6(2)(b) by striking out “Supreme Court or of a district court” and substituting “Court of Queen’s Bench”.*



(34) *The Maintenance Order Act is amended in section 5*

(a) *in subsection (1) by striking out “district court having jurisdiction in the judicial district in which the person entitled or the person liable resides” and substituting “Court of Queen’s Bench”, and*

(b) *by repealing subsection (3).*

(35) *The Maintenance and Recovery Act is amended*

(a) *by repealing section 8, and*

(b) *by repealing section 34.*

(36) *The Marriage Act is amended in section 19(1) by striking out “Supreme Court or district court” and substituting “Court of Queen’s Bench”.*

(37) *The Mechanical Recording of Evidence Act is amended*

(a) *in section 2(a) by striking out “the Supreme Court or the district court or” and substituting “the Court of Appeal or the Court of Queen’s Bench or the”, and*

(b) *in section 7 by striking out “the Supreme Court or the district court” and substituting “the Court of Appeal or the Court of Queen’s Bench”.*

(38) *The Mental Health Act, 1972 is amended in section 50.1(8)*

(b) *by striking out “Supreme Court of Alberta or the District Court,” and substituting “Court of Queen’s Bench,”.*

(39) *The Municipal Election Act is amended by repealing section 2, clause 4.1 and substituting the following:*

4.1 “judge” means a judge of the Court of Queen’s Bench;

(40) *The Municipal Government Act is amended*

(a) *by repealing section 2, clause 9 and substituting the following:*

9. “judge” means a judge of the Court of Queen’s Bench;

*and*

(b) *in section 32(1) by striking out “Supreme or a district court” and substituting “Court of Queen’s Bench”,*



(c) in section 184(1) by striking out “the district court within which the land is situated” and substituting “the Court of Queen’s Bench”.

(41) *The Municipal Taxation Act* is amended by repealing section 127(1) and substituting the following:

**127(1)** In this section, “judge” means a judge of the Court of Queen’s Bench.

(42) *The Notaries Public Act* is amended by repealing section 2.1(3) and substituting the following:

(3) Every provincial judge, surrogate court judge, master in chambers, Queen’s Bench judge and judge of the Court of Appeal is and has always been, from the time of his appointment, a notary public for Alberta.

(43) *The Possessory Liens Act* is amended

(a) by repealing section 2 and substituting the following:

**2** In this Act, “judge” means a judge of the Court of Queen’s Bench.

and

(b) in section 12(3)(b) by striking out “of the Supreme Court or of a district court”.

(44) *The Proceedings Against the Crown Act* is amended by repealing sections 7 and 8 and substituting the following:

**7** Except as otherwise provided in this Act, all proceedings against the Crown in any court shall be instituted and proceeded with in accordance with the relevant law governing the practice in that court.

(45) *The Provincial Court Act* is amended by repealing section 9(1)(b) and (c) and substituting the following:

(b) the Chief Justice of the Court of Queen’s Bench of Alberta or a judge of the Court of Queen’s Bench designated by him.

(46) *The Public Health Act* is amended

(a) by repealing section 2, clause 23,

(b) in section 9(1) by striking out “the Supreme Court in chambers, or to a judge of a district court where the matter is within his jurisdiction” and substituting “the Court of Queen’s Bench”,



and

(c) in section 10.1(3) by striking out “Supreme Court or to district court” and substituting “Court of Queen’s Bench”.

(47) *The Public Inquiries Act* is amended in section 5(1) and (2) by striking out “or district court”.

(48) *The Reciprocal Enforcement of Maintenance Orders Act* is amended in section 3(3) by striking out “a Supreme Court” and substituting “the Court of Queen’s Bench”.

(49) *The Rent Decontrol Act* is amended in sections 30 and 36(2) by striking out “Supreme Court of Alberta or the District Court” and substituting “Court of Queen’s Bench”.

(50) *The School Election Act* is amended in section 121(1) by striking out “district court in the judicial district within which the district or division is wholly or mainly situated” and substituting “Court of Queen’s Bench”.

(51) *The Seizures Act* is amended by repealing section 2(d) and substituting the following:

(d) “judge” means a judge of the Court of Queen’s Bench;

(52) *The Small Claims Act* is amended in section 33 by striking out “district court of the judicial district in which the trial was held” and substituting “Court of Queen’s Bench”.

(53) *The Surface Reclamation Act* is amended in sections 25 and 33 by striking out “the district court of the judicial district in which the land is situated” and substituting “Court of Queen’s Bench”.

(54) *The Surface Rights Act* is amended in section 28(3) by striking out “the Supreme Court or the district court of the district in which the land to which the order relates is situated” and substituting “the Court of Queen’s Bench”.

(55) *The Surrogate Court Act* is amended

(a) by repealing section 4 and substituting the following:

**4** The Chief Justice and the other judges of the Court of Queen’s Bench are the Chief Judge and judges respectively of The Surrogate Court of Alberta.

and

(b) in section 13(1) by striking out “by *The Judicature Act* to the Supreme Court” and substituting “by *The Court of Queen’s Bench Act* to the Court of Queen’s Bench”.



(56) *The Temporary Rent Regulation Measures Act* is amended in section 30 by striking out “the Supreme Court of Alberta or the District Court” and substituting “the Court of Queen’s Bench”.

(57) *The Trust Companies Act* is amended

(a) by repealing section 2, subsection (1), clause 28, and

(b) in section 98(5) by striking out “the district court of the district in which the company maintains its head office or chief agency in Alberta,” and substituting “the Court of Queen’s Bench”.

(58) *The Woodmen’s Lien Act* is amended

(a) by repealing section 2(a) and substituting the following:

(a) “judge” means a judge of the Court of Queen’s Bench;

(b) in section 7

(i) in subsection (1)(a) by striking out “district court or of the Supreme Court, according to the amount of the claim,” and substituting “Court of Queen’s Bench,” and

(ii) in subsection (2) by striking out “district court or of the Supreme Court” and substituting “Court of Queen’s Bench”,

(c) in section 10(1) by striking out “of the courts according to the amount of the claim either in the district court, or in the Supreme Court,” and substituting “of the Court of Queen’s Bench”, and

(d) by repealing section 32 and substituting the following:

**32** The practice and procedure and the tariff of costs of the Court of Queen’s Bench apply with all necessary modifications to proceedings under this Act.

(59) *The Workers’ Compensation Act* is amended

(a) in section 78(2) by striking out “Supreme Court or the clerk of the district court” and substituting “Court of Queen’s Bench”, and

(b) in section 80(9) by striking out “district court of” and substituting “Court of Queen’s Bench at”.



**39**(1) *The Clerks of the Court Act is repealed.*

(2) *The District Court Act is repealed.*

(3) *The Judicature Act is amended*

(a) *in section 2*

(i) *by repealing clause (b),*

(ii) *by repealing clause (d) and substituting the following:*

(d) "Court" means the Court of Queen's Bench or the Court of Appeal, as the case may be;

(iii) *in clause (f) by striking out "The Supreme Court of Alberta" and substituting "Court of Queen's Bench or Court of Appeal, as the case may be", and*

(iv) *by repealing clauses (n) and (o),*

*and*

(b) *by repealing sections 3 to 17, 23, 25 to 30, 39 and 41 to 46.*

(4) *The Sheriffs Act is amended by repealing sections 1 to 46, 48 and 49.*

**40** This Act comes into force on April 1, 1979.

**39** Consequential.