

1980 BILL 8

Second Session, 19th Legislature, 29 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 8

**THE SERVICE OF DOCUMENTS DURING
POSTAL INTERRUPTIONS ACT**

MR. KUSHNER

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 8
Mr. Kushner

BILL 8

1980

THE SERVICE OF DOCUMENTS DURING POSTAL INTERRUPTIONS ACT

(Assented to , 1980)

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

1 In this Act,

(a) “authorizing instrument” means

(i) a law, contract or instrument that requires, provides
for or permits service by mail, and

(ii) if the common law requires or permits service by
mail, the common law;

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

(c) “postal interruption” means a cessation of normal publ-
ic postal service in Canada or in any part of Canada that is
or may reasonably be expected to be of more than 48 hours’
duration;

(d) “service by mail” means service by ordinary mail, regi-
stered mail, double registered mail, certified mail and any
other form of delivery by a public postal service.

2(1) This Act applies if

(a) an authorizing instrument provides for, requires or
permits service by mail,

(b) the authorizing instrument does not require an alterna-
tive mode of service during a postal interruption, and

Explanatory Notes

GENERAL This Bill is based on the recommendations contained in report 34 issued by the Institute of Law Research and Reform and entitled “Service of Documents During Postal Interruptions”.

1 Definitions.

2 Application of Act.

(c) a postal interruption causes or may reasonably be expected to cause delay in the service by mail.

(2) Subject to section 3(2), this Act applies to the acceptance of an offer by service by mail.

3(1) Notwithstanding anything contained in the authorizing instrument, if service by mail is attempted

- (a) during a postal interruption,
- (b) during the 5 days preceding the day upon which a postal interruption commences, or
- (c) during the 5 days following the day upon which the postal interruption terminates,

that service is effective only upon actual receipt of the thing to be served.

(2) This section does not apply to the acceptance of an offer by service by mail.

4 The service by mail required, provided for or permitted in an authorizing instrument may, notwithstanding the provisions of the authorizing instrument, be effected by

- (a) the alternative mode of service provided for or permitted in the authorizing instrument,
- (b) personal service,
- (c) delivery to an address for service given by the person to be served,
- (d) delivery to the registered office of a company or a society,
- (e) delivery to or to the office of the attorney of an extra-provincial company, or
- (f) a mode of service directed by the Court under section 5.

5(1) The Court may, notwithstanding the provisions of an authorizing instrument but before the expiration of the period of time for service of any thing prescribed in the authorizing instrument,

- (a) give directions for a mode of service not specified in section 4(b) to (e),

3 Effective service by mail.

4 Alternative forms of service.

5 Application to Court.

(b) if the authorizing instrument is not a contract, substitute a new time requirement or limitation period in place of that provided by the authorizing instrument, and

(c) impose terms and conditions on the mode of service, time requirement or limitation period.

(2) An application under subsection (1) may be made ex parte.

(3) A copy of the order shall be served with the thing to be served.

(4) The Provincial Court may exercise the powers of the Court under this section in respect of a notice or document filed in or authorized by the Provincial Court.

6 This Act operates notwithstanding section 18(4) of *The Interpretation Act*.

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

6 Act operates notwithstanding The Interpretation Act.