

1981 BILL 45

Third Session, 19th Legislature, 30 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 45

THE SOCIETIES AMENDMENT ACT, 1981

MR. M. CLARK

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 45
Mr. M. Clark

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THE SOCIETIES AMENDMENT ACT, 1981

(Assented to , 1981)

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

1 The Societies Act is amended by this Act.

2 The following is added after section 6:

6.1(1) The Registrar may, on request, reserve for 90 days a
name for

- (a) a proposed society, or
- (b) an existing society proposing to change its name.

(2) If requested to do so by the incorporators of a society, or by
a society, the Registrar shall assign to the society as its name a
designated number determined by him.

6.2(1) In this section, "body corporate" means a company or
other body corporate incorporated, registered or continued under
the laws of Alberta.

(2) A society shall not be incorporated with, have, carry on
purposes under, identify itself by or change its name to a name
that is

- (a) identical to the name of an existing society or body
corporate,
- (b) reserved for a proposed society or a body corporate in-
tended to be incorporated, registered or continued under the
laws of Alberta,
- (c) prohibited by the regulations, or

Explanatory Notes

1 This Bill will amend chapter 347 of the Revised Statutes of Alberta 1970.

2 The proposed section will empower the Registrar to reserve and adjudicate on proposed societies names in a manner similar to his powers under The Companies Act.

(d) disapproved by the Registrar pursuant to subsection (3).

(3) The Registrar may disapprove the name or proposed name of a proposed or existing society if, in his opinion, the name

(a) is objectionable,

(b) is likely to mislead or confuse, or

(c) is similar to the name of any other society or body corporate or to the name of any association, partnership or firm known to the Registrar and the use of that name would be likely to confuse or mislead.

(4) If a society, body corporate, association, partnership or firm referred to in subsection (3)(c)

(a) consents in writing to the use of the proposed name in whole or in part, and

(b) if required by the Registrar, undertakes to dissolve or change its name to a dissimilar name within 6 months after the filing of the application and by-laws containing the proposed name,

the Registrar may approve the proposed name.

(5) Notwithstanding anything in this section, a society may be incorporated with or change its name to a name similar to that of a society or body corporate which has been struck from the register, dissolved or liquidated and dissolved, if

(a) the society or body corporate was struck from the register, dissolved or liquidated and dissolved more than 3 years before the incorporation of the society or body corporate and has not since been restored to the register or revived,

(b) the Registrar approves the use of the name, and

(c) the name of the proposed or existing society includes the year in which it is incorporated.

(6) If,

(a) through inadvertence or otherwise, a society comes into existence with or acquires a name that contravenes subsection (2), or

(b) the Registrar disapproves a society's name under subsection (3) after it is acquired by the society,

the Registrar may, by notice in writing, giving his reasons, direct the society to change its name to a new name that he approves.

(7) The Registrar may give a notice under subsection (6) on his own initiative or at the request of a person who feels aggrieved by the name that contravenes subsection (2).

(8) If a society

(a) is directed to change its name under subsection (6), and

(b) does not appeal the direction of the Registrar within 60 days of the date of the notice,

the Registrar may revoke the name of the society and assign to it as its name a designated number, and until changed in accordance with this Act and the regulations the name of the society is the designated number so assigned.

(9) If an application is made to restore a society under this Act and, between the date of dissolution of the society and the date of its restoration, another society has come into existence with or has acquired a name that is likely to be confused with the name of the society to be restored, the Registrar may require, as a condition of the restoration, that the restored society does not pursue its original purposes, or, if it seeks to do so, that it change its name to a name approved by the Registrar or to a designated number, immediately after it is restored.

6.3 When a society has had its name revoked and a name assigned to it under section 6.2(8), the Registrar shall issue a certificate of amendment showing the new name of the society and, on and after the date shown on the certificate of amendment, the application and by-laws of the society are deemed to be amended to refer to the new name shown in the certificate of amendment.

6.4(1) A person who feels aggrieved by a decision of the Registrar to reserve or assign a name under section 6.1, or to approve a name, to change, revoke, disapprove or assign a name under section 6.2 may apply to the Court of Queen's Bench, on at least 7 days' notice to the Registrar and any other persons the Court directs, for an order requiring the Registrar to change his decision, and on the application the Court may so order and make any further order it thinks fit.

(2) Within 10 days after the entry of an order of the Court of Queen's Bench made under subsection (1) the person who obtained the order shall file with the Registrar a copy of that order certified by the clerk of the court.

In accordance with section 4(1) of The Interpretation Act, 1980, this Bill comes into force on the date it receives Royal Assent.