

1979 BILL 33

First Session, 19th Legislature, 28 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 33

THE REVISED STATUTES 1980 ACT

DR. PAPROSKI

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 33
Dr. Paproski

BILL 33

1979

THE REVISED STATUTES 1980 ACT

(Assented to , 1979)

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

1 In this Act,

- (a) “enactment” means an Act or any portion of an Act;
- (b) “Revised Statutes” means the Revised Statutes of Alberta 1980.

2 In accordance with this Act, the Chief Legislative Counsel

- (a) shall consolidate and revise the Revised Statutes of Alberta 1970 and the public Acts of Alberta enacted after December 31, 1970 and on or before December 31, 1980, and
- (b) may consolidate and revise any public Acts of Alberta enacted before December 31, 1970 and not repealed on or before December 31, 1980,

under the general supervision of the Attorney General.

3 In the performance of his duties under this Act, the Chief Legislative Counsel may

- (a) omit and provide for the repeal of any enactment that is inoperative, obsolete, expired or otherwise ineffective or that is deemed to be superseded by or inconsistent with any enactment to be included in the Revised Statutes;
- (b) omit without providing for the repeal of any enactment that has reference only to a particular place, person or thing and has no general application throughout Alberta;

Explanatory Notes

- 1** Definitions.
- 2** A new Revision of the statutes is to be prepared.
- 3** Rules governing revision of the statutes.

(c) include any private enactment if it affects the rights of the public;

(d) revise but leave unconsolidated any enactment

(i) that amends an enactment to be included in the Revised Statutes, and

(ii) that is not in force on December 31, 1980 but is stated to come into force on a named date after December 31, 1980 or on proclamation,

and provide for its inclusion in the Revised Statutes as a supplement;

(e) consolidate 2 or more enactments into one, divide an enactment into 2 or more enactments and transfer provisions from one enactment to another;

(f) make any minor amendments that are necessary to bring out more clearly what is deemed to be the intention of the Legislature or reconcile seemingly inconsistent enactments;

(g) revise and alter language so as to give better expression to the meaning of the law but not so as to change the sense of any enactment;

(h) make any alterations in language and punctuation that are desirable to obtain a uniform mode of expression;

(i) alter the numbering and arrangement of any enactment;

(j) add, change or omit any heading in or title of any enactment;

(k) correct clerical, grammatical and typographical errors;

(l) omit any forms or schedules contained in any enactment and add authority to the enactment for the forms or schedules to be prescribed by regulation.

4 The consolidated and revised Acts, together with

(a) the supplement authorized by section 3(d), and

(b) the schedule of enactments to be repealed

constitute the Statute Roll which, when

(c) attested by the signature of the Lieutenant Governor, and

4 The consolidated and revised statutes constitute the Statute Roll.

(d) countersigned by the Attorney General,
may be deposited in the office of the Clerk of the Legislative Assembly.

5(1) After the deposit of the Statute Roll pursuant to section 4, the Lieutenant Governor may, by proclamation, declare the day on which the Roll will come into force by the designation "Revised Statutes of Alberta 1980".

(2) On and after the date so proclaimed, the Statute Roll comes into force and has effect as and by the designation "Revised Statutes of Alberta 1980" to all intents

(a) as if the Statute Roll was expressly embodied in and enacted by this Act, and

(b) as if this Act expressly provided that it was to have effect on and after the date so proclaimed,

and the Statute Roll shall be held to be the original of the enactments so revised.

6(1) The Chief Legislative Counsel may revise the public Acts of Alberta enacted

(a) after December 31, 1980, and

(b) before the coming into force of the Revised Statutes

to bring those Acts into conformity with the Revised Statutes.

(2) The provisions of this Act relating to the preparation, bringing into force and interpretation of the Revised Statutes apply, with all necessary modifications, to the Acts revised pursuant to this section.

7 On the date the Revised Statutes are proclaimed in force, any enactment shown in the schedule to the Revised Statutes as being omitted from and repealed by the Revised Statutes is repealed to the extent shown.

8 If any enactment referred to in section 2 is to come into force on proclamation and is included in the Revised Statutes and stated therein to come into force on proclamation, then,

(a) if the original enactment was not proclaimed in force before the date on which the Revised Statutes come into force, the proclamation under section 5 does not (unless it otherwise states) operate to bring the corresponding revised enactment in force, but

5 The Revised Statutes of Alberta 1980 will come into force on proclamation.

6 Authority to revise statutes passed in 1981 before the Revision comes into force.

7 The original statutes replaced by the Revision are repealed.

8 Effect of Revision on unproclaimed statutes.

(b) if the original enactment was proclaimed in force before the date on which the Revised Statutes come into force, the proclamation under section 5 operates to bring the corresponding revised enactment into force.

9(1) The Revised Statutes shall not be held to operate as new laws but they shall be construed and have effect as a consolidation of the law contained in the enactments for which the Revised Statutes are substituted.

(2) The various provisions of the Revised Statutes corresponding to and substituted for the enactments previously in force shall, when they are the same in effect as those of the previous enactments, operate retrospectively as well as prospectively and shall be deemed to have been passed respectively on the days on which the corresponding previous enactments came into force.

(3) If on any point the provisions of the Revised Statutes are not in effect the same as the previous enactments for which they are substituted, then with respect to all transactions, matters and things on and subsequent to the day on which the Revised Statutes came into force, the provisions contained in them prevail, but with respect to all earlier transactions, matters and things the provisions of the previous enactments prevail.

(4) A reference

(a) in an enactment that is omitted from but not repealed by the Revised Statutes, or

(b) in any instrument or document

to an enactment that is repealed by section 7 shall after the Revised Statutes come into force be held with respect to any subsequent transaction to be a reference to the enactment in the Revised Statutes having the same effect as the repealed enactment.

(5) The mention of an enactment in the schedule to the Revised Statutes shall not be construed as a declaration that the enactment was or was not in force immediately before the coming into force of the Revised Statutes.

10(1) The Lieutenant Governor in Council may make regulations to rectify any error appearing in the Revised Statutes in a manner not inconsistent with the powers of revision contained in this Act.

(2) A regulation under this section ceases to have effect after the last day of the session of the Legislature next ensuing after it is made.

9 Effect of the Revision.

10 Correction of errors.

11 Regulations prescribing forms or schedules to replace those omitted from an enactment pursuant to section 3(l) may be made before the Revised Statutes come into force, to be effective on the date the Revised Statutes come into force, and any regulation so made is as valid as if the authority in the Revised Statutes under which it purports to be made was in force on the date it was made.

12 This Act comes into force on the day on which it is assented to.

11 Prescribing forms and schedules by regulation.