

1980 BILL 75

Second Session, 19th Legislature, 29 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 75

THE LIQUOR CONTROL ACT, 1980

THE SOLICITOR GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

THE LIQUOR CONTROL ACT, 1980

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BILL 75

1980

THE LIQUOR CONTROL ACT, 1980

(Assented to _____, 1980)

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

1(1) In this Act,

- (a) “adult” means an adult within the meaning of *The Age of Majority Act*;
- (b) “beer” means any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt, hops or any other similar produce in drinkable water;
- (c) “Board” means the Alberta Liquor Control Board;
- (d) “cider” means an alcoholic beverage obtained by the natural fermentation of the sugar content of fruits or of other agricultural products containing sugar, and designated by the Board for the purposes of this Act as the class of liquor called cider;
- (e) “licence” means a licence issued under this Act and the regulations;
- (f) “licensed premises” means the premises described in a licence;
- (g) “licensee” means the person named in a licence;
- (h) “liquor” includes
 - (i) any alcohol, spirituous, vinous, fermented, malt or other intoxicating liquid or combination of liquids,
 - (ii) any mixed liquid that is partly spirituous, vinous, fermented and that is intoxicating,
 - (iii) all drinks or drinkable liquids and all preparations or

GENERAL This Bill consolidates the substantive contents of The Liquor Control Act and The Liquor Licensing Act and adds a limited number of new provisions. The consolidation is intended to improve control over liquor manufacturing, purchase and sale, possession, conveyance and consumption by a simplification of enforcement and greater convenience of administration. That improvement is brought about primarily through an alleviation of the existing unnecessary duplication of many provisions in the 2 present Acts and a modernization of the language used in and the style and form of the Bill.

1 Definitions.

mixtures that are capable of human consumption and are intoxicating,

(iv) beer, cider and wine, and

(v) any other class of liquor designated by the Board for the purposes of this Act;

(i) “liquor store” means an Alberta liquor store established by the Board under Part 1;

(j) “manufacturer” means a person who, in Alberta, intends to operate or operates

(i) a brewery that he is licensed to operate under an Act of Canada,

(ii) a winery that complies with the laws of Canada, or

(iii) a distillery or other facility for manufacturing liquor that he is licensed to operate under an Act of Canada;

(k) “Minister” means the member of the Executive Council designated by an order of the Lieutenant Governor in Council to exercise the powers and perform the duties of the Minister that are specified in this Act;

(l) “minor” means a minor within the meaning of *The Age of Majority Act*;

(m) “municipality” means a city, town, new town, village, summer village, municipal district, county, improvement district or special area;

(n) “package” means a bottle, vessel or receptacle containing liquor or a container wholly or partly enclosing a bottle, vessel or receptacle used for holding liquor;

(o) “permit” means a permit issued under this Act and the regulations;

(p) “permittee” means the person named in a permit;

(q) “sale” and “sell” include

(i) the exchange, barter and traffic of liquor, and

(ii) the selling, supplying or distributing, by any means whatsoever, of liquor;

(r) “spirits” means any substance, whether in liquid or other form, containing any proportion by weight or volume of ethyl alcohol obtained from fermented beer, wash, wort or from pe-

troleum, or any other substance, whether obtained in a distillery by distillation or any other process;

(s) “wine” means an alcoholic beverage obtained by the fermentation of the natural sugar content of fruits or of other agricultural products containing sugar, and designated by the Board for the purposes of this Act as the class of liquor called wine.

(2) For the purposes of subsection (1)(h), a liquid preparation or mixture that contains more than 1.5% alcohol by volume shall be conclusively deemed to be intoxicating.

2(1) No person shall, except as provided in this Act and the regulations, make, manufacture, import into or export from Alberta, sell, purchase, provide, give, receive, possess, convey, keep, use or consume liquor.

(2) Nothing in this Act or in any other Act or law shall compel the Board to sell or convey liquor to any person.

(3) Nothing in this Act prevents the sale of liquor by a person to the Board and the purchase, importation and sale of liquor by the Board for the purposes of and in accordance with this Act.

3 Nothing in this Act prevents a brewer, distiller or other person licensed under an Act of Canada respecting the manufacture of liquor from having or keeping liquor in a place and in the manner authorized by or under that Act.

PART 1 ALBERTA LIQUOR CONTROL BOARD

Organization

4 The Alberta Liquor Control Board is continued as a corporation.

5(1) The Board shall consist of 3 members appointed by the Lieutenant Governor in Council, one of whom shall be designated as chairman and another as deputy chairman.

(2) Each member of the Board shall hold office during the pleasure of the Lieutenant Governor in Council.

2 Application of Act.

3 Liquor kept by manufacturers.

4 Alberta Liquor Control Board continued.

5 Board membership.

(3) Each member of the Board shall receive the remuneration that may be fixed from time to time by the Lieutenant Governor in Council.

6(1) If a vacancy occurs in the membership of the Board, the Lieutenant Governor in Council may appoint a new member and, in the case of a vacancy in the office of chairman or deputy chairman, the Lieutenant Governor in Council may designate a member to fill the vacancy.

(2) A vacancy on the Board does not impair the right of the remaining members to act until the vacancy is filled.

7(1) The Lieutenant Governor in Council may nominate one or more persons from among whom acting members of the Board may be selected.

(2) The Minister may, in writing, appoint a person nominated under subsection (1) as an acting member of the Board to exercise the powers and perform the duties of a member of the Board when there is a vacancy on the Board or when a member of the Board is absent or is unable to act at a meeting of the Board.

(3) Notwithstanding subsection (2), the Minister may, in writing, limit

(a) the circumstances under which an acting member may exercise the powers and perform the duties of a member of the Board, or

(b) the powers and duties that an acting member may exercise or perform,

or both.

8 Two members of the Board constitute a quorum.

9(1) The principal office of the Board shall be at a place designated by an order of the Minister.

(2) An order made under subsection (1) shall be published in the Gazette.

10(1) The Board may

(a) employ officers, managers, clerks and other persons required by it for the administration of this Act and the regulations, dismiss them or any of them, fix their salaries and remuneration, assign

6 Board membership vacancies.

7 Acting Board members.

8 Quorum.

9 Principal Board office.

10 Board staff.

to them their titles, define their respective duties and powers, and regulate their conduct;

(b) appoint any person employed by it pursuant to subsection (1)(a) as an inspector for the purposes of this Act;

(c) engage the services of experts and persons having special technical or other knowledge.

(2) The Board may from time to time with respect to any powers and duties referred to in subsection (1) designate any member or employee of the Board as a person who may perform those powers and duties.

(3) Except as otherwise provided in the regulations, *The Public Service Employee Relations Act* applies to any person employed by the Board pursuant to subsection (1)(a).

11 The Auditor General is the auditor of the Board.

Administration of Act

Duties and Powers

12 The Board shall administer this Act and the regulations.

13(1) The Board

(a) is responsible for the regulation and control of

(i) the manufacture of liquor in Alberta,

(ii) the importation of liquor into Alberta, and

(iii) the keeping and conveyance of liquor manufactured in or imported into Alberta;

(a.1) may lease any building or land required by it for or in connection with the administration of this Act;

(b) may buy or lease all furnishings and equipment it considers necessary and useful for or in connection with the administration of this Act;

(b.1) may prescribe the location, nature and character of the premises where liquor may be manufactured;

11 Auditor General.

12 Administration of Act.

13 Duties and powers.

(c) may control the conduct, management and equipment of any premises on which liquor may be manufactured, stored or sold under this Act;

(c.1) with the approval of the Lieutenant Governor in Council, may

(i) purchase land or buildings or construct buildings required for or in connection with the administration of this Act, and

(ii) sell or otherwise dispose of land or buildings acquired by it;

(d) may purchase, import and have in its possession for sale and sell liquor, in accordance with this Act and the regulations;

(d.1) shall

(i) make provision for the establishment, maintenance and operation of liquor stores and warehouses for liquor and for the control and keeping of liquor in and the conveyance of liquor to and from those stores and warehouses,

(ii) determine the equipment of liquor stores and warehouses in which liquor is kept, and determine the books and records to be kept with respect to them, and

(iii) specify and describe the places and manner in which liquor may be lawfully kept and supervise the distribution of liquor supplies;

(e) shall determine the places in Alberta in which liquor stores and warehouses shall be established throughout Alberta, and the situation of the store or stores or warehouses in those places;

(f) shall control the providing of liquor to and the sale of liquor at liquor stores;

(g) shall determine the categories, classes, varieties, brands and kinds of liquor to be kept for sale at a liquor store;

(h) may prescribe categories, classes, varieties, brands and kinds of liquor and the quantities and alcohol content of liquor that the Board purchases and sells;

(i) may specify, regulate and supervise the hours and days when, and the manner, methods and means by which liquor that the Board purchases shall be conveyed to it and the days and hours when, and the manner, method and means by which liquor may be lawfully conveyed to liquor stores, licensed premises and premises described in a permit;

- (j) subject to this Act, shall
 - (i) determine the charges for delivery of liquor, and
 - (ii) fix the various prices at which categories, classes, varieties, brands or kinds of liquor may be sold by the Board, and provide for the issuing and distribution of price lists showing the prices to be paid for each category, class, variety, brand or kind of liquor kept for sale under this Act;
- (k) may determine the nature, form and capacity of packages in which liquor is kept or sold under this Act, and the manner in which those packages are to be closed, fastened or sealed;
- (l) may determine the books of account to be kept by the Board showing the expenditures of the Board in the administration of this Act and in the purchase, sale and conveyance of liquor under it, and the receipts of money by the Board from the sale of liquor under this Act;
- (m) may prescribe conditions in respect of the sale or provision of liquor and the consumption of liquor sold or provided under a licence or permit, including the availability of food to persons consuming liquor so sold or provided and the types or kinds of food to be made available to those persons;
- (n) may approve the type or kind of glass or container that may be used in any licensed premises to contain liquor sold by the glass, and the marking, if any, that may appear on it, and may give written permission to licensees to display in licensed premises fixtures, signs, mirrors and other items containing liquor brand identifications;
- (o) may determine the form of records of purchase and sale of liquor to be kept by the holders of licences under this Act and the reports to be made to the Board, and provide for inspection of the records so kept;
- (p) may prescribe forms or the nature of the content of forms to be used for the purposes of this Act or the regulations;
- (q) may determine the nature of the proof to be furnished, and the conditions to be observed in the issuing of duplicate licences and permits to replace originally issued licences or permits that are lost or destroyed;
- (r) may
 - (i) prescribe, subject to this Act and the regulations, the procedures
 - (A) for obtaining licences and permits under this Act, and

- (B) for the keeping of books and records and the making of returns by licensees and permittees;
- (ii) determine the number of any particular kind of licensed premises in a municipality, and
- (iii) approve, for the purposes of issuing licences,
 - (A) an institution referred to in section 58(2)(f)(viii),
 - (B) a place referred to in section 58(2)(f)(xii) that is a recreational facility, and
 - (C) a special event referred to in section 58(2)(n);
- (s) may cause an inspection of the premises described in an application for a licence or permit to be made and may inquire into any matter that it considers to be relevant in connection with the application and the issuing of the licence or permit;
- (t) may make any investigations and inquiries, through its own inspectors or other employees or in any other manner that it considers appropriate, for the purpose of determining whether a licence or permit should be granted;
- (u) may provide for the inspection and supervision of licensed premises and premises described in a permit and may regulate and control the conditions under which liquor is to be sold or consumed in premises described in a permit;
- (v) may make any investigations and inquiries, through its own inspectors or other employees or in any other manner that it considers appropriate, for the purpose of determining whether a licence or permit should be suspended or cancelled, as the case may be;
- (w) shall prescribe the days and hours at which liquor stores or any of them shall be kept open for the sale of liquor;
- (x) may prescribe the kinds or quantities of liquor that may be purchased by any person, including the quantity that may be purchased at any one time or within any specified period of time;
- (y) may authorize an executor or administrator to sell, by any method approved by the Board, and in accordance with the regulations, any liquor or collection of liquors forming part of the estate administered;
- (z) may, without in any way limiting or being limited by any provisions of this section, do all things considered necessary or advisable by the Board for the purpose of carrying into effect this Act and the regulations.

(2) The Board may furnish, remodel and equip a building purchased or constructed by it under subsection (1)(c.1)(i) in any manner that it considers appropriate.

(3) If the Board is of the opinion that a proprietary medicine, extract, essence, tincture or preparation contains alcohol, which, or an extract from which, can be used as a beverage or as the ingredient of a beverage, the Board, with the approval of the Lieutenant Governor in Council,

(a) may prohibit the sale of it by retail in Alberta, or may prohibit the possession of it for sale by retail in Alberta, except by a liquor store or by persons licensed by the Board to keep and sell it by retail in accordance with this Act and the regulations, or

(b) may prohibit the sale of it in Alberta,

and shall notify the manufacturer or vendor of the proprietary medicine, extract, essence, tincture or preparation of a prohibition so made.

(4) The publication of a notice of the prohibition in the Gazette is conclusive proof of any notification required under subsection (3).

(5) *The Regulations Act* does not apply to an order, decision or determination made or to a direction or an authorization given by the Board under this section or section 14.

14(1) The Board may

(a) inquire into and investigate the desirability of approving for sale or otherwise any product that contains alcohol and may be consumed in liquid or solid form, either dissolved or undissolved or diluted or undiluted, by any person;

(b) with respect to a product referred to in clause (a),

(i) prohibit its sale, or

(ii) regulate and control its sale;

(c) inquire into any matter that relates to or arises under the operation of this Act.

(2) The Board has all the powers of a commissioner appointed under *The Public Inquiries Act* when exercising the powers mentioned in subsection (1).

15 The Board shall from time to time make reports to the Minister that he requires with respect to any matter in connection with the administration or enforcement of this Act.

14 Board investigations.

15 Report to Minister.

Financial

16 All money from the sale of liquor by the Board under this Act or from licence and permit fees under Part 2, or otherwise arising in the administration of this Act and the regulations, shall be paid to the Board.

17 The Board shall, from the money received by it under this Act, pay all expenses, debts and liabilities incurred by the Board for or in connection with the administration of this Act.

18(1) The Board may each year pay to a municipality in which any of its real property is situated a grant not exceeding the amount that would be recoverable by the municipality if the property was subject to the property and frontage taxes of the municipality for that year.

(2) The Board may each year pay to a municipality in which any of its premises are situated a grant not exceeding the amount that would be recoverable by the municipality if the premises were subject to the business tax of the municipality for that year.

19 All property, whether real or personal, and all money acquired, administered, possessed or received by the Board and all profits earned in the administration of this Act and the regulations are the property of the Government of Alberta.

20 The Government may, in accordance with *The Financial Administration Act, 1977*, borrow money on behalf of the Board, and may make arrangements for loans or money overdrafts to be made available to the Board to provide adequate working capital and to meet all other expenses for the purposes of this Act and the regulations.

21(1) The Board shall, from the profits arising under this Act and the regulations, take the sums that may be determined by the Lieutenant Governor in Council and shall maintain

(a) a contingency reserve fund to repay money borrowed under section 20 and to meet any loss that may be incurred in the administration of this Act, and

(b) a capital account to provide the capital required by the Board

16 Money from liquor sales.

17 Payments by Board.

18 Grants to municipalities.

19 Board property owned by Government.

20 Borrowings.

21 Contingency reserve and capital requirements.

in acquiring land and buildings and maintaining the inventory and other assets necessary to the operations of the Board.

(2) The net profits remaining from time to time after the taking of the sums determined for the purposes of the contingency reserve fund and the capital account shall be part of the General Revenue Fund.

22 The net profits of the Board shall be paid to the Provincial Treasurer at the times and in the manner directed by the Provincial Treasurer.

23(1) The fiscal year of the Board is the period from January 1 to December 31 next following.

(2) After the end of a fiscal year the Board shall prepare a balance sheet and statements of the results of its operations.

24(1) The Board shall, as soon as practicable after the end of each fiscal year, prepare a report to the Minister summarizing its transactions and affairs during the preceding fiscal year and containing

(a) a statement of the nature and amount of the business transacted by each liquor outlet operated by the Board or any person on behalf of the Board during the year,

(b) the audited financial statements of the Board,

(c) general information and remarks with regard to the administration and enforcement of this Act and the regulations during the year, and

(d) any other information that the Board considers relevant or the Minister requests.

(2) The Board shall, as soon as an annual report is prepared under subsection (1), forward it to the Minister who shall lay a copy of it before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next ensuing sitting.

22 Disposition of net profits.

23 Fiscal year.

24 Annual report.

Miscellaneous

25 No action or proceedings shall be taken against any member of the Board or the Liquor Licensing Review Council established under section 53, whether acting in his capacity as a member of that Council or as a member of a panel of that Council, or in the name of a member of the Board or of that Council for anything done or omitted to be done in or arising out of the exercise of his powers or the performance of his duties under this Act and the regulations.

26 Each action, order, ruling or decision of the Board with regard to any matter or thing in respect of which any power, duty or discretion is conferred on the Board under this Act or the regulations is final and shall not be questioned, reviewed or restrained by injunction, prohibition, mandamus, quo warranto or other process or proceeding in any court or be removed by certiorari or otherwise in any court.

27 If the Board considers that it is not in the public interest, no member, employee or agent of the Board, and no member of the Liquor Licensing Review Council established under section 53, whether acting in his capacity as a member of that Council or as a member of a panel of that Council, shall be compelled

(a) to give testimony in a court of civil jurisdiction with regard to information obtained by him in the discharge of his duties, or

(b) to produce to any person, for the purpose of clause (a), any file, paper, information, report, correspondence or other document relating to the business of the Board.

PART 2

LIQUOR PURCHASE AND SALE

28 Every order for the purchase of liquor and every cancellation of an order for the purchase of liquor by the Board shall be authorized by the signature of the chairman, deputy chairman, a member of the Board, the comptroller or a person authorized by the Board as a signing officer of the Board, and no order is valid or binding unless it is so authorized.

25 No action against Board or Licensing Review Council members.

26 Board's decision final.

27 Confidentiality by Board members, employees and agents and members of Liquor Licensing Review Council.

28 Orders for liquor.

Liquor Manufacturers Licence and Liquor Import Permit

29(1) The Board may, on receiving from a liquor manufacturer an application in the form and payment of the fee prescribed in the regulations and on being satisfied that the applicant and the brewery, winery, distillery or other liquor manufacturing facility described in the application comply with this Act and the regulations and with the laws of Canada, where applicable, issue to the applicant a manufacturers licence.

(2) A licence issued under this section authorizes the licensee, subject to this Act and the regulations,

- (a) to manufacture at the licensed premises,
- (b) to sell to the Board, and
- (c) subject to the laws of Canada, to export from Alberta

the category, class, variety, brand or kind of liquor described in the licence.

(3) A person licensed under an Act of Canada to manufacture alcohol for any purpose other than human consumption may

- (a) manufacture that alcohol, and
- (b) sell that alcohol to any person, other than the Board, to whom he is so licensed to sell the alcohol,

without applying for or holding a licence under this section.

30(1) On the application of a licensee who is licensed to operate a winery or a distillery, the Board may issue to that licensee a liquor import permit, subject to any conditions and restrictions prescribed by the Board, authorizing him to import wines and spirits.

(2) Wines and spirits authorized to be purchased under a liquor import permit issued under this section shall be purchased only from a person authorized to sell the wines and spirits and may be used for any purpose prescribed by the Board, including purposes such as blending with and flavouring liquor manufactured by the licensee named in the liquor import permit.

31(1) The Board in writing may designate as agents of the Board any employees of the Board it considers necessary and advisable and, with respect to an employee so designated, may

- (a) assign him to be the agent of the Board at licensed premises

29 Liquor manufacturers licence.

30 Liquor import permit.

31 Board agents.

of a licensee who is a manufacturer, and prescribe his duties as agent at those premises, and

(b) empower him to examine all books, documents, vouchers and other papers kept by or in the possession of a licensee who is a manufacturer and relating to his business as a manufacturer.

(2) An agent designated under subsection (1) shall be permitted access to any part of the licensed premises to which he is assigned at all times during which the licensed premises are being operated.

(3) A licensee who is a manufacturer shall provide for the use of an agent assigned to his licensed premises any accommodation on the licensed premises and facilities for making and keeping books and records that may be required by the Board.

(4) An agent of the Board appointed under this section has, in respect of licensed premises to which he is assigned, all the powers conferred under this section and section 32.

32(1) The Board may from time to time by notice in writing require a licensee who is a manufacturer to deliver to the Board, within 3 days after the day on which the notice is received or within a further time fixed by the Board, a return

(a) in a form, and

(b) setting out the details and particulars

prescribed by the Board.

(2) A licensee who is a manufacturer shall, at his office, on the demand of an agent designated under section 31

(a) produce for that agent all books, documents, vouchers and other papers referred to in that section that are demanded by the agent,

(b) give that agent every reasonable facility for making an examination of the books, documents and other papers demanded by the agent, and

(c) permit that agent to make copies or extracts of any of the books, documents, vouchers and other papers demanded by the agent.

33 A licensee who is a manufacturer shall, when required by the Board, immediately furnish samples of liquor that he intends to sell or that is then being sold in Alberta.

32 Liquor manufacturers returns.

33 Liquor samples.

Liquor Store Management

34(1) The sale of liquor at a liquor store shall be under the supervision of a manager who, subject to the direction of the Board, is responsible for the carrying out of the provisions of this Act and the regulations in so far as they relate to the operation of the liquor store, and for the sale of liquor at the liquor store on the days and during the hours prescribed by the Board.

(2) A purchase of liquor at a liquor store is a purchase from the Board and a sale of liquor at a liquor store is a sale by the Board, if the purchase and sale are in accordance with this Act and the regulations.

(3) An employee or agent of the Board shall not make delivery of any liquor sold under this section until he has received the purchase price for the liquor in cash or otherwise as prescribed in the regulations.

34 Liquor store management.

Agency Stores

35(1) The Board may,

- (a) establish agency stores for the purpose of selling liquor in accordance with this Act and the regulations, or
- (b) subject to the approval of the Lieutenant Governor in Council, enter into an agreement with any person for
 - (i) the maintenance and operation, or
 - (ii) the establishment, maintenance and operation

of an agency store, subject to any conditions and restrictions contained in the agreement that are not inconsistent with this Act or the regulations.

(2) With respect to an agency store the Board may prescribe

- (a) the hours of operation,
- (b) the conditions governing the sale of liquor,
- (c) the condition of the premises on or from which liquor is sold,
- (d) the persons by whom and to whom liquor may be sold, and
- (e) any other restrictions and conditions that the Board considers necessary concerning the sale of liquor in or from an agency store or any matter connected with the operation of that store and the sale of liquor in or from it.

Duty-free Stores

36(1) The Board may establish duty-free stores or permit any other person to establish duty-free stores for the purpose of selling liquor in accordance with this Act and the regulations.

(2) With respect to a duty-free store the Board may

- (a) prescribe
 - (i) the hours of operation,

35 Agency Stores.

36 Duty-free stores.

- (ii) the conditions governing the sale of liquor,
- (iii) the condition of the premises on or from which liquor is sold,
- (iv) the persons by whom and to whom liquor may be sold, and
- (v) any other restrictions and conditions that the Board considers necessary concerning the sale of liquor in or from a duty-free store or any matter connected with the operation of that store and the sale of liquor in or from it,

or

- (b) enter into an agreement with any person for the operation of a duty-free store at an international airport, subject to any conditions and restrictions contained in the agreement that are not inconsistent with this Act or the regulations.

Sale of Liquor by the Board

37 The Board may sell and deliver liquor to licensees and permittees in accordance with this Act and the regulations, but no delivery of liquor sold shall take place until the licensee or permittee has paid for the liquor in the manner prescribed in the regulations.

Liquor Retail Sales Licence and Permit

38(1) The Board may,

- (a) on receiving from an applicant who is qualified under the regulations
 - (i) an application in the form and containing the information prescribed in the regulations, and
 - (ii) the fee prescribed in the regulations,

37 Sale of liquor by Board to licensees and permittees.

38 Retail liquor sales licence.

and

(b) on being satisfied that

(i) the premises described in the application are a kind of premises mentioned in section 58(2)(f) in respect of which a licence may be issued, and

(ii) the applicant and the premises described in the application comply with this Act and the regulations,

issue to the applicant a licence with respect to the premises described in the application.

(2) An applicant to whom a licence is issued under subsection (1) shall during the term of the licence be resident in Alberta.

(3) An applicant for a licence does not qualify for the issue of a licence unless

(a) the Board, in its absolute discretion, considers that he is a fit and proper person to keep and operate the premises described in the application,

(b) the applicant, the owner or lessee, the manager of the business and, if the licence is to be issued to a company, an officer or director of the company, or the employee or agent of the company who will be in charge of the proposed licensed premises has not been convicted, within 3 years prior to the application for the licence,

(i) of a contravention of section 88,

(ii) of any indictable offence under the *Criminal Code* (Canada) punishable by imprisonment for one year or more, or under the *Excise Act* (Canada), the *Food and Drug Act* (Canada) or the *Narcotic Control Act* (Canada),

and is not otherwise disqualified under this Act, and has complied with the requirements of this Act and the regulations,

(c) public notice of the making of the application has, except if the regulations otherwise provide or the Board otherwise directs, been given by the applicant by advertisement in the form prescribed by the Board, in a newspaper published and in circulation in the municipality in which the premises described in the application are or are to be situated or, if no newspaper is published in that municipality, in a newspaper published in Alberta and in circulation in that municipality.

(4) If a public notice of an application for the issue of a licence is given pursuant to subsection (3)(c), any person may, in accordance with the regulations, file with the Board an objection against the issuing of the licence.

(5) A licence issued under this section authorizes the licensee, subject to this Act and the regulations,

(a) to purchase from the Board the categories, classes, varieties, brands or kinds of liquor authorized in the licence issued to the licensee, and

(b) to keep and sell or provide in the licensed premises during the times described in the licence, the categories, classes, varieties, brands or kinds of liquor purchased by him from the Board for consumption in the licensed premises where the liquor is sold or provided or elsewhere in the licensed premises than where the liquor is sold or provided, with food being available as prescribed in the regulations with respect to the licence issued to the licensee.

39(1) An application for a licence under section 29 or 38 shall be accompanied by a statutory declaration by the applicant and, if the applicant is a company, by an officer of the company as prescribed in the regulations.

(2) If an applicant for a licence under section 38 is an individual the application shall also be accompanied by the affidavit of the applicant, and of 2 persons acceptable to the Board, verifying the correctness of the statements in the application.

(3) If an applicant for a licence under section 38 is not an individual or a company the application shall be accompanied by a statutory declaration, made by the applicant or an official or agent of the applicant satisfactory to the Board, containing the information required by the Board with respect to the event described in the application.

40(1) The Board may,

(a) on receiving an application in the form and containing the information prescribed in the regulations from an applicant who is qualified under the regulations,

(b) on receiving the fee prescribed in the regulations, and

(c) on being satisfied that the applicant will use the liquor desired or required for the purposes stated in the application and in accordance with this Act and the regulations,

issue to the applicant a permit designated in the regulations with respect to the purposes described in the application.

(2) A permit issued under this section, subject to this Act and the regulations, authorizes the permittee

39 Material in support of application for licences.

40 Permit.

(a) to purchase from the Board the kinds of liquor prescribed in the regulations with respect to the class of permit issued to the permittee, and

(b) to keep, use, sell for a price approved by the Board or provide, as the case may be, the liquor purchased from the Board in the premises for the purpose described in the permit, and during the period of time, on the occasion, at the function or at the event described in the permit.

Material in Support of Application for Permits

41 An application for a permit under section 40 shall, unless otherwise directed by the Board, be accompanied by a statutory declaration, or other proof of the truth of the contents of the application satisfactory to the Board, given or provided by the applicant or an official or agent of the applicant acceptable to the Board and containing the information required by the Board with respect to the application.

Consideration of Applications

42(1) The Board may, at the time and place fixed by the chairman, consider applications for licences and objections to or representations respecting applications for licences, and consider applications for permits.

(2) Meetings of the Board to consider applications for licences and objections to or representations respecting applications for licences, and applications for permits, shall be governed by the regulations.

(3) Nothing in this Act shall be construed to compel the Board to issue a licence, to issue a permit or to grant any authorization or permission under this Act or the regulations.

(4) No licence or permit shall be issued to a person to whom the sale of liquor is prohibited under this Act or an Act of Canada.

43(1) The Board may, if in its discretion it considers that it is appropriate to do so, issue a licence or permit to an applicant for a licence or permit.

(2) The Board shall not issue a licence or permit

41 Material in support of application for Permit.

42 Consideration of applications.

43 Issue of licence or permit.

- (a) to an applicant who is a minor, or
- (b) to an applicant that is not an individual, if the majority of the applicant's directors or officers are minors, or the employee or agent who is in charge of the premises described in the application, is a minor, as the case may be.

44(1) The Board may refuse to entertain an application for a licence by an applicant within a period of one year from the date of the last refusal if

- (a) the applicant for a licence has, at any time or in any place, been refused a licence on the ground that he is not a fit person to hold a licence, or
- (b) a person whose application has been refused for the same premises is living on the premises of the applicant or is in any way connected with the business of or sought to be licensed by the applicant.

(2) The Board may refuse to entertain an application for a licence if in its opinion the applicant has adopted any means to circumvent this section.

45 No licence shall be granted

- (a) to or for the benefit of a person who is a member, employee or agent of the Board, or who is an operator of an agency store or duty-free store or an employee or agent of such operator, or
- (b) in respect of any premises of which the owner or part owner or the holder of any interest in them is a member, employee or agent of the Board, or is an operator of an agency store or duty-free store or an employee or agent of such operator.

46(1) A licence becomes effective on the commencement date stated in the licence and expires on the expiry date stated in the licence unless it is cancelled or suspended earlier.

(2) A permit is effective for

- (a) the period of time stated on the permit, or
- (b) those periods of time approved by the Board,

unless it is cancelled or suspended earlier.

(3) A licence or permit shall not be issued for a period of more than 12 months.

44 Previous licence application refusals.

45 When licence not to issue.

46 Term of licence and permit.

47 Except as otherwise prescribed in this Act or the regulations, a licence or permit issued shall be issued in the name of the applicant and is not assignable or transferable.

Suspension or Cancellation of Licence or Permit

48(1) The Board may in its discretion, with or without a hearing, for any reason it considers sufficient suspend or cancel any licence or permit.

(2) When the Board suspends or cancels a licence or permit without a hearing, the licensee or permittee, as the case may be, shall

(a) immediately be advised in writing of the reasons for the suspension or cancellation, and

(b) on applying for a hearing, be given a hearing by the Board as prescribed by the Board, as soon as possible, and not later than 30 days after the application for the hearing is received.

49(1) The Board shall cancel a licence or permit

(a) if the licensee persistently fails or the permittee fails, as the case may be, to comply with this Act or the regulations,

(b) if the licensee persistently fails or the permittee fails, as the case may be, to carry out the orders of the Board,

(c) if the licensee persistently fails to keep the licensed premises or the permittee fails to keep the premises described in the permit,

(i) in a clean and sanitary and safe condition, or to comply with the orders of the Provincial Board of Health in respect of sanitation, or

(ii) in a condition required by or satisfactory to an inspector under *The Alberta Uniform Building Standards Act* or the fire commissioner or an inspector under *The Fire Prevention Act*,

or

(d) if the licensee or permittee, as the case may be, persistently fails to comply with *The Alberta Uniform Building Standards*

47 Licence and permit not generally assignable or transferable.

48 Suspension or cancellation of licence or permit.

49 Mandatory cancellation of licence or permit.

Act, The Fire Prevention Act and the regulations under those Acts or any municipal by-law, with respect to his premises.

(2) If a licensee or permittee is convicted of a first or subsequent offence against this Act or the regulations, the Board may cancel the licence or permit or may suspend it for a period it considers advisable.

(3) The Board may cancel or suspend a licence or may order that a person dispose of his interest in a licence and in licensed premises if

- (a) the licensee,
- (b) the owner or lessee of the licensed premises,
- (c) the manager of licensed premises, or
- (d) in the case where the licensee is a company, a director or officer of that company, or the employee or agent of that company who is in charge of the licensed premises,

is convicted of an offence referred to in section 38(3)(b).

(4) A licence or permit shall not be cancelled under subsection (2) or (3) until after the time for the making of an appeal from a conviction or, when an appeal is made, until after the determination of the appeal from the conviction, for the offence in respect of which the licence or permit may be cancelled.

50(1) The holder of a cancelled or suspended licence or permit shall, on receipt of a notice of suspension or cancellation of that licence or permit, if so required in the notice, immediately deliver to the Board all liquor then in his possession or under his control.

(2) If liquor referred to in subsection (1) was lawfully acquired by the holder of the licence or permit and is suitable for resale by the Board, the Board shall purchase the liquor from the holder.

(3) If liquor referred to in subsection (1) was not lawfully acquired or is not suitable for resale by the Board, the liquor shall be forfeited to the Crown in right of Alberta to be disposed of or destroyed under the direction of the Attorney General.

(4) If the holder of a cancelled or suspended licence or permit fails to deliver liquor as directed by the Board under subsection (1), the possession of that liquor is contrary to this Act.

51(1) A licence, permit or a written notice, order, direction, authorization or permission by or from the Board may, unless otherwise expressly provided, be signed by the chairman, by any member of

50 Forfeiture of liquor after cancellation or suspension of licence or permit.



51 Notices of cancellation or suspension and other documents.



the Board or by any person authorized by the chairman to sign them.

(2) Notice of refusal of an application for a licence and of the cancellation or suspension of a licence or permit by the Board shall be given, in writing, by the Board and may be mailed in a prepaid, registered envelope addressed to, or may be delivered to the licensee or permittee at the address given in the licence or permit.

(3) The cancellation or suspension of a licence or permit takes effect at the day and hour specified by the Board in the notice referred to in subsection (2).

(4) A notice of suspension shall state the period of time during which a licence or permit will be suspended or whether the suspension is indefinite.

(5) A notice of refusal of an application for a licence or of cancellation or suspension of a licence and any other written notification of the Board affecting the operation of licensed premises shall have attached to it a copy of sections 53 to 57.

(6) Notices and documents referred to in subsection (1) that do not relate to a cancellation or suspension may be given or served by being mailed in a prepaid, registered envelope, addressed to the person for whom the notice or document is intended, and the notice or document takes effect on the day and hour specified by the Board in the notice or document.

(7) A record shall be kept by the Board of the time of the mailing and, until the contrary is proved, a notice or document referred to in subsection (1) shall be deemed to have been mailed to the person for whom it is intended at the time shown in that record.

(8) A certificate of the chairman or any member of the Board as prescribed by the Board is prima facie proof of the mailing of a notice or document in accordance with subsection (7).

52(1) The Board may from time to time require a manufacturer or a licensee who sells liquor at retail or both to give to the Board, by statutory declaration or otherwise, all information and particulars relating to their business that the Board considers sufficient to satisfy itself of the absence of any financial interest or as to the nature of any existing financial interest, as defined in Part 3, of a manufacturer in the business of a licensee who sells liquor at retail and, if the licensee is a company, in any business of the officers, directors or shareholders of the company.

(2) If a financial interest, as defined in Part 3, exists that in the opinion of the Board is contrary to the intent of section 79, or if the Board is of the opinion that a financial interest of that kind may exist and the parties have failed to satisfy the Board that the financial interest does not exist, the Board may suspend the licence of either

52 Proof of absence of financial interest.

the involved manufacturer or one or more of the licensees who sell liquor at retail or both, or may, on expiry of the manufacturer's licence or the licensees' licence, refuse to grant new licences to the manufacturer or licensees, as the case may be.

Liquor Licensing Review Council

53(1) In this section and in sections 54 to 57,

(a) "Council" means the Liquor Licensing Review Council established under subsection (2), and

(b) "panel of the Council" means a panel of the Council constituted under section 57.

(2) There is hereby established a council called the Liquor Licensing Review Council consisting of not less than 5 members appointed by the Lieutenant Governor in Council.

(3) No member, employee or agent of the Board shall be appointed as a member of the Council.

(4) The Lieutenant Governor in Council shall designate one of the members of the Council as chairman and another as vice-chairman.

(5) If at a meeting of the Council the chairman and vice-chairman are absent or unable to act, the remaining members of the Council shall elect one of their number to preside at that meeting.

(6) The Lieutenant Governor in Council may authorize, fix and provide for the payment of remuneration and expenses to the members of the Council.

54(1) The Council may make rules respecting the calling of and the conduct of business at its meetings and at meetings of a panel of the Council.

(2) The Board shall give to the Council any information that it reasonably requires to enable the Council to advise the Board and the Minister on any matter referred to the Council under section 56 or being reviewed by a panel of the Council under section 57.

(3) The Council or a panel of the Council may hold meetings and conduct investigations, inquiries and reviews at any place in Alberta.

(4) If it is in the public interest to do so, the Minister may direct that the whole or any portion of an investigation or inquiry by the Council or a review by a panel of the Council be held in private.

(5) Any person likely to be affected by an inquiry or investigation

53 Liquor Licensing Review Council.

54 Procedures.

by the Council or a review by a panel of the Council is entitled to appear before and be heard by the Council or the panel of the Council, as the case may be, and to be represented by counsel or agent.

55(1) The Minister may provide to the Council at no cost to it any supplies and the services of employees of the Government under his administration to carry out any work that in the opinion of the Minister may reasonably be required by the Council and by panels of the Council to enable them to perform their functions under this Act.

(2) The Minister shall designate an employee referred to in subsection (1) to be secretary to the Council who shall

- (a) keep a record of all inquiries or investigations by the Council and of all reviews by panels of the Council, and
- (b) have the custody and care of the records and documents of the Council and of panels of the Council.

(3) A member of a panel of the Council may act as secretary in the absence of the designated secretary at a meeting of the panel of the Council.

56(1) The Council shall, on request of the Minister or the Board, investigate or inquire into any matter referred to it by the Minister or the Board that he or it, as the case may be, considers necessary or appropriate in connection with the administration of this Act and the regulations.

(2) The Council shall after each investigation or inquiry on a matter referred to it under subsection (1) make a written report to both the Minister and the Board on that investigation or inquiry and may make any recommendations to both or either of them that the Council considers appropriate in connection with the matter referred to it for investigation or inquiry, with reasons for the recommendations.

57(1) A person

- (a) who has been refused a licence,
- (b) whose licence has been suspended or cancelled, or
- (c) who is a licensee who is not satisfied with
 - (i) a condition of a licence,
 - (ii) a condition imposed with respect to his licensed premises by the Board otherwise than in a licence,

55 Council personnel.

56 Council investigations or inquiries.

57 Council panels and reviews.

(iii) a decision, direction or order made by the Board, with respect to his licensed premises, or

(iv) a requirement of the Board with respect to his licensed premises

because he considers that the condition, decision, direction, order or requirement has or will have an adverse effect on the proper operation, in accordance with this Act and the regulations, of his licensed premises

may request a review of the matter by serving the chairman of the Council with a written request for a review within 30 days of being notified in writing of the refusal, cancellation or suspension, or the condition, decision, direction, order or requirement with which he is not satisfied.

(2) A request for a review under subsection (1) shall describe the matter requested to be reviewed and shall set out the reasons for making the request and, when made under subsection (1)(c), the reasons why the licensee is not satisfied.

(3) The chairman of the Council shall, on receipt of a request for review under subsection (1), constitute 3 members of the Council as a panel for the purpose of reviewing the matter described in the request for review.

(4) Notwithstanding subsection (3), the chairman of the Council is, by virtue of his office, a member of each panel of the Council.

(5) The chairman of the Council shall designate one of the members of a panel of the Council as its chairman.

(6) If at a meeting of a panel of the Council the chairman of the panel is absent or unable to act, the remaining members of the panel shall elect one of their number to preside at that meeting.

(7) Two members of a panel of the council constitute a quorum of that panel.

(8) A panel of the Council, after reviewing a matter under this section, shall make a written report to the Board on that review and may make any recommendations that it considers appropriate in connection with the matter reviewed, with reasons for the recommendations.

(9) A panel of the Council shall provide a copy of the report, recommendations and reasons referred to in subsection (8) to the person who requested the review.

Regulations

58(1) In this section,

- (a) “sports stadium” means a stadium, arena or other facility where members of the public may witness the performance of sports events;
- (b) “theatre” means a theatre, opera house, concert hall, auditorium or any other building or place where members of the public may witness the performance of theatrical, musical or other entertainment;
- (c) “water-excursion craft” means a boat or other watercraft, registered under the *Canada Shipping Act*, on which members of the public for a fee or other charge are transported for excursion purposes on natural or man-made water bodies.

(2) The Lieutenant Governor in Council may make regulations

- (a) respecting any matter it considers necessary to assure that any premises that an applicant for a licence or permit proposes to use for the purposes of the licence or permit issued to him are adequate for those purposes and will readily permit compliance with this Act and the regulations;
- (b) providing for the exemption of employees or classes of employees of the Board from the application of *The Public Service Employee Relations Act*;
- (c) fixing the fee for licences and permits or for anything done or permitted to be done under this Act or the regulations and providing, in the circumstances specified in the regulations, for the refund of a portion of a licence or permit fee paid;
- (d) respecting the eligibility of applicants for licences or permits, and governing the conditions that applicants for licences or permits must meet to qualify for a licence or permit;
- (e) respecting the conditions of a licence and of a permit;
- (f) authorizing the issuance of licences with respect to any of the following kinds of premises:
 - (i) a beverage room;
 - (ii) a canteen;
 - (iii) a commercial passenger airplane;
 - (iv) a commercial passenger bus other than a local transit bus;

58 Regulations.

- (v) club premises;
- (vi) a dining lounge;
- (vii) a lounge;
- (viii) an institution that is
 - (A) a post-secondary educational institution, or
 - (B) a residential facility for senior citizens,
 approved by the board;
- (ix) a night club;
- (x) a passenger train other than a local transit train;
- (xi) a race track used primarily for any or all forms of horse racing governed, controlled and regulated by the Alberta Racing Commission under *The Racing Commission Act*;
- (xii) a recreational facility consisting of a commercially operated building or part of a building, pavillion, court or structure or a place approved by the Board where members of the public may undertake or engage in recreational activities;
- (xiii) a restaurant;
- (xiv) a sports stadium;
- (xv) a theatre;
- (xvi) a travellers lounge;
- (xvii) a water-excursion craft;
- (g) authorizing the consumption of liquor sold or provided under a licence or permit in the licensed premises or the premises described in the permit where the liquor is sold or provided or elsewhere in those premises than where the liquor is sold or provided;
- (h) governing the days on which and the hours during which liquor may be sold or provided in premises under a licence or permit and during which the liquor so sold or provided may be consumed where the liquor is sold or provided or elsewhere than where the liquor is sold or provided;
- (i) respecting the maximum seating capacity of licensed premises and premises in respect of which a permit has been issued;

(j) authorizing licensees of licensed premises that are, in the opinion of the Board, suitable for the provision of entertainment to patrons,

(i) to permit live entertainment to be performed, given or rendered by an orchestra, a band or individual musicians or by singers or dancers or other persons, and

(ii) to provide, if appropriate, a space for dancing with appropriate musical accompaniment approved by the Board,

and prescribing generally with respect to licences, or authorizing the Board to prescribe in individual cases, any terms and conditions that the Board considers to be reasonably applicable with respect to the performance of entertainment or the space for dancing so authorized or provided;

(k) prescribing the terms and conditions particularly applicable with respect to a licence issued to

(i) an airline company in respect of

(A) a travellers lounge at an airport terminal building, and

(B) the operation of its aircraft while on commercial passenger flights,

(ii) a railway company in respect of its trains, while en route, other than local transit passenger trains or rail cars,

(iii) a bus service company in respect of its buses, while en route, providing commercial passenger bus service, other than local transit bus passenger service,

(iv) the operator of a water-excursion craft while providing commercial passenger excursion services satisfactory to the Board;

(l) governing the types of live professional sports events held at a sports stadium in connection with which beer or cider or both may be sold at and consumed at a sports stadium and the period of time during which the sale and consumption of beer and cider at those sports events is authorized;

(m) governing the types of entertainment at a theatre in connection with which a licence may be issued and liquor sold and consumed at the theatre under the licence, and the period of time during which the sale and consumption of liquor at entertainment performances at the theatre is authorized;

(n) respecting the issuance of a special events licence to a corporation, municipality or unincorporated association of persons satisfactory to the Board that intends to conduct an exhibition,

fair, combined exhibition and rodeo, or a special sports event or other special event approved by the Board;

(o) respecting the issuance of permits to druggists, physicians and veterinaries for the purchase of liquor for use in the practice of their professions;

(p) respecting the issuance of a permit authorizing the permittee, under the supervision of the Board, to import, purchase from the Board, store and sell any wines the Board approves for sacramental purposes, and authorizing the conveyance of any wine so sold from the place where it is stored by the permittee to the premises of

(i) the authorities of a church or religious body, or

(ii) a priest, clergyman or minister

for use in the performance of the religious ceremonies or sacraments of the faith;

(q) respecting the issuance of a permit authorizing

(i) the permittee to hold or sponsor a competition to display homemade wine, cider or beer at the premises described in the permit during the period of time specified in it,

(ii) persons whose homemade wine, cider or beer is entered in the competition described in the permit to carry and convey homemade wine, cider or beer to and from the competition and display and taste homemade wine, cider or beer at the competition, and

(iii) persons judging the competition described in the permit to taste homemade wine, cider or beer displayed at the competition;

(r) respecting the lawful conveyance and possession of liquor;

(s) prescribing places or classes of places other than residences, temporary residences, licensed premises or premises described in a permit where liquor may be kept and consumed;

(t) prescribing, for the purposes of section 68(e)(v), when a boat or watercraft is moored or at anchor so as to be a temporary residence;

(u) governing, controlling and prohibiting the advertising of liquor in Alberta in or through any form of advertising in Alberta;

(v) governing, controlling and prohibiting the advertising of products that use or may use any trademarks, trade names or

designs that are similar to or suggestive of the trademarks, trade names or designs of persons manufacturing or brewing liquor or that use or may use the name of any of those persons.

(3) Regulations respecting the sale and consumption of liquor under a licence issued with respect to a night club may authorize the sale or consumption of liquor at the night club if, in the opinion of the Board, a substantial number of the persons who will be entertaining at a performance at the night club are adults.

(4) Regulations respecting the sale and consumption of liquor under a licence issued with respect to a sports stadium may authorize the sale or consumption of beer or cider or both at professional sports events held at the sports stadium, if

(a) the sale and consumption of beer or cider or both at those events have been approved by by-law of the municipality in which the sports stadium is located, and

(b) in the opinion of the Board

(i) a substantial number of the professional athletes who will be participating in that event, or

(ii) a substantial number of the members of the audience who will be witnessing that event,

are adults.

(5) Regulations respecting the sale and consumption of liquor under a licence issued with respect to a theatre may authorize the sale or consumption of liquor at the theatre, if in the opinion of the Board

(a) a substantial number of the persons who will be entertaining at a performance at the theatre, or

(b) a substantial number of the members of the audience who will be attending at a performance at the theatre,

are adults.

Identification Cards

59(1) An adult may apply to the Board and obtain from it an identification card in the form prescribed by the Board certifying that the applicant is an adult.

59 Identification cards.

(2) An applicant shall submit with his application proof of identity and proof of age satisfactory to the Board.

(3) An identification card issued under this section shall, for the purposes of this Act or the regulations, be taken to be satisfactory proof of age.

60(1) Notwithstanding anything in this Act, the Board may

(a) cancel an existing identification card, or

(b) refuse or direct an employee of the Board authorized to issue an identification card to refuse to issue identification cards to any person.

(2) An employee of the Board who is directed by the Board to refuse to issue an identification card to a person shall refuse to issue an identification card to that person.

Miscellaneous

61(1) If a company applies for a licence or becomes a licensee, anything required by this Act to be done by a person as licensee, whether before or after the granting of a licence, may be done in the name of the company by the employee or agent of the company in charge of the premises for which the licence is to be or has been granted.

(2) When 2 or more persons are carrying on business in the same name, the Board may issue a licence in the name of the partnership registered under *The Partnership Act*.

(3) If a company or partnership has more than one place of business, a separate licence is required in each separate place of business.

62(1) When it is proposed to construct new premises or to alter, repair, add to or reconstruct any existing premises in respect of which a licence is desired or in respect of which a licence has been issued and is in effect, the applicant may file his application for the licence or, where the licence is in effect, shall request and obtain approval in principle from the Board, before undertaking the construction, alteration, repair, addition or reconstruction.

(2) When the application for a licence or the request for approval under subsection (1) is made, the applicant shall give the information required by the Board concerning the premises as completely constructed, altered, repaired, added to or reconstructed, and shall file with the Board plans and specifications showing the location, lay-

60 Cancellation of identification card.

61 Licences to companies and partnerships.

62 Applications for proposed new premises and alterations of existing premises.

out and construction of the proposed premises to the satisfaction of the Board.

(3) On evidence that notice of the application has been given, the Board may consider the application or request for approval and determine whether or not to issue a licence or grant approval in principle, as the case may be, to the applicant.

(4) The Board shall not issue a licence or give final approval under this section until the construction, alteration, repair, addition or reconstruction is completed in accordance with the plans and specifications and any modifications of them directed by the Board and until the premises are inspected by an inspector and approved by the Board.

63 If a company is a licensee or permittee or an applicant for a licence or permit and a duty or responsibility is imposed on that licensee, permittee or applicant, that duty or responsibility is also imposed on any director or officer of that company and on the employee or agent of that company who is in charge of the premises described in the application or the licensed premises, as the case may be.

64(1) The licence of a licensee who dies before the expiration of his licence or sells or otherwise assigns his business or becomes dispossessed of it by bankruptcy or operation of law, becomes void for that reason unless subsections (2) and (3) apply, or subsection (7) applies.

(2) The Board may, if it considers it proper to do so, give written permission to carry on the business under the licence in the premises specified in the written permission to any person who claims to be and appears to the Board to be entitled to the benefit of the licence as assignee or trustee in bankruptcy or otherwise by operation of law.

(3) A permission under this section operates only for a period not exceeding 3 months from the date on which the licence would otherwise become void.

(4) A permission granted under subsection (2) entitles the person to whom it is granted to the benefit of the licence only during the period prescribed in the permission according to the terms of the permission.

(5) A person who appears to the Board to be entitled to the benefit of a licence under subsection (2) may, within the period referred to in subsection (3), apply to the Board for a licence in respect of the same or other premises and the Board may hear and consider the application as a normal application for a licence under this Act.

63 Liability of licence company officers, directors and employees in charge of premises.

64 Continuation of licence after licensee's bankruptcy or death.

(6) If a licence becomes void due to the death of a licensee, the Board, subject to subsection (7), may

(a) repay to the personal representative of the deceased licensee a proportionate part of the annual licence fee for the unexpired portion of the licence year,

(b) allow a new licensee in respect of the same premises a credit on his licence fee for that licence year, of the amount of the licence fee for the unexpired portion of the licence year, and

(c) pending the consideration of the application for a new licence, issue to the person to whom it has given permission under subsection (2) an interim licence for a period, in addition to the period referred to in subsection (3), that the Board considers appropriate.

(7) When a licensee who is an individual dies the licence issued to him continues in force, subject to the other provisions of this Act, until the end of the licence year and, during that period, the person who is for the time being

(a) entitled to administer the estate of the deceased, either as trustee, executor or administrator, or

(b) managing the licensed premises with the approval of the Board on behalf of a trustee, executor or administrator,

has all the rights and is subject to all the liabilities that the deceased licensee, by virtue of the licence, would have had or would have been subject to, if alive.

65 When licensed premises are sold or transferred and a new licence is required, the Board may, notwithstanding anything in this Act, authorize the sale of the liquor stocks of the seller or transferor to the new licensee.

66 The sheriff may seize liquor in accordance with *The Seizures Act*, and the Board may, subject to any terms and conditions it considers advisable and notwithstanding anything in this Act or the regulations, authorize the sheriff to sell to a licensee the liquor so seized.

67 If the Board issues a licence to

(a) a railway company in respect of its trains,

(b) an airline company in respect of its aircraft while on commercial passenger flights,

(c) a commercial bus company in respect of its buses, other than

65 Sale of liquor stocks on sale of licensed premises.

66 Sale by sheriff of liquor stocks.

67 Purchase of liquor by passenger carriers elsewhere than from the Board.

local transit buses, while providing commercial passenger bus services, and

(d) an operator of a water-excursion craft while providing commercial excursion service,

the Board may, notwithstanding any provision of this Act, authorize the licensee to purchase elsewhere than from the Board and under the conditions that the Board prescribes, liquor for sale to passengers on trains, aircraft or buses in accordance with the licence issued for those purposes.

PART 3

GENERAL LIQUOR CONTROL

68 In this Part,

(a) “financial interest” includes any interest, direct, indirect or contingent,

(i) whether as owner, part owner or owner of an interest, beneficial owner, owner of stock, owner through trusteeship, investment or otherwise,

(ii) in management, whether by management agreement, partnership agreement or other agreement of any kind, or

(iii) by reason of having loaned or advanced or caused to be loaned or advanced money, money’s worth or any thing of value with or without security,

but does not include any direct, indirect or contingent interest in the Alberta Brewers’ Agents Limited, or any direct, indirect or contingent interest in the equipment used by a licensee in the business of selling beverages, other than liquor, or any direct, indirect or contingent interest in the supplying of services in connection with that equipment, or any interest in a company incorporated under Part 9 of *The Companies Act* or in a railway company not operating solely within Alberta;

(b) “justice” means a justice as defined in *The Summary Convictions Act*;

(c) “public place” includes

(i) a place or building to which the public has or is permitted to have access,

(ii) a place of public resort,

68 Definitions.

(iii) a conveyance in a public place, and

(iv) the premises of a club

with respect to which no licence has been issued under Part 2;

(d) “residence” means a place that is bona fide used by 5Y a person as his permanent private dwelling, including any building or land immediately appurtenant to it that is essential to or appropriate for the convenient use, occupation or enjoyment of that place;

(e) “temporary residence” means

(i) a place that is used by a bona fide traveller as a private temporary dwelling to reside in during his travels, including any building or land immediately appurtenant to it that is essential to or appropriate for the convenient use, occupation or enjoyment of that place and in respect of which that traveller pays a fee;

(ii) a place used by a person as a private vacation or recreational dwelling, including any building or land immediately appurtenant to it that is essential to or appropriate for the convenient use, occupation or enjoyment of that place,

(iii) a tent that is

(A) set up in an area where overnight camping is not prohibited, and

(B) being used as a temporary dwelling, including any structure or land immediately appurtenant to it that is essential to or appropriate for the convenient use, occupation or enjoyment of the tent, or

(iv) a motor home, camper, trailer or other vehicle that is

(A) parked in an area off a highway or road, as defined in *The Public Highways Development Act*, where overnight camping is not prohibited, and

(B) being used as a temporary dwelling, including any structure or land immediately appurtenant to it that is essential to or appropriate for the convenient use, occupation or enjoyment of the motor home, camper or other vehicle,

(v) a boat or watercraft while moored or at anchor in accordance with the regulations.

**Lawful Making, Purchase, Inspection, Possession,
Conveyance and Consumption**

69(1) An adult may make in his own residence homemade wine, cider and beer

- (a) not in excess of the maximum quantities, and
- (b) under the terms and conditions

prescribed by the Board.

(2) An adult may,

- (a) purchase liquor in accordance with this Act and the regulations from the Board, a licensee or a permittee,
- (b) import into Alberta, on any single occasion, one bottle of liquor (other than beer) that he has purchased outside Alberta, or that a person from whom he received it as a bona fide gift has purchased outside Alberta, from a liquor board, commission or similar body in any province or territory of Canada,
- (c) import into Alberta, on any single occasion, not more than 12 bottles of beer that he has purchased outside Alberta, or that a person from whom he received it as a bona fide gift has purchased outside Alberta, from a liquor board, commission or similar body in any province or territory of Canada,
- (d) import into Alberta, on any single occasion, liquor of a kind and up to a quantity that he is permitted under an Act of Canada to import into Canada, or that a person from whom he received it as a bona fide gift is permitted under an Act of Canada to import into Canada, without payment of duty or tax on it, if the package in which the liquor is contained has, while containing that liquor, been stamped or marked by a Canadian customs officer,
- (e) liquor in respect of which permission for importation has been given under subsection (3).

(3) Notwithstanding subsection (2)(b), (c) and (d), the Board may give written permission to an adult to import, in addition to the quantity mentioned in subsection (2)(b), (c) or (d), any liquor that it considers reasonable and desirable and to assess, with respect to that additional importation, any additional charges that it considers proper.

(4) An adult may, except as otherwise provided in this Act or the regulations, possess liquor made, purchased or imported as described in this section and keep such liquor in a residence, temporary residence or other place where it may be kept or consumed in accordance with the regulations.

69 Lawful possession of liquor.

70 Subject to section 80, an adult may make a gift of liquor made, purchased or imported as described in section 69 to or receive a gift of such liquor from another adult.

71(1) An adult may, in accordance with this Act and the regulations, convey liquor made, purchased or imported as described in section 69 from the place where that liquor was made, purchased or imported or any place prescribed in the regulations where liquor may lawfully be kept or consumed, to another place where the liquor may lawfully be kept or consumed in accordance with this Act or the regulations.

(2) A common carrier or other person may, in accordance with this Act and the regulations, convey

(a) liquor, when lawfully sold by a manufacturer, from the premises in which the liquor was manufactured, and

(b) liquor to or from premises where the liquor may be lawfully kept and sold,

to a liquor store, warehouse or depot established by the Board or to any other place where the liquor may lawfully be kept under this Act or the regulations.

(3) A common carrier or other person may convey alcohol manufactured for any purpose other than human consumption under a licence issued under an Act of Canada, from and to any place and for any purpose authorized under that licence or Act.

Miscellaneous

72(1) Subject to section 84, a minor may enter, be in and remain in

(a) licensed premises, and

(b) premises in respect of which a permit has been issued under Part 2.

(2) A minor who is engaged by a licensee to repair or service equipment or to repair furnishings in licensed premises may, with the authority and under the supervision of the licensee, enter, be in and remain in the licensed premises for the time required to complete the repairs or services.

73(1) If a person who appears to be a minor

70 Lawful gift of liquor.

71 Lawful conveyance of liquor.

72 Minors in licensed premises.

73 Identification of minors.

- (a) requests to purchase liquor at a liquor store or from a licensee,
or
- (b) requests to be given any liquor,

the manager of the liquor store, or the licensee, permittee or any other person to whom the request is made may, before acceding to the request, demand that proof of age satisfactory to him be produced to him by the person making the request.

(2) If a person who appears to be a minor enters licensed premises which a minor is not entitled to enter, be in or remain in under section 84, the licensee may demand that proof of age satisfactory to him be produced to him by that person.

74(1) Liquor made, purchased or imported as described in section 69 may be provided to a minor

- (a) in a residence by the parent, guardian or spouse of that minor,
or
- (b) by or on the prescription of a physician for medicinal purposes as provided by this Act or the regulations.

(2) A priest, clergyman or minister may, in the performance of the religious ceremonies or sacraments of the faith of a church or religious body, provide wine, approved by the Board for sacramental purposes, to a minor.

75 Unless otherwise ordered by the Board, a licensee or permittee shall prominently post and keep posted his licence or permit in his licensed premises or the premises described in his permit and shall prominently post in those premises or at the entrance to them any extracts from this Act and the regulations and any signs or notices that the Board requires.

76(1) An employee or agent of the Board, a licensee or permittee or an employee of a licensee or permittee may refuse to sell liquor to any person, and need not give a reason to that person for so refusing.

(2) If a licensee or permittee or an employee of a licensee or permittee has refused to sell liquor to any person, he shall at the request of the Board give to the Board his reasons for so doing with full particulars of the circumstances relating to the refusal.

77(1) When a peace officer finds a person in a public place who is, in his opinion, in an intoxicated condition, the peace officer may, instead of charging the person with an offence under section 97(2),

74 Permitted provision of liquor to minors

75 Posting of information in licensed premises.

76 Refusal by licensee or permittee to sell liquor.

77 Taking into custody of person intoxicated in a public place.

take the person into custody to be dealt with in accordance with this section.

(2) A person in custody pursuant to this section may be released from custody at any time if, in the opinion of the person responsible for his custody,

(a) the person in custody has recovered sufficient capacity that, if released, he is unlikely to injure himself or be a danger, nuisance or disturbance to others, or

(b) a person capable of taking care of the person in custody undertakes to take care of that person on his being released.

(3) A person taken into custody under this section shall not be held in custody for more than 24 hours after being taken into custody.

(4) No action lies against a peace officer or other person for anything done in good faith with respect to the apprehension, custody or release of a person pursuant to this section.

Registered Representatives of Manufacturers

78(1) No person shall directly or indirectly hold himself out to be or act as an agent or representative of a manufacturer unless he is registered with the Board as a representative of that manufacturer.

(2) No manufacturer shall directly or indirectly employ or engage a person to act as its agent or representative unless that person is registered with the Board as a representative of that manufacturer.

(3) The Board may determine the number of representatives to be registered with the Board and, in order to control and regulate the business activities of the registered representatives, may prescribe the manner and extent to which section 101(1)(a) and (c) applies to them.

Prohibited Relationships

79(1) In this section, “manufacturer” includes

(a) a brewer, distiller or wine maker,

(b) a person who is a director, officer, employee or agent of or who acts directly or indirectly under the control or orders of a brewer, distiller or wine maker,

78 Registered representatives of manufacturers.

79 Prohibited relationships between manufacturers and licensees.

(c) a firm or company

(i) over the business or operations of which a brewer, distiller or wine maker has or is able to have effective control, or

(ii) in which a brewer, distiller or wine maker has any financial interest,

whether through ownership of stock, interlocking directorship, partnership agreement or other agreement of any kind or by reason of having loaned or advanced money with or without security or in any other manner or for any other reason, or

(d) a person whose association or connection with or financial interest in a brewery, distillery or winery is likely to enable him to promote the sale of the liquor it manufactures.

(2) The following rules govern the relationship between manufacturers and licensees who sell liquor at retail:

(a) no manufacturer or person financially interested in the business of a manufacturer, whether resident in Alberta or non-resident, shall have any financial interest in the business of any licensee who sells liquor at retail;

(b) no manufacturer shall own or have a financial interest in any of the property on which a licensee who sells liquor at retail conducts his business, or in any leasehold or other tenure of that property or in any chattels used in connection with the business of that licensee;

(c) no licensee who sells liquor at retail shall carry on his business on property in which any manufacturer has a financial interest;

(d) no manufacturer shall directly or indirectly or under any arrangement whatsoever loan, advance or give money, money's worth or any thing of value to any licensee who sells liquor at retail or to an employee or agent of that licensee;

(e) no licensee who sells liquor at retail and no employee or agent of that licensee shall directly or indirectly under any arrangement whatsoever borrow or receive from any manufacturer any advance or gift of money, money's worth or any thing of value;

(f) no manufacturer is eligible to become a licensee to sell liquor at retail or to receive or hold a licence to sell liquor at retail;

(g) no manufacturer shall sell liquor at retail;

(h) no manufacturer shall directly or indirectly supply, provide, give, rent, lend or sell any furniture, furnishings, refrigeration

equipment, dispensing equipment, fixtures, decorations, paintings, signs, supplies or other chattels or equipment to any licensee who sells liquor at retail;

(i) no manufacturer shall have a financial interest in the business, furniture, furnishings, refrigeration equipment, dispensing equipment, decorations, paintings, signs or other chattels or equipment being purchased or otherwise acquired or used by any licensee who sells liquor at retail;

(j) no manufacturer shall give a secret rebate or make a secret concession to any person who is a licensee who sells liquor at retail or to an employee or agent of that licensee, and no such licensee, employee or agent shall request or accept any such secret rebate or concession;

(k) no manufacturer shall directly or indirectly give or furnish money, money's worth or any thing of value to any licensee who sells liquor at retail or to any employee or agent of that licensee whether or not it is given or furnished for the purpose or with the intent of soliciting, acquiring or obtaining the help or assistance of that licensee, employee or agent to encourage or promote either the purchase or the sale of liquor sold or manufactured by the manufacturer who gives or furnishes the money, money's worth or thing of value;

(l) no licensee who sells liquor at retail and no employee or agent of that licensee shall accept or acquire any money, money's worth or any thing of value from a manufacturer contrary to this section;

(m) no manufacturer shall have a financial interest in any firm, company, partnership or business that is engaged in supplying to licensees who sell liquor at retail furniture, furnishings, refrigeration equipment, dispensing equipment, fixtures, decorations, paintings, signs, supplies or other chattels or equipment.

(3) If a licensee who sells liquor at retail is a company, subsection (2)(c), (d), (e), (j), (k), and (l) also applies to the directors and officers of the company.

(4) No manufacturer shall enter into or be a party to an agreement with a licensee who sells liquor at retail by which that licensee agrees to sell the liquor made or produced by the manufacturer.

(5) An agreement that has the effect expressed in subsection (4), whether oral or written or express or implied or whether contained in an agreement for sale, lease or mortgage of licensed premises where liquor is sold at retail or the land on which those licensed premises are situated or of the chattels in the licensed premises, is void, and no licensee who sells liquor at retail shall observe or comply with an agreement to that effect.

(6) A licensee who sells liquor at retail and purchases or otherwise acquires the use of equipment, fixtures or other chattels of the nature of counters, back bars, refrigeration equipment, dispensing equipment, chairs, tables or other articles that are used or to be used in connection with the licensed premises shall retain the invoice and any other correspondence, paper and document in his possession and relating to them.

(7) The Board at any time may inspect or require the production of any invoice, correspondence, paper or document referred to in subsection (6) and the licensee on request by the Board at any time shall furnish to the Board a complete description of the articles, the name of the vendor or supplier, the terms of purchase or acquisition, the purchase price of each article and particulars of transportation costs and services rendered in connection with the installation of the articles, together with any further information or particulars that the Board may from time to time require.

80(1) No member, employee or agent of the Board shall have a financial interest in or be directly or indirectly engaged in any other business or undertaking dealing in liquor,

(a) whether as owner, part owner, partner, member of a syndicate, shareholder, employee or agent, and

(b) whether for his own benefit or in a fiduciary capacity for some other person.

(2) No member, employee or agent of the Board shall solicit or receive directly or indirectly any commission, remuneration or gift whatsoever from a person having sold, selling or offering liquor for sale to the Board pursuant to this Act.

(3) No person selling or offering for sale to or purchasing liquor from the Board shall either directly or indirectly

(a) offer to pay a commission, profit or remuneration,

(b) make a gift, or

(c) make a loan,

to a member, employee or agent of the Board or to anyone on behalf of the member, employee or agent.

81(1) No person shall enter into, nor is any person bound by, a management contract, contract of employment, franchise agreement, licensing agreement or other similar agreement, whether written or oral, that provides for the management of, employment in, or royalties or rents from a business or any part of a business with respect to which a licence has been issued, if the contract or agreement contains a term or provision by which the remuneration, salary,

80 Prohibited relationships for and conduct of Board members employees.

81 Unlawful contracts and gifts.

commission, royalty or rent or other money payable under the contract or agreement is to vary or may vary with the volume of sales of liquor.

(2) No person shall offer or give and no manager or employee of a business in respect of which a licence has been issued shall accept or receive any money, gift, reward or remuneration, directly or indirectly, for promoting, inducing or furthering the sale or consumption of liquor contrary to the intent of subsection (1).

Prohibitions

82(1) No person shall possess liquor unless it is liquor made, purchased or imported as described in section 69.

(2) Except as expressly provided in this Act or the regulations, no person shall consume liquor in a public place or any place other than a residence, temporary residence, licensed premises, premises described in a permit or a place or class of place prescribed in the regulations where liquor may be consumed.

83 Except as expressly provided in this Act or the regulations, no person shall

(a) convey liquor in a vehicle, watercraft or other conveyance, unless that liquor is

(i) in his luggage with his clothing and other necessities of travel, or

(ii) in a luggage compartment, storage compartment or other place that is not within easy access of the driver or operator of the vehicle, watercraft or conveyance;

(b) convey liquor unless the liquor is contained in a bottle or similar container that is capped, corked or otherwise closed;

(c) convey liquor to a place other than where it may be kept or consumed in accordance with this Act or the regulations.

84(1) No minor shall enter, be in or remain in a licensed beverage room, lounge, night club or any other kind of licensed premises designated in the regulations.

(2) Subject to section 72(2) and the regulations, no licensee shall permit a minor to enter, be in or remain in any licensed premises,

82 Unlawful possession and consumption.

83 Unlawful conveyance.

84 Entry into licensed premises by minors.

except licensed premises that a minor may enter, be in or remain in under this Act or the regulations.

85 No person shall

- (a) subject to section 74, sell, provide, convey or give custody of liquor to a minor, or
- (b) permit any person to supply liquor in licensed premises or premises described in a permit to a minor who is in those premises.

86(1) No minor shall

- (a) purchase or attempt to purchase liquor in a liquor store, on licensed premises, premises described in a permit, or anywhere, or
 - (b) subject to section 74,
 - (i) obtain or receive liquor,
 - (ii) attempt to obtain or receive liquor, or
 - (iii) possess liquor.
- (2) No minor shall enter, be in or remain in a liquor store unless accompanied by his parent or guardian.

87 No licensee who is a manufacturer shall produce any liquor except in compliance with the regulations and with the standards prescribed by the Board, or shall by himself, his employee or agent, sell liquor or give liquor so produced except in compliance with the regulations.

88(1) Except as expressly provided in this Act or the regulations, no person shall, by himself or his employee or agent,

- (a) display liquor for sale,
 - (b) keep liquor for sale, or
 - (c) directly or indirectly or on any pretence or device sell or offer to sell liquor.
- (2) No person shall, by himself, his employee or agent, give liquor to or receive liquor from any person in consideration of the purchase or transfer of any property.

85 Prohibitions against providing liquor to minors.

86 Purchase of liquor and entry into liquor store by minors.

87 Prohibited sales of liquor by manufacturer.

88 Prohibited sales and purchases of liquor generally.

89 No common carrier or any other person shall open or break or allow the opening or breaking of a package containing liquor, or consume or use or allow the consumption or use of any liquor from such package, while the liquor is being conveyed by him.

90 No druggist, physician or veterinary shall

(a) consume, or

(b) except for the purposes expressly mentioned in the regulations, give to or permit another person to consume,

any liquor purchased under a permit issued to him for use in the practice of his profession.

91 No licensee or permittee and no employee or agent of a licensee or permittee, or any other person, shall for any purpose whatsoever mix or permit or cause to be mixed with any liquor kept for sale, sold or supplied by him as a beverage, any drug or any form of methyl alcohol or any crude, unrectified or impure form of ethyl alcohol or any other deleterious substance or liquid.

92(1) No licensee or permittee and no employee or agent of a licensee or permittee shall promote, induce or further or attempt to promote, induce or further the sale of any particular kind, class or brand of liquor.

(2) No licensee or employee or agent of a licensee shall induce, require, urge or threaten, by force or otherwise, any person to purchase liquor in the licensed premises or demand that any person should purchase liquor in the licensed premises.

93(1) No employee or agent of the Board shall sell liquor in any place, at any time or otherwise, except as authorized by this Act and the regulations.

(2) No employee or agent of the Board shall sell liquor to a person who is apparently under the influence of alcohol or a drug.

94 No person shall purchase or attempt to purchase liquor under a licence or permit that is suspended or that has been cancelled or of which he is not the holder.

95(1) No licensee or permittee shall sell or provide, or permit to be sold or provided on licensed premises or premises described in a permit, any liquor

89 Opening liquor package while being conveyed.

90 Druggists, physicians and veterinarians.

91 Adulteration of liquor.

92 Sales inducement.

93 When sale of liquor by Board employees or agents is prohibited.

94 Suspended or cancelled permit.

95 Prohibited matters in licensed premises.

- (a) except during the hours and on the days when it may be lawfully sold or provided as prescribed in the regulations,
 - (b) of a kind that is not lawful for him to sell or provide under the licence or permit, or
 - (c) of a quality not satisfactory to the Board.
- (2) No licensee or permittee and no employee or agent of a licensee or permittee shall
- (a) permit any drunkenness or any violent, quarrelsome, riotous or disorderly conduct to take place on the licensed premises or the premises described in the permit,
 - (b) sell or provide liquor to a person apparently under the influence of alcohol or a drug, or
 - (c) permit a person apparently under the influence of alcohol or a drug to consume liquor on the licensed premises or the premises described in the permit.
- (3) No licensee shall
- (a) allow dancing in the licensed premises, except if authorized under the regulations,
 - (b) allow any person to play, in the licensed premises, any sport or game, except if authorized under the regulations, or
 - (c) allow a disorderly or intoxicated person to be in or about the premises.

96(1) Every person who is in licensed premises, other than the licensee and his employees or agents, shall leave the licensed premises when the sale and consumption of liquor in those premises is required to cease under the regulations.

(2) No licensee shall, except as provided in the regulations, permit any unauthorized person to be in the licensed premises when the sale and consumption of liquor in those premises is prohibited under the regulations.

(3) A person who is in licensed premises or premises described in a permit and who has purchased liquor in those premises before its sale in them is required to cease under the regulations may consume the liquor within the time, prescribed in the regulations, during which the consumption of liquor in those premises is permitted under the regulations.

97(1) No person shall cause a disturbance in licensed premises or in the premises described in a permit

96 Control of licensed and permitted premises.

97 Unlawful conduct in licensed premises and intoxication in public place.

- (a) by fighting, shouting, swearing or using insulting or obscene language, or
 - (b) by impeding or molesting other persons.
- (2) No person shall be in an intoxicated condition in a public place.

98(1) No person shall

- (a) remain in a licensed premises after having been requested to leave the premises by the licensee or the person in charge of the licensed premises, or
 - (b) enter a licensed premises after having been forbidden to enter the premises by the licensee or the person in charge of the licensed premises.
- (2) If the licensee or the person in charge of the licensed premises
- (a) has requested any person to leave, or
 - (b) has forbidden any person to enter

the licensed premises, he shall, on the request of the Board, give his reasons for so doing to the Board with full particulars of the circumstances.

(3) A person who is in

- (a) licensed premises, and does not immediately leave the licensed premises when requested to do so by the licensee or his employee, or
- (b) premises for which a permit is issued, and does not immediately leave that place when requested to do so by the holder of the permit or his employee or agent,

is trespassing on the licensed premises or premises described in the permit, as the case may be.

99 No owner or operator, or employee or agent of an owner or operator of a place that is not a residence, a temporary residence, a licensed premises or place prescribed in the regulations where liquor may be kept or consumed, shall knowingly permit a person to have in his possession or consume at that place any liquor, except in accordance with a permit.

100 No person shall make a gift of liquor or give liquor in fur-

98 Refusal to leave licensed premises.

therance of any scheme that is supposed to result in other persons giving him a greater amount of liquor than he gave.

101(1) No person shall

- (a) canvass for, receive, take or solicit orders for the purchase or sale of any liquor,
- (b) act as agent or intermediary for the sale or purchase of any liquor,
- (c) hold himself out as an agent or intermediary for the sale or purchase of any liquor,
- (d) exhibit or display or permit to be exhibited or displayed an advertisement or notice of or concerning liquor
 - (i) by an electric or illuminated sign, contrivance or device, or
 - (ii) on a boarding, signboard, billboard or other like place in public view,or by any of the methods mentioned in subclauses (i) and (ii) advertise except in accordance with the regulations, or
- (e) exhibit, publish or display or permit to be exhibited, published or displayed
 - (i) any other advertisement or form of advertisement of or concerning liquor,
 - (ii) any other announcement, publication or price list of or concerning liquor, or
 - (iii) any advertisement or form of advertisement as to where or from whom liquor may be had, obtained or purchased,

except in accordance with this Act or the regulations.

(2) Subsection (1)(d) does not apply to an advertisement respecting liquor on a distillery, winery or brewery.

102 Section 101 does not apply

- (a) to the Board or to an act of the Board or to a liquor store, or
- (b) to the receipt or transmission of a telegram or letter by a telegraph agent or operator or post office employee in the ordinary course of his employment as agent, operator or employee.

102 Board not prohibited from canvassing for or advertising liquor.

103(1) A person not expressly authorized by this Act to deal in liquor in Alberta shall not keep for sale, offer for sale or sell any thing that is labelled or branded with the name of any kind of liquor, whether it contains liquor or not.

(2) This section does not apply to a product that contains no liquor if the label or brand on it does not in fact mislead or tend to mislead.

Offences and Penalties

104(1) A person who contravenes any provision of this Act or the regulations is guilty of an offence under this Act, whether otherwise so declared or not.

(2) An individual who, or a partnership or other association of persons, other than a corporation, that is convicted of an offence under this Act for which no specific penalty has been provided is liable

(a) for a first offence to a fine of not more than \$500,

(b) for a 2nd offence to a fine of not less than \$200 and not more than \$1000 or to imprisonment for not more than 4 months, or to both the fine and imprisonment, and

(c) for a 3rd or subsequent offence to imprisonment for not more than 6 months without the option of a fine.

(3) A corporation convicted of an offence under this Act for which no specific penalty has been provided is liable

(a) for a first offence to a fine of not more than \$3000, and

(b) for a 2nd or subsequent offence to a fine of not less than \$2000 and not more than \$10 000.

105(1) An individual who, or a partnership or other association of persons, other than a corporation, that contravenes section 88(1) or 91, is guilty of an offence and liable for a first offence

(a) to a fine of not less than \$500 and not more than \$1500, or

(b) to imprisonment for not more than 6 months without the option of a fine.

103 Labelling.

104 General offence and penalty.

105 Specific penalties.

(2) A corporation convicted of an offence referred to in subsection (1) is liable to a fine of not less than \$2000 and not more than \$10 000.

(3) A person who after a previous conviction for an offence under any provision of this Act is subsequently convicted of an offence under section 88(1) or (2) or 91 is guilty of an offence and liable to imprisonment for not less than 3 months and not more than 6 months without the option of a fine.

(4) A person who consumes liquor in a vehicle when that vehicle is not a temporary residence is guilty of an offence and liable

(a) for a first offence to a fine of not more than \$500,

(b) for a 2nd offence to a fine of not less than \$300 and not more than \$1000 or to imprisonment for not more than 4 months, or to both the fine and imprisonment, and

(c) for a 3rd or subsequent offence to imprisonment for not more than 6 months without the option of a fine.

106(1) A member or employee of the Board who knowingly recommends the issue of a licence or is a party to the issue of a licence in any case referred to in section 44 or 45 is guilty of an offence.

(2) A person who contravenes section 93(1) is guilty of an offence and liable

(a) for a first offence to imprisonment for not more than 6 months, and

(b) for a 2nd or subsequent offence to imprisonment for not more than 12 months.

107(1) A licensee who is a manufacturer and who contravenes section 31(2) or (3) is guilty of an offence and liable to a fine of not less than \$300 and not more than \$1000.

(2) A licensee who is a manufacturer and who omits, neglects or refuses to comply with a requirement of the Board under section 32 is guilty of an offence and liable to a fine of not more than \$1000 for each offence.

(3) A person who

(a) refuses to permit an agent appointed under section 31 to examine any such books, vouchers, documents and papers,

(b) hinders or impedes an agent appointed under section 31 in making an authorized examination or in the making of any copies or extracts that he is permitted to make by that section, or

106 Issue of licence when prohibited and unlawful liquor sales by Board employees or agents.

107 Liquor manufacturers.

(c) omits or neglects to make a return that he is required to make pursuant to the regulations within the time fixed by them for the making of that return

is guilty of an offence and liable to a fine of \$300 for each offence.

(4) A licensee who is a manufacturer and who fails to furnish samples of liquor when required to do so under section 33 is guilty of an offence and liable to a fine of not more than \$500 for each offence.

108(1) A person who is in or has charge of a building or premises referred to in section 113 or 114 is guilty of an offence if he

(a) refuses or fails to admit an inspector appointed under this Act or peace officer who demands to enter in the execution of his duty, pursuant to section 113 or 114, or

(b) obstructs or attempts to obstruct the entry of an inspector appointed under this Act or a peace officer, or any search by the inspector or peace officer pursuant to section 113 or 114.

(2) A railway company, express company or common carrier and an officer or employee of that company or common carrier who neglects or refuses to produce and submit for inspection any book, record or document referred to in section 121 when requested to do so by the Board or by a person appointed by it is guilty of an offence.

109(1) If an offence under this Act is committed by a company, the employee or agent of the company who is in charge of the premises in which the offence is committed

(a) shall prima facie be deemed to be a party to the offence so committed, and

(b) is personally liable to the penalties prescribed for the offence as a principal offender.

(2) Nothing in this section relieves the company or the person who actually committed the offence from liability for the offence.

110(1) Every member of a partnership that is the holder of a licence or permit is prima facie a party to any offence against this Act that is committed by the licensee in the licensed premises or the permittee in the premises described in the permit and every member of the partnership is personally liable to the penalties prescribed for the offence as a principal offender.

108 Obstruction of peace officer and refusal to submit records.

109 Liability of company officials.

110 Liability of members of partnership.

(2) Nothing in this section relieves a partnership or the person who actually committed the offence from liability for the offence.

111(1) On proof that an offence under this Act has been committed in a house, shop, room or other premises in respect of which no permit has been issued, or has been committed in licensed premises

(a) by a person employed by the occupant of the house, shop, room or those other premises or licensed premises, or

(b) by a person whom the occupant permits to be or remain in the house, shop, room or those other premises or licensed premises or to act in any way for the occupant,

the occupant shall prima facie be deemed to be a party to the offence so committed and is liable to the penalties prescribed for the offence as a principal offender, notwithstanding that the offence was committed by a person who is not proved to have committed the offence under or by the direction of the occupant.

(2) Nothing in this section relieves the person actually committing the offence from liability for the offence.

Search and Seizure

112 Notwithstanding anything contained in this Act, an inspector appointed under this Act shall not conduct a search in or seize any item from a residence.

113(1) On an information on oath, by an inspector appointed under this Act or by a peace officer, that the inspector or peace officer suspects or believes that liquor is unlawfully kept, or kept for unlawful purposes, in any building or premises, a justice may by warrant authorize and empower the inspector or peace officer or any other person named in it to enter and search the building or premises and each part of it, and for that purpose to break open any door, lock or fastening of the building or premises or any part of it or any closet, cupboard, box or other receptacle in it that might contain liquor.

(2) A peace officer who believes that liquor is unlawfully kept, or kept for unlawful purposes, in any building or premises may, without warrant, if he is authorized in writing to do so by the Attorney General, enter and search the building or premises and each part of it and for that purpose may break open any door, lock or fastening of the building or premises or any part of it, or any closet, cupboard, box or other receptacle in it that might contain liquor.

111 Liability of occupants of premises where offence is committed.

112 No search of residence by or seizure from residence by inspector.

113 Search under warrant or with Attorney General's authorization.

(3) An authorization referred to in subsection (2) is general and remains effective until revoked.

114 An inspector appointed under this Act who believes that liquor is unlawfully kept, or kept for unlawful purposes, in any licensed premises or in premises with respect to which a permit has been issued may, without warrant, enter and search those premises and each part of them and for that purpose may break open any door, lock or fastening of those premises or any part of them, or any closet, cupboard, box or other receptacle in them that might contain liquor.

115(1) A peace officer may, without warrant and if necessary by force, search

- (a) in or near a vehicle, watercraft, or other conveyance of any description,
- (b) on the person of anyone found in or near a vehicle, watercraft or other conveyance of any description, or
- (c) on land in the vicinity of a vehicle, watercraft or other conveyance of any description that he may search under this section,

for liquor unlawfully kept or kept for unlawful purposes.

(2) A peace officer may, without warrant.

- (a) arrest a person whom he finds committing an offence under this Act, and
- (b) seize any liquor in the possession of a person whom he finds committing an offence under this Act.

116(1) An inspector appointed under this Act or peace officer who, in making or attempting to make a search under section 113 or 114 finds in a building or place or on any person any liquor that in his opinion is unlawfully kept or kept for unlawful purposes in contravention of this Act or the regulations, may

- (a) immediately seize and remove it and the packages in which it is kept, and
- (b) seize and remove any book, paper or thing found in the building or place that in his opinion will afford evidence as to the commission of an offence.

(2) On the conviction of the occupant of a building or place or any other person for keeping liquor in contravention of this Act or the

114 Search without warrant.

115 Search and arrest without warrant.

116 Search of building.

regulations in the building or place, the justice making the conviction shall, as part of the penalty for the conviction, declare the liquor and the packages in which it is kept or any part of them to be forfeited to the Crown in right of Alberta.

(3) On the conviction of a person for an offence under section 88(1) or (2), the justice making the conviction shall, as part of the penalty for the conviction, declare the liquor and packages or any part of them to be forfeited to the Crown in right of Alberta.

117(1) A peace officer who, in making or attempting to make a search under section 115, finds in a vehicle, watercraft or other conveyance of any description, liquor that in his opinion is unlawfully kept or kept for unlawful purposes in contravention of this Act or the regulations, may immediately seize the liquor and the packages in which it is contained and the vehicle, watercraft or other conveyance in which the liquor is found.

(2) On the conviction of the occupant or person in charge of the vehicle, vessel, watercraft or other conveyance or of any other person for keeping the liquor in that conveyance in contravention of this Act or the regulations, the justice making the conviction may declare, as part of the penalty for the conviction,

(a) that the liquor or any part of it so seized and the packages in which it is contained are forfeited to the Crown in right of Alberta, and

(b) that the vehicle, watercraft or other conveyance so seized is forfeited to the Crown in right of Alberta.

(3) If the justice makes no declaration under subsection (2)(a) and the time for appeal has expired

(a) the liquor in sealed packages shall be returned to the convicted person if it is liquor made, purchased or imported as described in section 69, and

(b) the liquor in unsealed packages shall be destroyed under the direction of the Attorney General.

118(1) When an inspector appointed under this Act or a peace officer finds liquor on any premises or in a place in quantities that satisfy the inspector or peace officer that the liquor is being kept in contravention of this Act or the regulations, the inspector or peace officer may immediately seize and remove, by force if necessary, any liquor so found and the packages in which the liquor was kept.

(2) When an inspector appointed under this Act or peace officer under any circumstances seizes liquor that he is satisfied was kept

117 Search of vehicles.

118 Seizure of liquor.

in contravention of this Act or the regulations, he shall retain the liquor so seized and the packages in which it was kept.

(3) If within 30 days from the date of the seizure of liquor under this Act no person, by notice in writing filed with the Board, claims to be the owner of the liquor, the liquor is and the packages are forfeited to the Crown in right of Alberta.

(4) Within 30 days of the seizure of the liquor, but not afterwards, any person claiming to be the owner of the liquor may file with the Board a notice in writing giving at least 3 days' notice of the time and place fixed by a justice for a hearing to prove his claim and his right under this Act to the liquor and packages.

(5) On failure by the claimant to prove and establish his claim and right to the satisfaction of the justice, the liquor is and the packages are forfeited to the Crown in right of Alberta.

119 Liquor that is forfeited to the Crown in right of Alberta under this Act shall be disposed of or destroyed under the direction of the Attorney General.

120 When liquor is seized by a peace officer, a report in writing of the particulars of the seizure shall be made, if required, in the manner directed by the Board.

121 For the purpose of obtaining information concerning any matter relating to the administration or enforcement of this Act, a person appointed in writing by the Board for that purpose may inspect the freight and express books and records and all waybills, bills of lading, receipts and documents in the possession of a railway company, express company or other common carrier doing business within Alberta, containing any information or record relating to any goods shipped or carried or consigned or received for shipment or carriage within Alberta.

Prosecution and Evidence

122(1) In describing the offence respecting

- (a) the sale or keeping for sale or other disposal of liquor, or
- (b) the purchasing, importing, providing, giving, receiving, possession, conveying, using, keeping or consuming of liquor,

119 Disposition of forfeited liquor.

120 Seizure report.

121 Records of shippers of liquor.

122 Description of specific offences.

in any information, summons, conviction, warrant or proceeding under this Act, it is sufficient to state the sale or keeping for sale or disposal, purchasing, importing, providing, giving, receiving, possessing, conveying, keeping, using or consuming of liquor simply, without stating the name or kind of the liquor or the price of it.

(2) It is not necessary to state in any information, summons, conviction, warrant or proceeding under this Act

- (a) the person to whom liquor was sold or disposed of,
- (b) by whom liquor was taken or consumed,
- (c) from whom liquor was purchased or received, or
- (d) the quantity of liquor sold, kept for sale, disposed of, purchased, imported, provided, given, received, possessed, conveyed, kept, used or consumed except in the case of offences where the quantity is essential, and then it is sufficient to allege the sale or disposal of more or less than that quantity.

123(1) In a prosecution under this Act for the sale, keeping for sale or other disposal of liquor or the purchasing, importing, providing, giving, receiving, possessing, conveying, keeping, using or consuming of liquor, it is not necessary that a witness should testify to

- (a) the precise description or quantity of the liquor sold, disposed of, purchased, imported, provided, given, received, possessed, conveyed, kept, used or consumed,
- (b) the precise consideration, if any, received for the liquor, or
- (c) the fact of the sale or other disposal of the liquor having taken place with his participation or to his own personal or certain knowledge.

(2) The burden of proving the right to make, manufacture, import, sell, purchase, provide, give, receive, convey, keep or consume liquor is on the person accused of improperly or unlawfully making, manufacturing, selling, importing, purchasing, providing, giving, receiving, conveying, keeping or consuming the liquor.

124 As soon as it appears to the justice trying a case on the prosecution of a person charged with committing an offence under this Act that evidence presented in the case has sufficiently established that the person had in his possession, charge or control any liquor in respect of or concerning which he is being prosecuted, the person charged with the offence shall, in default of his rebuttal of that evidence to the satisfaction of the justice, be convicted of the offence.

123 Testimony of witnesses and onus of proof.

124 Prima facie evidence respecting the possession of liquor

that evidence to the satisfaction of the justice, be convicted of the offence.

125 As soon as it appears to the justice trying a case on a prosecution of a licensee for an offence under section 84 or 85, that evidence presented in the case has sufficiently established that he licensee knew or ought to have known that a person was a minor, the licensee shall, in default of his rebuttal of that evidence to the satisfaction of the justice, be convicted of the offence.

126(1) In proving the unlawful sale, purchase, importation, provision, gift or receipt, gratuitous or otherwise, or consumption of liquor, it is not necessary in a prosecution to show that

- (a) any money actually passed, or
- (b) any liquor was actually consumed,

if the justice hearing the case is satisfied that a transaction in the nature of an unlawful sale, purchase, importation, provision, gift or receipt actually took place or that any unlawful consumption of liquor was about to take place.

(2) Proof of consumption or intended consumption of liquor on premises on which the consumption is prohibited is evidence as against the occupant of the premises or other person that the liquor was sold, provided or given to or purchased or received by the person consuming or being about to consume or to convey it away.

127(1) The Minister may designate any person to act as an analyst with respect to any analysis or description of any ingredient, quality or quantity of any substance for the purposes of or in connection with this Act or the regulations.

(2) In every prosecution under this Act, the certificate of analysis furnished by an analyst designated under subsection (1) shall be accepted as prima facie proof of the facts stated in it and of the authority of the person giving or issuing the certificate without further proof of his appointment or signature.

128 In a prosecution under this Act the justice trying the case may, in the absence of proof to the contrary, infer that a liquid, preparation or mixture is intoxicating from the fact that a witness describes it as being intoxicating or describes it by a name which is commonly applied to an intoxicating liquor.

129(1) In all prosecutions, actions or proceedings under this Act against a company, each summons, warrant, order, writ or other

125 Prima facie evidence respecting age of minor.

126 Presumptions.

127 Certificate of analysis.

128 Inference respecting intoxicating liquor.

129 Companies.

proceeding, in addition to any other manner of service that may be provided or authorized by law, may be served on the company

(a) by delivering it to an officer, attorney or agent of the company within Alberta, or

(b) by leaving it at any place within Alberta where the company carries on any business.

(2) Service on a company in any other way is sufficient if the justice

(a) by or before whom the summons, warrant, order, writ or other proceeding was issued or is returnable, or

(b) by or before whom any proceeding subsequent to service is to be had or taken,

is of the opinion that the service has been sufficient to bring the summons, warrant, order, writ or other proceeding to the notice of the company.

(3) In any prosecution, action or proceeding under this Act in which it is alleged that a company is or has been guilty of an offence under this Act, the fact of the incorporation of the company shall be presumed without it being proved by the prosecutor, unless satisfactory proof is produced to the contrary.

130(1) Subject to the regulations, a fine imposed and collected pursuant to a conviction for an offence in a municipality may be paid directly to the municipality.

(2) Any fine or penalty imposed under this Act on a conviction for an offence occurring in an Indian reserve elsewhere than on a primary highway or on a road designated as a secondary road under *The Public Highways Development Act*, enures to the benefit of the band and for the purposes of this subsection “reserve” and “band” have the same meaning as in the *Indian Act* (Canada).

PART 4

LOCAL OPTION

131 In this Part,

(a) “beer licence” means a beverage room licence and beer vendors’ licence or either of them as defined in the preceding Act;

130 Disposition of fines.

131 Definitions.

(b) “elector” means an adult person who would be entitled to have his name on the list of electors that would be used for the taking of votes at a general election of members of the Legislative Assembly under *The Election Act*, if an election were being held,

(i) in the case of a petition, at the time of the petition, or

(ii) in the case of a plebiscite, at the time fixed for the plebiscite;

(c) “eligible premises” means the kinds of premises, referred to in section 58(2)(f) in respect of which a licence may be issued;

(d) “liquor licence” means a beverage room liquor licence, club liquor licence, dining lounge licence or lounge licence as defined in the preceding Act;

(e) “preceding Act” means chapter 212 of the Revised Statutes of Alberta 1970;

(f) “review official” means a person designated by the Lieutenant Governor in Council under this Part to review an application or a petition under this Part.

Local Option Areas

132(1) The Board may refuse to consider an application for a licence in any area in the Province unless that area is designated as a local option area or is in an area designated as a local option area.

(2) Unless section 133 applies, the Board may, subject to the approval of the Lieutenant Governor in Council, designate any one or more municipalities or any area in a municipality as a local option area for the purpose of the issuing of licences authorizing the sale of liquor under this Act.

133(1) If pursuant to Part 3 of the preceding Act a beer licence had been issued with respect to premises in an area following an affirmative vote on a plebiscite under the preceding Act, the area in which the vote was taken is deemed to be designated a local option area for the purposes of this Act.

(2) If, without the holding of a plebiscite in respect of a beer licence under the preceding Act for premises in a city, town, village or

132 Local option areas.

133 Presumed local option areas.

hamlet the Board under the preceding Act issued a beer licence with respect to premises in a city, town, village or hamlet, that city, town, village or hamlet is deemed to be designated a local option area for the purposes of this Act.

(3) If an area or municipality or a part of an area or municipality is deemed, under subsection (1) or (2), to be designated as a local option area, the Board may issue licences in that area, municipality or part, until by a vote under this Act, the area, municipality or part votes against the issuance of licences for any particular kind of eligible premises in the area, municipality or part.

Vote on First Applications

134(1) When an application is first made to the Board

(a) for a licence for a particular kind of eligible premises in a local option area in which

(i) no licence has been previously issued by the Board under this Act with respect to the same kind of eligible premises, or

(ii) no beer licence or liquor licence has been issued by the Board under the preceding Act,

or

(b) for a licence for any kind of eligible premises in a local option area in which no licence has been previously issued by the Board under this Act,

the Board shall, if the application complies in all respects with the requirements of this Act and the regulations and is accompanied by an approval supporting the application as specified by subsection

(3), fix a date on which the application will be considered by it.

(2) When an application for a licence referred to in subsection (1) is first made to the Board after the expiration of the required number of years from the date of a plebiscite under Part 3 of the preceding Act or section 137(2) or 144 of this Act disapproving of the issuance, for the local option area in respect of which the application is made, of licences for particular kinds of eligible premises, the Board shall, if the application complies in all respects with the requirements of this Act and the regulations and is accompanied by an approval supporting the application as specified in subsection (3), fix a date on which the application will be considered by it.

(3) An approval supporting an application shall be

(a) in the prescribed form,

134 First licence application.

- (b) addressed to the Board, and
 - (c) signed by the lesser of at least 100 electors of the local option area or 10% of the number of persons named on the latest lists of electors for an election of a member to the Legislative Assembly from the area comprising the local option area.
- (4) The Board shall review the application and the approval supporting the application or, if a review official has been designated, shall refer both of them for review to the review official and if the application is satisfactory to the Board or that official, as the case may be, the Board shall publish a notice
- (a) giving a description of the local option area,
 - (b) giving the date fixed for the consideration of applications by the Board, and
 - (c) stating that unless the Board receives a petition in accordance with section 135 before the date stated in the notice the Board will, on that date, consider applications for the licences for any kind of eligible premises.
- (5) The Board shall publish the notice under subsection (4) twice in a newspaper published and having a general circulation in the local option area or, if no newspaper is published in that area, in a newspaper having a general circulation in it, at least 5 days apart with the 2nd publication being not less than 30 clear days before the date fixed by the Board for considering the applications concerned.

135(1) Subject to this section, any electors in a local option area may, at any time before the date fixed by the Board under section 134 for considering applications, petition the Board to request the Lieutenant Governor in Council to submit a question in respect of licences for any kind of eligible premises to a vote of the electors of the local option area.

- (2) A petition under this section shall be
- (a) in the prescribed form,
 - (b) addressed to the Board, and
 - (c) signed by the lesser of 500 electors of the local option area or 10% of the number of persons named on the latest lists of electors for the local option area.
- (3) The Board shall, on receipt of a petition under this section within the time limit in subsection (1), adjourn the date fixed for considering applications for the issuance of licences and shall review or refer the petition for review under subsection (4).

135 Petition to vote.

(4) If the Board or the review official, as the case may be, finds that the petition is complete and regular, the Board shall submit the petition to the Lieutenant Governor in Council and, by notice published in a newspaper published and having a general circulation in the local option area or, if no newspaper is published in that area, in a newspaper having a general circulation in it, give notice that the date for considering applications for licences has been postponed until after a vote has been taken by the electors of the local option area under *The Liquor Plebiscites Act*.

(5) Notwithstanding anything in this Part, if no licence has been issued and the Minister considers it in the public interest that

(a) a petition that has been submitted but found to be defective as to form should be corrected, or

(b) the time within which a petition must be submitted has expired,

the Minister may, by order, permit the petition to be corrected or may extend the time in which the petition may be submitted, or both.

136 The Lieutenant Governor in Council shall, within 60 days after the date of receipt of a petition under section 135, submit a question in respect of licences to a vote of the electors of the local option area.

137(1) If at least 60% of the electors voting on a question submitted to them under section 136 to determine whether they approve or disapprove of the issuance of licences in the local option area vote in the affirmative, the Board may after the vote, in accordance with this Act, issue licences in the area.

(2) If less than 60% of the electors voting on a question referred to in subsection (1) vote in the affirmative, the Board shall not, before the expiration of 3 years after the date of the vote, consider the application or any further application for licences in the area.

138 If the Board does not receive a petition under section 135 in accordance with this Part and no further petition is presented in accordance with this Part, the Board may, in accordance with this Act, issue licences in the area until by a vote under this Part the electors of the local option area disapprove of the issuance of the licences by the Board under this section.

139 When a new town is established in an area that was not a village or town, the Board may, on application to it, issue licences in the new town in the same manner that it would if a vote in the

136 Submission of question to vote.

137 Percentage of vote.

138 Licence in absence of petition.

139 New towns.

new town had been taken at which 60% of the voting electors voted in favour of the issuance of the licences in the new town.

Questions

140(1) The questions that may be submitted under this Part to a vote of the electors of a local option area are as follows:

- (a) Are you in favour of the sale of liquor for consumption only with a meal in appropriately licensed premises?
- (b) Are you in favour of the sale of liquor for consumption in appropriately licensed premises if food is made available in those premises?

(2) Each question submitted under this Part shall be on a separate ballot paper of a different colour.

Limitation on Voting

141(1) When 60% or more of the electors voting in a plebiscite under section 137 or under section 143 vote in favour of the issuance of licences, no further question in respect of licences may, before the expiration of 3 years after the date of the plebiscite, be submitted to a vote of the electors.

(2) When the Board under section 138 is authorized to issue licences in a local option area, no question in respect of licences may, before the expiration of 3 years after the date when the Board considered the first application, be submitted to a vote of the electors.

(3) If the electors of a local option area voting on the approval or disapproval of the issuance of licences vote against the issuance of licences for a particular kind of eligible premises, no licences shall be issued in that local option area for those kinds of eligible premises but no licences for other kinds of eligible premises that were issued by the Board prior to the negative vote shall be cancelled under section 144.

140 Questions for vote.

141 Limitation on voting.

Negative Vote after Issuance of Licences

142(1) Subject to section 141, when the Board is authorized under this Part to issue licences in a local option area or when a plebiscite has been held in a local option area under section 136, a petition may be presented to the Board to request the Lieutenant Governor in Council to submit to a vote of the electors of the local option area the question whether they approve or disapprove of the issuance of licences for only a particular kind of eligible premises in the area.

(2) A petition under this section shall be

- (a) in the prescribed form,
- (b) addressed to the Board, and
- (c) signed by the lesser of 2000 electors of the local option area or 25% of the number of persons named on the latest lists of electors for an election of a member to the Legislative Assembly from the area comprising the local option area.

(3) The Board shall review the petition or if a review official has been designated shall refer it for review to that official, and if the Board or the review official, as the case may be, finds that the petition is complete and regular, the Board shall submit the petition to the Lieutenant Governor in Council.

(4) A petition under this section

- (a) shall not be presented to the Board more than 30 days before the date on which under section 141 the plebiscite may be held, and
- (b) shall be signed by all petitioners in the calendar year in which it is presented.

143 On receipt of a petition under section 142, the Lieutenant Governor in Council may submit to a vote of the electors of the local option area, at a time he considers advisable, the question requested by the petition.

144 When 60% or more of the electors voting on a petition under section 142 vote against the issuance of licences for a particular kind of eligible premises

- (a) all licences voted on that are in force in the local option area shall be cancelled by the Board within 60 days of the date of the plebiscite,

142 Petition for negative vote.

143 Vote by electors.

144 Negative vote against licence.

(b) all liquor purchased under the cancelled licence and still in the possession of the licensee on the date the licences are cancelled shall be returned to the Board within 10 days after that date, and

(c) no application for licences voted on shall, before the expiration of 3 years after the date of the plebiscite, be considered by the Board.

145 Notwithstanding anything in this Part, the Board may, subject to Part 2, grant a licence in a sparsely populated or remote area.

PART 5

MISCELLANEOUS

Prohibition Area

146 Notwithstanding anything in this Act no liquor store shall be established and no licence for a beverage room, club or dining lounge shall be issued in

(a) that part of the County of Warner or the Municipal District of Cardston No. 6 that was in 1953 the Municipal District of Sugar City No. 5 or the Municipal District of Cochrane No. 6, or

(b) a city, town or village situated, lying or being within an area specified in clause (a).

Transitional and Consequential

147 A licence or permit issued or an authorization or permission granted under *The Liquor Control Act* or *The Liquor Licensing Act* before the date of the coming into force of this section shall be deemed to be a licence or permit issued or an authorization or permission granted under this Act.

148(1) Where a reference is made to *The Liquor Control Act* or to *The Liquor Licensing Act* in any other Act, regulation, order or direction or in any contract, agreement or other instrument in force in Alberta, the reference shall be deemed to be to this Act.

(2) Wherever anything has been done, constituted, effected, instituted or ordered to be done under *The Liquor Control Act* or *The Liquor Licensing Act*, it has the same force and effect as though done, constituted, effected, instituted or ordered to be done under this Act.

145 Licence for sparsely populated areas.

146 Prohibition area.

147 Licences and permits under The Liquor Control Act and The Liquor Licensing Act.

148 References to The Liquor Control Act and The Liquor Licensing Act deemed references to The Liquor Control Act, 1980.

149 *The Liquor Control Act and The Liquor Licensing Act are repealed.*

150 This Act comes into force on a date or dates to be fixed by Proclamation.

149 Chapters 211 and 212 of the Revised Statutes of Alberta 1970 are repealed.

150 This Act comes into force on a date or dates to be fixed by Proclamation.