

1980 BILL 2

Second Session, 19th Legislature, 29 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 2

**THE CONSUMER AND CORPORATE AFFAIRS
STATUTES AMENDMENT ACT, 1980**

THE MINISTER OF CONSUMER AND
CORPORATE AFFAIRS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 2

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1980

THE CONSUMER AND CORPORATE AFFAIRS STATUTES AMENDMENT ACT, 1980

(Assented to , 1980)

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

The Cemeteries Act

1(1) The Cemeteries Act is amended by this section.

(2) Section 2 is amended

(a) by adding the following after clause (d):

(d.1) “Director” means the person designated by the
Minister of Consumer and Corporate Affairs as the
Director of Licensing of Trades and Businesses;

(b) by repealing clause (l).

*(3) Section 2.1(2) is amended by striking out “sections 20 to 23”
and substituting “section 18 and sections 20 to 23”.*

Explanatory Notes

The Cemeteries Act

1(1) This section will amend chapter 39 of the Revised Statutes of Alberta 1970.

(2) Section 2(l) presently reads:

(l) *“securities commission” means the Alberta Securities Commission.*

(3) Section 2.1(2) presently reads:

(2) The Minister of Consumer and Corporate Affairs is charged with the administration of the following provisions of this Act:

sections 20 to 23;

Part 3;

Part 4;

section 60, clauses 6, 8, 9, 10, 11, 14, 15, 16, 19, 20, 20.1, 21 and 22;

sections 61 and 63.

(4) In the following provisions “securities commission” is struck out wherever it occurs and “Director” is substituted:

section 18;
section 20(2)(b) and (3);
section 37(1), (3), (5) and (6)(b);
section 43(8);
section 47;
section 48(1);
section 55(1);
section 56(b);
section 60, clauses 16 and 19;
section 63(1).

(5) In the following provisions “commission” is struck out wherever it occurs and “Director” is substituted:

section 18;
section 20(3);
section 37(4)(c) and (5)(b) and (c);
section 47(2);
section 48(1).

(6) Section 37(5)(c) is amended by striking out “its” and substituting “his”.

(7) Section 44 is amended by striking out “securities commission, and he may, if he deems it advisable, report to the Minister of Consumer and Corporate Affairs as to his findings” and substituting “Director”.

(8) Section 51 is repealed and the following is substituted:

51(1) A person who is dissatisfied with a decision of the Director

(a) refusing to approve a form of contract of sale, lease or rental of a lot, plot, compartment or other space in a cemetery or columbarium or mausoleum,

(b) refusing to register a salesman, or

(c) suspending or cancelling the registration of a salesman,

may appeal the decision by serving the Minister of Consumer and Corporate Affairs with a notice of appeal within 30 days of being notified in writing of the decision.

(4) Transfers powers and duties under the Act from the Securities Commission to the Director of Licensing of Trades and Businesses.

(5) Consequential.

(6) Consequential.

(7) Consequential. Section 44 presently reads:

44 If, upon the passing of accounts, the judge finds that an owner has been guilty of a breach of trust, or of a breach of any contract, or a breach of this Act, he may direct the whole of the endowment care funds then in the hands of the owner, or any portion thereof that the judge may specify, be paid over forthwith to the authorized trustee, with notice thereof to the securities commission, and he may, if he deems it advisable, report to the Minister of Consumer and Corporate Affairs as to his findings.

(8) Section 51 presently reads:

51(1) A person who is dissatisfied with a decision of the securities commission

(a) refusing to approve a form of contract of sale, lease or rental of a lot, plot, compartment or other space in a cemetery or columbarium or mausoleum, or

(b) refusing to register a salesman, or

(c) suspending or cancelling the registration of a salesman,

may request a hearing and review by the commission.

(2) The Minister of Consumer and Corporate Affairs shall, within 30 days of being served with a notice of appeal under subsection (1), appoint an appeal board to hear the appeal.

(3) The Minister of Consumer and Corporate Affairs may set the time within which an appeal board is to hear an appeal and render a decision and may extend that time.

(4) An appeal board that hears an appeal under this section may, by order, either vary, revoke or confirm the decision.

(5) An appeal board appointed under this section shall consist of the following members:

(a) a person (who is not the Director or a representative of the Director) who is designated as chairman of the appeal board by the Minister, and

(b) not less than 2 or more than 4 other persons.

(6) Notwithstanding subsection (5), the Minister of Consumer and Corporate Affairs may designate a board or commission established by or under an Act of the Legislature to hear an appeal under subsection (2), and a reference to an appeal board in this section is deemed to be a reference to a board or commission so designated.

(7) The Minister of Consumer and Corporate Affairs may pay reasonable fees and living and travelling expenses to the members of an appeal board.

(8) The Director or a person whose appeal is heard by an appeal board may appeal the decision of the appeal board by filing an originating notice with the Court of Queen's Bench within 30 days of being notified in writing of the decision, and the Court may make any order that an appeal board may make under subsection (4).

(9) *Section 58(1)(a) is amended by striking out "chairman of the securities commission if the chairman" and substituting "Director if the Director".*

(2) After the hearing and review, the securities commission may by order vary, revoke or confirm the decision.

(9) Consequential. Section 58(1)(a) presently reads:

58(1) A pre-need assurance fund held by an authorized trustee is held in trust and no part of it shall be paid to any person other than

(a) to the purchaser or his personal representative, upon the joint authorization of the purchaser or his personal representative and the owner, or if the owner is not available or refuses to authorize payment, upon the direction of the chairman of the securities commission if the chairman considers the request for payment reasonable, or

**The Co-operative Marketing Associations and Rural
Utilities Guarantee Act**

2(1) The Co-operative Marketing Associations and Rural Utilities Guarantee Act is amended by this section.

(2) Section 10 is repealed.

The Frozen Food Act

3(1) The Frozen Food Act is amended by this section.

(2) Part 2 is repealed.

The Prearranged Funeral Services Act

4(1) The Prearranged Funeral Services Act is amended by this section.

(2) Section 2 is amended

(a) by renumbering clause (a) as clause (a.1) and by adding the following before clause (a.1):

(a) “Director” means the person designated by the Minister as the Director of Licensing of Trades and Businesses;

(b) by repealing clause (f).

**The Co-operative Marketing Associations and Rural
Utilities Guarantee Act**

2(1) This section will amend chapter 68 of the Revised Statutes of Alberta 1970.

(2) Section 10 presently reads:

10 The Provincial Treasurer shall make an annual report to the Legislative Assembly

(a) of all guarantees entered into by him on behalf of the Province under this Act during the fiscal year immediately preceding the session of the Legislature at which the report is made, and

(b) of all sums of money paid during the fiscal year aforesaid under any such guarantee.

The Frozen Food Act

3(1) This section will amend chapter 150 of the Revised Statutes of Alberta 1970.

(2) Repeals the portion of the Act that deals with guarantees for co-operative associations operating frozen food locker plants.

The Prearranged Funeral Services Act

4(1) This section will amend chapter 281 of the Revised Statutes of Alberta 1970.

(2) Section 2(f) presently reads:

(f) "securities commission" means the Alberta Securities Commission;

(3) In the following provisions “chairman of the Securities Commission” is struck out wherever it occurs and “Director” is substituted:

section 3;
section 4(1) and (2);
section 7(1)(a);
section 8(1) and (3);
section 12;
section 16(1).

(4) Section 16 is amended by striking out “chairman” wherever it occurs and substituting “Director”.

(5) Section 19 is repealed and the following is substituted:

19(1) A person who is dissatisfied with a decision of the Director

(a) refusing to issue a licence, or

(b) suspending or cancelling a licence,

may appeal the decision by serving the Minister with a notice of appeal within 30 days of being notified in writing of the decision.

(2) The Minister shall, within 30 days of being served with a notice of appeal under subsection (1), appoint an appeal board to hear the appeal.

(3) The Minister may set the time within which an appeal board is to hear an appeal and render a decision and may extend that time.

(4) An appeal board that hears an appeal under this section may vary, revoke or confirm the decision.

(5) An appeal board appointed under this section shall consist of the following members:

(a) a person (who is not the Director, a representative of the Director or a licensee) who is designated as chairman of the appeal board by the Minister, and

(b) not less than 2 or more than 4 other persons.

(3) Transfers powers and duties under the Act from the Chairman of the Securities Commission to the Director of Licensing of Trades and Businesses.

(4) Consequential.

(5) Section 19 presently reads:

19(1) A person who is dissatisfied with a decision of the chairman of the securities commission

(a) refusing to issue a licence, or

(b) suspending or cancelling a licence,

may request a hearing and review by the securities commission.

(2) After the hearing and review the securities commission may by order vary, revoke or confirm the decision.

(6) Notwithstanding subsection (5), the Minister may designate a board or commission established by or under an Act of the Legislature to hear an appeal under subsection (2), and a reference to an appeal board in this section is deemed to be a reference to a board or commission so designated.

(7) The Minister may pay reasonable fees and living and travelling expenses to the members of an appeal board.

(8) The Director or a person whose appeal is heard by an appeal board may appeal the decision of the appeal board by filing an originating notice with the Court of Queen's Bench within 30 days of being notified in writing of the decision, and the Court may make any order that an appeal board may make under subsection (4).

Commencement

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